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## **European Political Cooperation Documentation Bulletin**

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## Foreword

This twelfth issue of the EPC Documentation Bulletin covers the term of office of the Luxembourg Presidency (1 January to 30 June 1991) and the Dutch Presidency (1 July to 31 December 1991). It includes:

- the official declarations of the European Council, of the Foreign Ministers and of the Twelve, including statements in international conferences and organizations;
- all documents related to the European Parliament, i.e. replies to oral and written questions, reports presented by the Presidency (or abstracts thereof) on matters of EPC.

All documents and index information published in the EPC Documentation Bulletin are now accessible on-line as a full-text database at the Commission of the European Communities. This database allows for searches on all index-terms and on the texts themselves. It also contains recent documents not yet published in the printed Bulletin. We hope that public access to this database via telecommunication networks will be possible in the near future.

We would also like to thank all those who helped us in collecting material for this issue. Our gratitude specially goes to Ms Emir Lawless from the European Documentation Centre at the EUI, and to Ms Julia Valerio, who helped in the preparation of this issue.

*The Editors*



## How to use the EPC Bulletin

The documents issued in the framework of European political cooperation are normally published in English or in French if no official English version is available.

They have been given a unique document number for quick reference in the index of the Bulletin and for purposes of citation. It is our hope that the EPC Documentation Bulletin will become the standard reference work for public domain EPC documents.

The document number indicates the year in which the document is issued, as well as the place of that document in the EPC Bulletin. Documents are ordered chronologically, and numbered consecutively throughout the volume covering one year.

The cumulative index of the EPC Bulletin refers to document numbers, and therefore to the place of a document in a given volume. If for technical reasons a document can not be included in the volume concerning the year in which it was issued, it will be published in a later volume. In the cumulative index a reference to such a document will be accompanied by a reference to the volume in which the document can be found.

At the beginning of each document basic information concerning the date of issue, the city of issue, the country holding the Presidency and its status can be found.

At the end of each issue the cumulative index can be found, which contains different classes of information for which the documents have been specifically analysed. This index has been developed by members of the European Policy Unit and the Institut für Europäische Politik, aided by a group of experts which includes senior diplomats and scholars of several European Community Member States. It is designed to cover all aspects of European political cooperation, its structure and activity. Thus one will find the following classes of information:

- The category *EPC structure and procedure* contains all references to statements of EPC which comment on or illustrate the working of EPC or its relation with the European Communities.
- The category *Contacts* reports all official relations with third countries, international organizations and political groupings.
- *Geographical reference categories* indicate countries, regions and subregions, whenever these are intrinsically dealt with.
- The category *International organizations and political groupings* does the same for all international organizations, political groupings and conferences of relevance to EPC.
- Finally, issues are classified by subject matter in the general *Issues* category.

The index is open-ended to enable the inclusion of new issues as they arise on the agenda of European political cooperation. It is cumulative from one issue of the EPC Bulletin to the next. By consulting the index in the most recent issue, the user should thus be able to trace all EPC documents relating to a specific country or subject matter and issued during the entire period covered by the Bulletin.





## List of Abbreviations

<b>A-ALC</b>	<b>Asian-African Legal Consultative Committee</b>
<b>ABM</b>	<b>Anti-ballistic missile</b>
<b>ACABQ</b>	<b>Advisory Committee on Administrative and Budgetary Questions</b>
<b>ACC</b>	<b>Administrative Committee on Coordination</b>
<b>ACP</b>	<b>African, Caribbean and Pacific States</b>
<b>A.C.P.</b>	<b>Pays d'Afrique, des Caraïbes et du Pacifique</b>
<b>ADD</b>	<b>Association for Development and Democracy</b>
<b>A.D.D.</b>	<b>Association pour la Démocratie et le Développement</b>
<b>A.E.L.E</b>	<b>Association européenne de libre-échange</b>
<b>AEMM</b>	<b>ASEAN/EC Ministerial Meeting</b>
<b>A.G., A.G.N.U.</b>	<b>Assemblée générale des Nations Unies</b>
<b>A.I.D.</b>	<b>Association internationale de développement</b>
<b>A.I.E.A.</b>	<b>Agence internationale de l'énergie atomique</b>
<b>AJIV</b>	<b>ASEAN industrial joint ventures</b>
<b>AMU</b>	<b>Arab Maghreb Union</b>
<b>A.N.A.S.E.</b>	<b>Association des nations de l'Asie du Sud-Est</b>
<b>ANC</b>	<b>African National Congress (South Africa)</b>
<b>A.N.C.</b>	<b>Congrès national africain (Afrique du Sud)</b>
<b>A.P.D.</b>	<b>Assistance publique au développement</b>
<b>ARC</b>	<b>Groupe arc-en-ciel (PE); Rainbow Group (EP)</b>
<b>A.S.E.</b>	<b>Agence spatiale européenne</b>
<b>ASEAN</b>	<b>Association of South-East Asian Nations</b>
<b>Azapo</b>	<b>Azanian People's Organization (South Africa)</b>
<b>B</b>	<b>Belgium; Belgique</b>
<b>BLEU</b>	<b>Belgo-Luxembourg Economic Union</b>
<b>Bull. EC</b>	<b>Bulletin of the Commission of the European Communities; Bulletin des Communautés européennes</b>
<b>C.A.C.</b>	<b>Comité administratif de coordination</b>
<b>C.A.E.M.</b>	<b>Conseil d'assistance économique mutuelle (Comecon)</b>
<b>CAP</b>	<b>Common agricultural policy</b>
<b>CARICOM</b>	<b>Caribbean Community and Common Market</b>
<b>C.C.G.</b>	<b>Coopération du Golfe</b>
<b>C.C.I.</b>	<b>Corps commun d'inspection (O.N.U.)</b>
<b>C.C.Q.A.B.</b>	<b>Comité consultatif pour les questions administratives et budgétaires</b>
<b>CD</b>	<b>Conference on Disarmament</b>

## List of Abbreviations

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CDE	Conference on Confidence- and Security-Building Measures and Disarmament in Europe
C.D.H.	Commission des droits de l'homme
CDU	Christlich-Demokratische Union (Deutschland)
C.E.	Communautés européennes
C.E.E.	Communauté économique européenne
CELAD	High-Level Intergovernmental Group of Coordinators
CERD	Committee on the Elimination of Racial Discrimination
CFE	Conventional Armed Forces in Europe
C.F.P.I.	Commission de la fonction publique internationale
C.I.C.R.	Comité international de la Croix-Rouge
C.I.J.	Cour internationale de justice
CMEA	Council for Mutual Economic Assistance (Comecon)
CMO	Comprehensive multidisciplinary outline
CND	Commission for Narcotic Drugs
CNR	Committee on Natural Resources
CNRSE	Committee on New and Renewable Source of Energy
C.N.U.C.E.D.	Conférence des Nations unies sur le commerce et le développement
C.N.U.D.	Commission des Nations unies du désarmement
COCOM	Coordinating Committee for Export Controls
COM	Communist and Allies Group (EP); Groupe communiste et apparentés (PE)
Comecon	See C.A.E.M., CMEA
COSATU	Council for South African Trade Unions
CPA	Comprehensive plan of action
CPC	Committee for Programme and Coordination
C.P.C.	Commission pour le programme et la coordination
C.P.E.	Coopération politique européenne
CPSU	Communist Party of the Soviet Union; Parti communiste de l'Union soviétique
CSBM	Confidence and security building measures
CSCE	Conference on Security and Cooperation in Europe
C.S.C.E.	Conférence sur la sécurité et la coopération en Europe
CSCM	Conference on Security and Cooperation in the Mediterranean
C.S.C.M.	Conférence sur la sécurité et la coopération en Méditerranée
CSDHA	Centre for Social Development and Humanitarian Affairs
CSO	Council of Seminar Officials
CSU	Christlich-Soziale Union (Bayern)
CSW	Commission on the Status of Women
D	Federal Republic of Germany; République fédérale d'Allemagne

DDA	Department for Disarmament Affairs (UN)
DK	Denmark; Danemark
Doc.	Document
DPRK	Democratic People's Republic of China
DR	Group of the European Right (EP); Groupe des droites européennes (PE)
DR	Drachma
DTCD	Department for Technical Cooperation for Development
E	Spain; Espagne
EBRD	European Bank for Reconstruction and Development
EC	European Communities
ECLAT	High Level Group of Coordinators
ECOSOC	Economic and Social Council
E.C.O.S.O.C.	Conseil économique et social
ECSC	European Coal and Steel Community
Ecu, E.C.U.	Unité monétaire européenne
ECU	European currency unit
ED	European Democratic Group (EP); Groupe des démocrates européens (PE)
EDF	European Development Fund
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association
EIB	European Investment Bank
EMS	European Monetary System
EMU	Economic and Monetary Union; European Monetary Union
ENMOD	Convention on the Prohibition of Military or Any other Hostile Use of Environmental Modification Techniques
EP	European Parliament
EPC	European political cooperation
EPLF	Eritrean People's Liberation Front
EPP	European People's Party; Group of the European People's Party (Christian Democratic Group) (EP)
ESA	European Space Agency
F	France
FAO	Food and Agriculture Organization
FICSA	Federation of International Civil Servants Associations
F.I.C.S.A.	Fédération des associations de fonctionnaires internationaux
F.I.D.A.	Fonds international de développement agricole
F.I.N.U.L.	Force intérimaire des Nations unies pour le Liban
F.I.S.E.	Fonds des Nations unies pour l'enfance
F.I.O.M.	Fédération internationale des organisations de travailleurs de la métallurgie

## List of Abbreviations

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FLS	Forward-looking Strategies
F.M.I.	Fonds monétaire international
FMLN	Farabundo Marti National Liberation Front (El Salvador)
FRG	Federal Republic of Germany
GATT	General Agreement on Tariffs and Trade
G.A.T.T.	Accord général sur les tarifs douaniers et le commerce
GCC	Gulf Cooperation Council
GDR	German Democratic Republic
GNP	Gross national product
GR	Greece; Grèce
GSP	Generalized System of Preferences
H.C.R., H.C.N.U.R.	Haut commissariat des Nations Unies aux réfugiés
HE	His Excellency
HONLEA	Heads of National Law Enforcement Agencies
HRD	Human Resource Development
I	Italy; Italie
IAEA	International Atomic Energy Agency
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICARA	International Conference on Assistance to Refugees in Africa
I.C.A.R.A.	Conférence internationale sur l'assistance aux réfugiés en Afrique
ICDAIT	International Conference on Drug Abuse and Illicit Traffic
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSC	International Civil Service Commission
ICSU	International Council of Scientific Unions
IDA	International Development Association
IEPG	Independent European Programme Group
IFAD	International Fund for Agricultural Development
IGC	Inter-governmental Conference
IIP	International investment partners
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
INF	Intermediate-range nuclear forces
INSTRAW	International Research and Training Institute for the Advancement of Women
IRA	Irish Republican Army
IRL	Ireland; Irlande

JIU	Joint Inspection Unit
JO	Journal officiel (des Communautés européennes)
KGB	Komitet Gosudarstvudnoi Bezopasnosti; Committee of State Security (USSR); Comité de la sécurité d'Etat (U.R.S.S.)
L	Luxembourg
L	Liberal and Democratic Group (EP); Groupe libéral et démocratique (PE)
LAIA	Latin American Integration Association
LDC	Less developed countries, developing countries
LLDC	Least developed countries
LTTE	Liberation Tigers of Tamil Eelan
MBFR	Mutual and balanced force reductions
MEP	Member of European Parliament
MERCOSUR	Treaty on the Establishment of a Common Market in the Southern Cone of the South American Continent
MFN	Most favoured nation
MINURSO	UN Mission for the Referendum in Western Sahara
MLL	Minimum Living Level
MNR	Mozambique National Resistance
MPE	Membre du Parlement européen
MTCR	Missile Technology Control Regime
MTN	Multilateral trade negotiations
NASA	National Aeronautics and Space Administration (United States)
NATO	North Atlantic Treaty Organization
NAOTU	National Council of Trade Unions (South Africa)
NDP	New Democratic Party
NERS	National emergencies relief services
NGO	Non-governmental organization
NI	Non-inscrits (PE); Non-attached (EP)
NL	The Netherlands; Pays-Bas
NMC	National Manpower Commission (South Africa)
N.P.F.	Nation la plus favorisée
N.P.S.A.	Nouveau programme substantiel d'action
NPT	Non-Proliferation Treaty, Treaty on the Non-Proliferation of Nuclear Weapons
NRSE	New and Renewable Source of Energy
O.A.C.I.	Organisation de l'aviation civile internationale
OAS	Organization of American States
OAU	Organization of African Unity
OCT	Overseas countries and territories
ODA	Official development assistance

## List of Abbreviations

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O.E.A.	Organisation des Etats américains
OIC	Organization of the Islamic Conference
O.I.T.	Organisation internationale du travail
OJ	Official Journal (of the European Communities)
O.L.P.	Organisation pour la libération de la Palestine
O.M.I.	Organisation maritime internationale
O.M.S.	Organisation mondiale de la santé
ONCE	UN Observer Group on Central America
O.N.G.	Organisation non gouvernementale
ONUCA	United Nations Observer Group on Central America
O.N.U.	Organisation des Nations unies
O.N.U.D.I.	Organisation des Nations unies pour le développement industriel
OPANAL	Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
O.T.A.N.	Organisation du traité de l'Atlantique Nord
O.U.A.	Organisation de l'unité africaine
P	Portugal
PAC	Pan-Africanist Congress
PDD	Partnership for Democracy and Development
PE	Parlement européen
PPF	Progressive Federal Party of South Africa; Parti progressiste fédéral (Afrique du Sud)
PHARE	Poland and Hungary: aid for economic restructuring
PLO	Palestine Liberation Organization
P.M.A.	Pays les moins avancés
P.M.D.	Pays les moins développés
PNET	Peaceful Nuclear Explosions' Treaty
P.N.U.D.	Programme des Nations unies pour le développement
PPE	Parti populaire européen; Groupe du parti populaire européen (Groupe démocrate-chrétien) (PE); Group of the European People's Party (Christian Democratic Group) (EP)
PTBT	Partial Test Ban Treaty
P.V.D.	Pays en voie de développement (developing countries)
QC	Queen's Council
RDE	Groupe des rénovateurs et du rassemblement des démocrates européens (PE); Group of the European Renewal and Democratic Alliance (EP)
Res.	Resolution(s); Résolution(s)
R.F.A.	République fédérale d'Allemagne
RSA	Republic of South Africa
R.S.A.	République sud-africaine

<b>R.S.F.Y.</b>	<b>République fédérale socialiste de Yougoslavie</b>
<b>S</b>	<b>Socialist Group (EP); Groupe socialiste (PE)</b>
<b>SACCOLA</b>	<b>South African Consultative Committee on Labour Affairs</b>
<b>SADCC</b>	<b>Southern African Development Coordination Conference</b>
<b>SADF</b>	<b>South African Defence Forces</b>
<b>SALT</b>	<b>Strategic Arms Limitation Talks; Négociations sur la limitation des armements stratégiques</b>
<b>SAP</b>	<b>Structural Adjustment Programmes</b>
<b>SARC</b>	<b>South Asia Regional Cooperation</b>
<b>SDI</b>	<b>Strategic Defence Initiative</b>
<b>SEA</b>	<b>Single European Act</b>
<b>SELA</b>	<b>Latin American Economic System</b>
<b>SFRY</b>	<b>Social Federal Republic of Yugoslavia</b>
<b>S.I.D.A.</b>	<b>Syndrome d'immuno-déficience acquise</b>
<b>SLL</b>	<b>Supplemented living level</b>
<b>S.M.E.</b>	<b>Système monétaire européen</b>
<b>SNAP</b>	<b>Substantial new programme of action</b>
<b>SNC</b>	<b>Supreme National Council</b>
<b>SSOD</b>	<b>Special Session on Disarmament</b>
<b>START</b>	<b>Strategic Arms Reduction Treaty</b>
<b>STD</b>	<b>Science and Technology for Development</b>
<b>SWAPO</b>	<b>South West African People's Organization</b>
<b>T.N.P.</b>	<b>Traité de non-prolifération, traité sur la non-prolifération des armes nucléaires</b>
<b>TPA</b>	<b>Turkish Peace Association</b>
<b>TREVI</b>	<b>Terrorisme, radicalisme et violence international</b>
<b>TTBT</b>	<b>Threshold Test Ban Treaty</b>
<b>TWA</b>	<b>Trans-World Airlines</b>
<b>UDF</b>	<b>Union Defence Force (South Africa)</b>
<b>UDI</b>	<b>Unilateral Declaration of Independence; Déclaration unilatérale d'indépendance</b>
<b>U.E.B.L.</b>	<b>Union économique belgo-luxembourgeoise</b>
<b>U.E.O.</b>	<b>Union de l'Europe occidentale</b>
<b>UK</b>	<b>United Kingdom of Great Britain and Northern Ireland; Royaume-Uni</b>
<b>U.M.A.</b>	<b>Union du Maghreb Arabe</b>
<b>UN</b>	<b>United Nations</b>
<b>UNAFRI</b>	<b>United Nations African Institute for the Prevention of Crime and the Treatment of Offenders</b>
<b>UNAVEM</b>	<b>United Nation Angola Verification Mission</b>
<b>UNCED</b>	<b>United Nations Conference on Environmental and Development</b>

## List of Abbreviations

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UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Conference on Trade and Development
UNDC	United Nations Disarmament Commission
UNDCP	United Nations International Drug Control Programme
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNDRO	Office of the United Nations Disaster Relief Coordinator
UNEP	United Nations Environmental Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
U.N.E.S.C.O.	Organisation des Nations unies pour l'éducation, la science et la culture
UNFDAC	United Nations Fund for Drug Abuse Control
UNGA	United Nations General Assembly
UNGOMAP	United Nations Good Offices Mission for Afghanistan and Pakistan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UNIDO	United Nations Industrial Development Organization
UNIFIL	United Nations Interim Force in Lebanon
UNIMOG	United Nations Iran-Iraq Military Observer Group
Unisa	University of South Africa; Université de l'Afrique du Sud
UNITAR	United Nations Institute for Training and Research
U.N.I.T.A.R.	Institut des Nations unies pour la formation et la recherche
UNPAAERD	United Nations Programme of Action for African Economic Recovery and Development
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
U.N.R.W.A.	Office de secours et de travaux des Nations unies pour les réfugiés de Palestine dans le Proche-Orient
UNSCOM	United Nations Special Commission
UNTAG	United Nations Transition Assistance Group
UNTSO	United Nations Truce Supervision Organization in Palestine
URNG	Guatemalan National Revolutionary Union (Union Revolucionaria Nacional Guatemalteca)
U.R.S.S.	Union des républiques socialistes soviétiques
US; USA	United States of America
U.S.A.	Etats-Unis d'Amérique
USSR	Union of Soviet Socialist Republics
WEU	Western European Union
WFC	World Food Council
WFP	World Food Programme



<b>WHO</b>	<b>World Health Organization</b>
<b>YNA</b>	<b>Yugoslav National Army</b>
<b>ZANU</b>	<b>Zimbabwe African National Union</b>
<b>ZAPU</b>	<b>Zimbabwe African People's Union</b>
<b>ZOPFAN</b>	<b>Zone of Peace, Freedom and Neutrality in South east Asia</b>



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**91/001. Statement concerning Somalia**

Date of issue: 2 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are following with utmost concern the latest developments in Somalia, in particular the deteriorating situation in Mogadishu, where violent military actions have caused numerous victims as well as severe material damage.

The Community and its Member States express the wish that the parties to the conflict may, through dialogue and negotiation, find a solution to the legitimate aspirations of the population of the country, thus avoiding further bloodshed. They are furthermore deeply preoccupied by the fate of their nationals who are directly concerned by the ongoing unrest.

The Community and its Member States launch an urgent appeal to all the parties to the conflict to agree on a cease-fire between 8 a.m. and 6 p.m., as from 3 January, taking into account the sufferings of innocent civilians and in order to create conditions which would favour the beginning of the dialogue called for.

**91/002. Statement concerning Burma**

Date of issue: 4 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States expressed their satisfaction at the way in which free elections last May allowed the Burmese people to demonstrate their overwhelming desire for a democratic system in Burma.

They cannot, however, conceal their growing concern at the continuing failure of the Burmese military authorities to respond to the people's will and at the continuing rejection by those authorities of requests by properly elected representatives for a democratic process to be initiated. Neither can they ignore the numerous failures to adhere to internationally accepted standards of behaviour, to respect human rights, including the rights of Burmese citizens employed by diplomatic representations, to put an end to the harassment, detention and house-arrest of opposition-leaders and to release political prisoners immediately.

The Community and its Member States have a legitimate concern for human rights and cannot remain silent when civil and democratic rights are violated. Respect for such rights is a condition for the maintenance of peace, which is increasingly seen as a collective international responsibility. A call to respect human rights cannot be dismissed as interference in the domestic affairs of other States.

The situation in Burma has led the Community and its Member States to suspend non-humanitarian development aid programmes. Economic and trade relations are now reduced to a minimum. For some time the Member States of the Community have not sold arms to Burma.

The Community and its Member States have no desire to punish or isolate Burma. On the contrary they wish to see the internal situation develop democratically in the light of the 1990 election result. This would enable Burma to play a more constructive role in the international community, consistent with its traditions and responsibilities and in the interest of peace and development in the South-East Asia region.

**91/003. Statement by an extraordinary EPC Ministerial Meeting concerning the Gulf crisis**

Date of issue: 4 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

In accordance with the positions adopted by the Community and its Member States since the beginning of the crisis, Ministers reiterate their firm commitment in favour of the full and unconditional implementation of the relevant resolutions of the UN Security Council. Should this happen, the Twelve consider that Iraq should receive the assurance not to be subject to a military intervention. They consequently recall that the entire responsibility for war or peace rests with the Iraqi Government alone, as is spelled out in Resolution 678 of the UN Security Council.

Any initiative tending to promote partial solutions, or to establish a link between the full implementation of the resolutions of the UN Security Council and other problems is unacceptable.

Reaffirming their attachment to a peaceful solution in the full respect of the relevant resolutions of the UN Security Council, the Community and its Member States welcome the agreement reached on a meeting between the American Secretary of State, Mr James Baker, and the Iraqi Minister of Foreign Affairs, Mr Tarek Aziz.

In accordance with the Declaration adopted by the European Council in Rome on 15 December 1990, Ministers have asked the Presidency to invite the Iraqi Foreign Minister to a meeting with the Troika in Luxembourg on January 10th. The Presidency will remain in close consultation with the United States, the Arab countries concerned and the Presidency of the Movement of the Non-Aligned, to prepare the two meetings.

In the spirit of the foregoing, and as soon as the present crisis will have been settled peacefully and in full respect of the resolutions of the UN Security Council, the Community and its Member States reaffirm their commitment to contribute actively to a settlement of the other problems of the region and establish a situation of security, stability and development there.

**91/004. Statement concerning the Gulf crisis**

Date of issue: 6 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States have learned that the Minister of Foreign Affairs of Iraq, Mr Tarek Aziz, has declined the offer from the President of the Council of Ministers of the European Community to meet with the Ministerial Troika in Luxembourg on 10 January 1991.

The Twelve regret that their invitation has not been accepted. They believe that this reaction of the Iraqi Government does not contribute to the efforts undertaken in the search for a peaceful solution of the Gulf crisis.

Under the present circumstances, the Twelve keep up their invitation.

They ask the Iraqi Government to reconsider its position.

**91/005. Statement concerning Haiti**

Date of issue: 8 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States unreservedly condemn the violent seizure of power in Haiti by Mr Roger Lafontant during the night of 6 to 7 January 1991. This constituted a flagrant violation of the popular will, freely expressed in the presidential elections of last December.

The European Community and its Member States are glad that democratic legality has prevailed, and the position of the elected President been upheld, with the help of the country's civil and military authorities.

**91/006. Statement concerning the reaction of the Presidency to the Gulf crisis**

Date of issue: 10 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Presidency expresses its concern and deep disappointment at the absence of any result from the meeting of 9 January in Geneva between the American Secretary of State, Mr Baker, and the Iraqi Minister for Foreign Affairs, Mr Tarek Aziz.

It continues to hope that the full and complete implementation of the relevant resolutions of the Security Council can be ensured in a peaceful manner. To this end, the Community and its Member States support fully the action taken by the Secretary-General of the United Nations, with whom the Ministers of Foreign Affairs of the Twelve will have a meeting tomorrow, 11 January, in Geneva.

The Presidency also confirms the invitation to Mr Tarek Aziz for a meeting with the European Troika.

**91/007. Statement concerning Suriname**

Date of issue: 10 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States strongly condemn the military *coup* in Suriname on 24 December 1990. These events run contrary to the strengthening of democracy throughout the world, and in particular in South America, and will further isolate Suriname from other members of the international community.

The 'Government' brought to power as a result of these events cannot claim to be an expression of the sovereign will of the people of Suriname.

The Community and its Member States associate themselves with the statements issued by the Organization of American States and the Caribbean Community and Common Market and urge the new authorities of Suriname to return rapidly to democratic legality, in accordance with its promises, so that Suriname may recover its respected place in the international community.

**91/008. Statement concerning the situation in the Baltic Republics**

Date of issue: 11 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are deeply concerned by the situation in the Baltic republics.

Bearing in mind all the implications of this situation, they expect that the Soviet authorities, in conformity with their commitments under the Helsinki Final Act and the Charter of Paris, will refrain from any act of intimidation.

The Community and its Member States hope that the Soviet Union will enter as soon as possible into negotiations with the elected representatives of the Baltic republics in order to meet, through a peaceful solution, the legitimate aspirations of the Baltic peoples.

The Community and its Member States recall to the Soviet authorities the negative effect which the present developments have on their public opinions.

**91/009. Statement concerning the events in Lithuania**

Date of issue: 13 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Press statement

M. Jacques F. Poos vient de recevoir, en sa qualité de Président en exercice du Conseil des Communautés Européennes, l'Ambassadeur soviétique à Luxembourg, M. Tchinguiz Aïtmatov, ancien membre du Conseil Présidentiel.

En exprimant sa vive préoccupation devant les événements de ces dernières heures, M. Poos a remis à l'Ambassadeur soviétique une lettre à l'adresse du Ministre soviétique des Affaires étrangères, condamnant le recours à la force qui a entraîné des pertes de vies humaines innocentes.

En annexe le texte de la lettre sous objet.

*Annexe*

Luxembourg, le 13 janvier 1991  
S.E. Monsieur Edouard Chevardnadze  
Ministre des Affaires Etrangères de  
l'U.R.S.S.

Monsieur le Ministre,

En ma qualité de Président du Conseil des Communautés Européennes, j'ai le devoir de vous faire part de l'émotion très vive que suscitent dans la Communauté et ses Etats membres les événements en Lituanie.

La Communauté et ses Etats membres condamnent l'escalade de la tension dans les pays baltes qui vient d'aboutir en Lituanie à la confrontation ouverte avec perte de vies humaines.

Ils lancent un appel urgent aux autorités soviétiques afin qu'elles renoncent sans délai au recours à la force et mettent un terme à l'intervention des forces militaires.

Se référant à leur démarche du 11 janvier, la Communauté et ses Etats membres demandent aux autorités soviétiques d'agir en conformité avec les engagements souscrits tant dans l'Acte



Final d'Helsinki que dans la Charte de Paris et réitérent leur ferme souhait de voir l'U.R.S.S. engager dans les plus brefs délais des négociations avec les représentants élus des Républiques baltes de manière à satisfaire par une solution pacifique aux aspirations légitimes des peuples baltes.

Monsieur le Ministre, je demande aux autorités soviétiques de tenir compte de ces données et de ne pas compromettre par des actes inacceptables aux yeux de la communauté internationale les relations entre la Communauté et l'Union Soviétique.

Je vous prie de croire, Monsieur le Ministre, à l'assurance de ma très haute considération

signé

(Jacques F. Poos)

### **91/010. Statement by an extraordinary EPC Ministerial Meeting concerning the Baltic States**

Date of issue: 14 January 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States are convinced that the use of force, as has happened in Lithuania, is unacceptable. They deeply regret that this repression has caused innocent victims. A solution can only be found through a dialogue between the Soviet authorities and the elected representatives of the Baltic peoples, with a view to satisfying the legitimate aspirations of these peoples.

They address an urgent appeal to the Soviet authorities to refrain from the use of force, resume the path of dialogue and end the military intervention.

The Community and its Member States were among the first to support the democratic process initiated in the Soviet Union. *Perestroika* represents for the Community and its Member States a sign of hope and they most sincerely desire that it will remain such.

The CSCE process, from the Helsinki Final Act to the Charter of Paris, has as guiding ideas that democratic government is based on the will of the people and that the use of force constitutes among the thirty-four States participating in the CSCE an unacceptable means of resolving differences. The architecture of the new Europe can only be based on the principles of the rule of law.

The Community and its Member States do not underestimate the difficulties of the situation in the USSR. It is partly with a view to helping the USSR to overcome them that they have expressed in a concrete way their readiness to extend and strengthen cooperation between the European Community and the Soviet Union.

The development of this cooperation cannot however have any other basis than shared values and objectives. That is why the Community and its Member States insist that the situation which prevails in Lithuania should not be prolonged in any way or extended to the other Baltic States. Otherwise, they would have to draw the conclusion that it was necessary to react through appropriate measures and to suspend the implementation of the European Community's cooperation with the Soviet Union.

Considering how much is now at stake for the Soviet Union and Europe, the Community and its Member States appeal to President Gorbachev to do everything in his power to preserve the hopes raised by the Charter of Paris for a new Europe, free and democratic.

**91/011. Statement by the Twelve concerning the Gulf**

Date of issue: 14 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

Following a meeting between the President of the Council and the Secretary-General of the United Nations, Ministers for Foreign Affairs of the European Community were informed of the substance of the conversations of Mr Perez de Cuellar with the President and Foreign Minister of Iraq.

They note that the Secretary-General will this evening report on his mission to the Security Council of the United Nations, which will have the task of evaluating the results.

For their part, the Community and its Member States have from the beginning of the Gulf crisis supported unreservedly the full and unconditional implementation of the relevant resolutions of the Security Council.

They have spared no effort in exploring all paths to a peaceful solution in conformity with these resolutions. In this spirit, the European Community had made known its readiness to meet at the level of the Troika of Foreign Ministers the Iraqi Foreign Minister, Mr Tarek Aziz, first in the Presidency capital and then in Algiers.

Through the Presidency statement of 4 January 1991, the Twelve had clearly indicated that if the resolutions of the Security Council were fully and unconditionally implemented, Iraq should receive the assurance that it would not be subject to a military intervention.

In the same statement, the Twelve had also clearly reaffirmed their commitment to contribute actively to the settlement of the other problems of the region and to establish there a situation of security, stability and development, as soon as the Gulf crisis is resolved.

On the occasion of the Rome European Council on 15 December 1990, the European Community and its Member States had indicated that they remained completely in favour of the convening of an international peace conference on the Middle East at the appropriate moment.

It is a fact that unfortunately must be acknowledged that the readiness thus displayed to contribute to a peaceful solution of the crisis opening the way to an equitable settlement of all the other problems of the region has not, up to this point, received a response from the Iraqi authorities.

In the face of the continued refusal of the Iraqi authorities to implement the resolutions of the Security Council and in the absence of any signal in this sense, the European Community and its Member States regret to have to conclude that the conditions for a new European initiative do not exist as of this moment.

Nevertheless, the invitation to Mr Tarek Aziz to meet the Ministerial Troika remains on the table.

The European Community and its Member States are conscious of having done everything that was possible to find a peaceful exit from the crisis. They remain determined to explore all possibilities for the preservation of peace in the respect of international legality. In this context, they request Arab countries and organizations to continue to devote every effort to bringing the Iraqi authorities to understand that it is in the interest of Iraq, as of the whole Arab world, that it should abide by the resolutions of the Security Council.

Ministers have asked the Presidency to stay in close contact with all parties concerned.

Ministers and their Political Directors will remain in permanent touch in the coming days to follow the course of the crisis and take any necessary decisions.

**91/012. Statement concerning the investiture of the President of Guatemala**

Date of issue: 14 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

On the occasion of his investiture in the Presidency of the Republic of Guatemala, the Community and its Member States address to the President-elect, Mr Jorge Serrano, their congratulations on his election and their best wishes for his success in the important task which is now entrusted to him.

The Community and its Member States, who feel a particular solidarity with Guatemala, strongly hope that peace can be restored in this country through internal reconciliation, and in the full respect of human rights.

The democratic character of the elections and the first transfer of power from one civilian President to another in the recent history of Guatemala are important and encouraging signs for the peace process and the consolidation of democratic institutions in Central America.

**91/013. Statement concerning Somalia**

Date of issue: 15 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are deeply concerned at the deterioration of the situation in Somalia since the beginning of this year.

Further to their appeal made on 2 January 1991, they reiterate their disquiet as regards the fate of the civilian population as well as of their own nationals who have remained on the spot and are affected by violent military actions.

The Community and its Member States renew their urgent appeal for the establishment of an immediate cease-fire.

They express the strong wish that all the parties to the conflict will do everything they can in order to achieve, through dialogue and negotiation, a peaceful and lasting solution which will take into account the legitimate aspirations of the entire population.

In this context, the Community and its Member States reaffirm their deep commitment in favour of an effective process of national reconciliation, based on the respect of human rights and on the independence, unity and territorial integrity of Somalia.

**91/014. Statement at the meeting on the peaceful settlement of disputes, held in La Valette**

Date of issue: 15 January 1991  
Place of issue: La Valette  
Country of Presidency: Luxembourg  
Status of document: Statement in international forum

*M. Poos:* Monsieur le Président, Mesdames, Messieurs, au nom de la Communauté Européenne et de ses Etats membres, j'ai le grand honneur et le plaisir de remercier de tout cœur le Gouverne-

ment et le peuple de la République de Malte de leur chaleureux accueil et de leur généreuse hospitalité. Nous sommes particulièrement impressionnés par la beauté du lieu de nos réunions et par les facilités qui nous sont offertes pour permettre un déroulement efficace, et espérons-le, fructueux de cette importante conférence pour le règlement pacifique des différends dans le cadre de la C.S.C.E.

Ici, à Malte, nous sommes frappés par l'accumulation extraordinaire, sur un espace très réduit, des vestiges prestigieux d'un grand nombre de civilisations méditerranéennes qui [se] sont succédées sur l'île et dont les plus anciennes remontent à plus de quatre millénaires avant J.C.

Les grandeurs et les vicissitudes de son histoire plurimillénaire, sa position géographique, la culture, les croyances, les traditions et la volonté de son peuple dynamique et travailleur font de Malte un pays pleinement engagé dans cette 'nouvelle Europe' qui, avec la participation des Etats-Unis et du Canada, vient de se donner à Paris une Charte solennelle pour la coopération dans l'unité, la paix et la démocratie, conformément aux dix principes de l'Acte final d'Helsinki de la Conférence sur la Sécurité et la Coopération en Europe, ces principes, qui dans leur ensemble, constitueront dorénavant la base de nos relations.

Pendant près d'un demi-siècle les relations Est-Ouest en Europe étaient caractérisées d'abord par la guerre froide, ensuite par une cohabitation dominée par la méfiance inévitable entre des systèmes politiques inconciliables: la démocratie à l'Ouest, les régimes autoritaires et d'oppression à l'Est. Depuis les bouleversements de l'automne [...] 1989 et la période d'adaptation subséquente, dont la réunification allemande est sans doute le fait le plus marquant, le Sommet de Paris et la Charte qui y a été adoptée, doivent ouvrir, dans l'esprit de ses signataires, une ère nouvelle, une ère de coopération dans un état de droit et marquée par un esprit de compréhension, de respect et de confiance réciproques.

C'est donc dans un climat politique et humain, complètement modifié par rapport à celui dans lequel se déroulaient les réunions de Montreux, en 1978, et d'Athènes, en 1984, que se tient cette réunion de La Valette, à la réussite de laquelle nos Gouvernements attachent une importance toute particulière.

En effet, cette réunion se situe immédiatement après le Sommet de Paris et dans le sillage direct de celui-ci. Aussi, la Charte de Paris, après avoir souligné le lien fondamental existant entre le principe du règlement pacifique des différends et de l'interdiction du recours à la force, tous les deux étant des facteurs indispensables pour le maintien et la consolidation de la paix et de la sécurité, déclare expressis verbis: 'Nous insistons sur le fait que tout parti devrait dans ce contexte, être tiré de l'occasion fournie par la réunion sur le règlement pacifique des différends, qui se tiendra à La Valette au début de 1991.' et le texte continue: 'Le Conseil des Ministres des Affaires Etrangères (lors de sa première session à Berlin en juin 1991) tiendra compte de la réunion de La Valette.'

En tenant compte des changements intervenus en Europe depuis 1989 et, notamment, à la lumière de la Charte de Paris, le mandat de notre réunion, qui figure déjà dans le document final de Vienne du 19 janvier 1989, devra être appliqué, de notre avis, dans un esprit ouvert en fonction des nouvelles ambitions.

Le nouveau climat en Europe devrait faciliter une plus large utilisation des mécanismes et institutions existants tant sur le plan bilatéral, que sur le plan multilatéral; on doit souligner à cet égard le rôle important de la Cour Internationale de Justice et de la Cour Permanente d'Arbitrage.

Dans l'optique de l'élaboration, à La Valette, d'une méthode de règlement pacifique des différends, les Douze partent de l'idée que tous les Etats participants à la C.S.C.E. – entretenant des relations diplomatiques mutuelles – considèrent par là-même la négociation comme la forme initiale normale de tout règlement pacifique des différends. Dans ce contexte, il échoit de rappeler les principes de droit international public qui s'appliquent en la matière, à savoir le délai raisonnable et la bonne foi.

Quant aux nouveaux mécanismes à proposer, il échoit, dans l'esprit des Douze, de préciser leur caractère complémentaire et subsidiaire par rapport aux mécanismes existants.

Suite à l'acceptation, en principe, par nous tous, de l'intervention obligatoire d'une tierce partie lorsqu'un différend ne peut être réglé par les parties en cause, il importe que notre réunion en examine la mise en œuvre et les modalités et propose une méthode généralement acceptable.

En ce qui concerne tous ces problèmes qui vont nous occuper pendant les semaines à venir, nous devons garder présent à l'esprit le caractère politique, c'est-à-dire essentiellement ouvert et évolutif, de la C.S.C.E.

S'il est vrai, qu'après les années de stagnation, nous avons fait, en 1990, un formidable saut de qualité en avant, il est également évident, qu'aussi bien sur le plan national, que sur celui des relations internationales, les choses ne peuvent pas toutes changer d'un jour à l'autre et qu'il faudra laisser le temps, non seulement aux faits et aux situations, mais aussi et surtout aux esprits pour s'adapter à la situation nouvellement créée en Europe. Cela ne doit en aucune manière affaiblir notre détermination ou atténuer notre élan, mais nous recommande cependant une certaine circonspection dans le choix de la voie à suivre.

Ces problèmes que nous sommes appelés à traiter ici sont essentiellement des problèmes juridiques, et il est possible que les solutions élaborées et les décisions prises doivent, le moment venu, revêtir la forme d'une ou de plusieurs conventions juridiquement contraignantes. Il est cependant douteux que cela soit réalisable dès le début. Nous vivons une période en pleine évolution et en constante mutation. Dès lors, il semble normal de permettre aux mécanismes et procédures à élaborer, d'évoluer progressivement à la lumière des expériences que nous ferons à l'avenir. Dans ces conditions, nous croyons préférable que la conférence de La Valette aboutisse à un document politique substantiel indiquant à la fois les buts ultimes à atteindre et les voies à suivre pour y arriver au cours de phases successives.

Ci-avant, j'ai souligné l'extrême importance que les gouvernements attachent au succès de la réunion de La Valette. Il serait décevant si, après le Sommet récent de Paris et l'adoption d'une Charte solennelle et exigeante dans ses engagements et ses promesses, cette réunion devait se séparer sans consensus sur un résultat consistant.

Une telle carence serait d'autant plus inexplicable depuis que les obstacles politiques et idéologiques, qui avaient empêché les réunions de Montreux et d'Athènes de réussir, ont fait place à un nouveau climat de confiance et de solidarité entre tous les pays participants à la C.S.C.E.

D'autre part, le développement escompté dans nos relations bilatérales et multilatérales, politiques, économiques et culturelles, l'accroissement des échanges de personnes et de biens qui devraient en résulter, sont normalement susceptibles de créer des zones de frictions et la naissance de complications et de conflits. Tout cela donne encore une importance accrue à notre besoin de trouver une solution satisfaisante aux problèmes des règlements pacifiques des différends.

Cependant, nous ne pouvons pas brûler les étapes. Notre œuvre est, de par sa nature, une entreprise de longue haleine. En ce moment, les structures humaines, sociales, culturelles, politiques et économiques de nos nations sont encore très différentes les unes des autres. Il nous semble du moins risqué de vouloir régler, à ce stade, les relations de ces Etats – et le règlement pacifique des différends constitue une partie très fondamentale de ces relations – par des mécanismes et des instruments juridiques trop rigides et trop exigeants qui pourraient les rendre difficilement applicables. Ce sont ces considérations qui nous ont amenés à préconiser, à ce stade, comme objectif de cette Conférence, un document politique.

Par ailleurs, je reconferme notre disponibilité et notre ouverture à toutes les solutions susceptibles de nous rapprocher de notre objectif. Les douze Gouvernements de la Communauté Européenne ont la volonté politique de faire de la Conférence de La Valette une réussite. Nous

sommes confiants que nous partageons cette volonté politique avec tous les autres gouvernements membres, ici représentés.

Monsieur le Président, Mesdames, Messieurs, au moment où les partenaires sont réunis à La Valette pour faire œuvre de paix et de justice, une crise d'une gravité extrême, la crise du Golfe, assombrit l'horizon international. A ce sujet, permettez-moi de citer les paroles du message récent que le Pape Jean-Paul II a adressé au Conseil de la Communauté Européenne: 'On se trouve, en effet, dans des conditions où l'ordre international est ébranlé et qui, malheureusement, n'exclut pas l'imminence d'une confrontation armée aux conséquences imprévisibles, mais sans aucun doute désastreuses.'

D'autre part, des nouvelles inquiétantes nous parviennent des pays baltes où la force armée a été utilisée contre la population civile qui voulait manifester sa volonté. Après l'adoption de la Charte de Paris, après le grand revirement politique de l'année passée, une telle façon d'agir est incompatible avec le rétablissement du climat de confiance dans lequel nous sommes engagés. A cet égard, je renvoie à la Déclaration de la Présidence du Conseil des Ministres de la Communauté Européenne du 13 janvier 1991,<sup>1</sup> déclaration qui vous sera distribuée.

Cependant, je ne voudrais pas terminer sur une note de pessimisme. Nous exprimons le ferme espoir que notre appel sera entendu par le gouvernement soviétique et que les négociations reprendront dans la compréhension réciproque et avec la volonté d'arriver à des arrangements mutuellement acceptables.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/009.

#### **91/015. Statement concerning Bangladesh**

Date of issue: 16 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States welcome the steps being taken by the interim Government in Bangladesh to prepare for free and fair parliamentary elections on 27 February.

They also welcome the invitations given to various Member States indicating that the interim Government would be happy for Parliamentarians of EC Member States and Members of the European Parliament to attend the elections as observers.

#### **91/016. Statement concerning El Salvador**

Date of issue: 16 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are following with the greatest attention the efforts of the UN Secretary-General, fully supported by the Security Council, to reach a negotiated settlement of the conflict in El Salvador.

They pay tribute to the Secretary-General for the significant progress already achieved since the resumption of dialogue last April, under his auspices, between the Salvadorean Government and the Frente Farabundo Marti De Liberacion Nacional (FMLN).

They welcome the decision of the parties to entrust the Representative of the Secretary-General with a more active role and give their firm support to the efforts of Mr Perez de Cuellar to advance the negotiating process.

### **91/017. Statement concerning the Gulf conflict**

Date of issue: 17 January 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Ministers of Foreign Affairs of the Twelve and the Commission, assembled at an extraordinary meeting in Paris, express their deep regret that use of force was necessary to oblige Iraq to withdraw from Kuwait and, in order to re-establish international legality. It falls upon the Iraqi authorities only to stop the conflict which has just broken out by complying with the relevant resolutions of the United Nations.

The European Community and its Member States have spared no effort to allow for a peaceful solution. These efforts as well as those undertaken by other members of the international community, including Arab countries, as well as by the Secretary-General of the United Nations, have met no reaction whatsoever from the part of Saddam Hussein.

Under the present circumstances, the Community and its Member States reiterate their firm support of the objectives contained in the relevant resolutions of the Security Council. They express their solidarity, in accordance with these resolutions, with those Member States and other members of the international community the forces of which are involved in the re-establishment of legality.

They express their hope that the conflict, which has just begun, will be of a short duration. To this end, they strongly urge the Iraqi leadership to withdraw immediately and fully its forces out of Kuwait, thus avoiding further victims and destruction.

Deeply attached to the universal values of the Charter of the United Nations, the Community and its Member States reaffirm their commitment to contribute actively, once international legality is re-established, to assure, in dignity and security, a future of peace, stability and development in a framework of social justice and solidarity, for all the peoples of the region. The Iraqi aggression against another Arab State cannot jeopardize the traditional links of friendship between the Community and the Arab countries.

To this effect, they will develop a global approach towards the region through a renewed Mediterranean policy, a relaunched Euro-Arab dialogue and a reinforced cooperation with the Gulf Cooperation Council and the Arab Maghreb Union and all concerned countries in the region. They pronounce themselves in favour of increased stability based on principles of security and cooperation. In this context, they count on the aid of the wealthiest countries of the region.

The Community and its Member States renew their full commitment for the convening of an international peace conference on the Middle East, at the appropriate moment. It is evident that this conference shall need a serious preparation.

As an immediate issue, the Commission will rapidly implement humanitarian assistance programmes in favour of all victims of the Gulf war. Furthermore, the Commission will implement the financial assistance to the countries most affected by the application of the embargo against Iraq.

**91/018. Statement concerning the use of force in the Gulf crisis**

Date of issue: 17 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

On behalf of the Community and its Member States the Presidency has to express its deep regret that use of force has become necessary to oblige Iraq to withdraw from Kuwait and thus re-establish international legality. It would have been up to the Iraqi leadership only to signal their willingness to avoid the conflict which has just started.

The European Community and its Member States have spared no effort to allow for a peaceful solution. These efforts as well as those undertaken by other members of the international community and by the Secretary-General of the United Nations have met no reaction whatsoever from the part of Iraq.

We cannot but establish that the Iraqi leaders had neither the shrewdness nor the courage to go back on a policy which has been condemned by an unanimous international community and repeatedly sanctioned by the United Nations Security Council.

The Presidency expresses the wish that the conflict which has just begun will be of a short duration and that the Iraqi leadership will within the next hours understand the extent of its error and act in consequence thereof.

The withdrawal of Iraqi forces from Kuwait only would allow to avoid more victims and more destructions.

**91/019. Statement following an Iraqi attack against Israel**

Date of issue: 18 January 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

By launching a non-provoked and entirely unjustified missile attack on Israeli territory last night, Saddam Hussein is aiming, through a cynical and deliberate provocation, to draw Israel into the Gulf conflict.

The Community and its Member States strongly condemn this attack which represents a further violation of international law by the Iraqi authorities.

They express their sympathy to the Israeli people.

Recalling that Israel's right to security constitutes one of the fundamental principles of the policy of the Community and its Member States in the Middle-East, they do hope that Israel will not be drawn into the conflict.

Under the present circumstances, every restraint displayed by Israel must be interpreted as a sign of strength and not of weakness.

**91/020. Statement concerning the situation in the Baltic States**

Date of issue: 21 January 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Statement in European Parliament



*Mr Poos, President-in-Office of the Council:* Mr President, in the spring of 1990, Lithuania, Latvia and Estonia declared their independence. By the end of 1990, all the republics of the Soviet Union had followed the example of the Baltic States. Relations between the central authority and the republics are entering a situation of crisis. The provisions of the federal constitution are no longer being respected.

So, despite its particular characteristics, the Baltic question has served as the catalyst for a widespread crisis between the republics and the centre. The new treaty of Union has not brought about the desired outcome to this crisis. Mr Gorbachev did obtain agreement in principle from the Congress of Deputies of the People to the new treaty of Union, but no representatives of Baltic countries were present, while Mr Boris Yeltsin led a revolt by refusing to provide his share of the Union budget. Mr Rishkov's heart-attack and Mr Shevadnadze's resignation obliged President Gorbachev to surround himself with a new team.

But there was previous history behind the split in the administration's team. A few weeks earlier, the Minister of the Interior, Mr Bakatin, had to give up his position. His understanding attitude towards the Baltic countries brought down criticism upon him from the conservative camp. Minister Shevadnadze routed those conservatives and spoke out against the threat of dictatorship when he resigned.

The events which then took place at Vilnius and now in Riga confirm our worst apprehensions. *Perestroika* and *glasnost* are giving way to 'normalization'.

Drift or intention? Both hypotheses are equally valid. At all events, the Soviet authorities owe us an explanation. Since December, the Twelve have been in touch with the Soviet Ministry of Foreign Affairs on the matter.

On 10 January, they asked the Soviet authorities to engage in negotiations without delay to find a peaceful solution that satisfied the legitimate aspirations of the Baltic peoples.

On 13 January, the Twelve were among the first to react. As President of the Council I sent a letter of protest to my Soviet counterpart,<sup>1</sup> and I sought an explanation of who and what was responsible for the use [of] force, through the Soviet Ambassador in Luxembourg.

On 14 January, the Ministers meeting in Brussels issued an urgent appeal to Mr Gorbachev.<sup>2</sup> This was the first time they openly raised the possibility of reviewing cooperation between the Community and the Soviet Union. No reply to these initiatives has yet been received, but the conclusions of the European Council of Rome are henceforth subject to re-examination. The political directors are meeting in Brussels tomorrow at the very latest to discuss the fine detail of the proper reaction.

Of the twelve Member States of the Community, ten have never recognized the forced integration of the three Baltic States into the Soviet Union, even if they did accept the territorial status quo. But all welcomed it as an encouraging sign when the Soviet Union recognized the existence of a secret protocol, I mean the protocol annexed to the Molotov-Ribbentrop pact, a secret protocol which makes the *de facto* situation particularly unacceptable.

But it seems obvious to us that the Soviet authorities cannot now expect the Baltic peoples to be satisfied with mere recognition of the facts, without insisting on the return of their freedom, stolen from them in 1940.

We have always taken account of the extreme complexity of the situation in the Baltic countries in admitting that any solution must come through negotiation. We remain convinced that the path of dialogue, however laborious it may be, is the only possible way forward.

At a meeting of ECSC experts in Vienna last week, the Soviet Union dodged a request from all delegations present to call an urgent meeting on Lithuania under the appropriate provisions of the Paris Charter. The Soviet delegation took the view that the events in Lithuania did not justify a

meeting of that kind. This immediate refusal prevented us from using the instruments within the power of the ECSC and it could well be that we shall raise the issue of Lithuania again at the Conference on the Human Dimension to be held in Moscow between 10 September and 4 October this year.

But the Baltic problem cannot be treated as just one isolated problem. The reactions it provokes in the Soviet Union show that it is characteristic of the profound malaise affecting relations between the republics and the central power. All this against a background of personal power struggles.

If the Baltic cause is now capable of moving public opinion in the Soviet Union, if the press is even risking its hard-won freedom on its behalf, if a line is being drawn, even within institutions, between those who favour repression and those who are indignant, it is because the Baltic question is becoming an issue, a national debate such as there has never been. This mobilization of public opinion around a local issue is a new phenomenon in the Soviet Union.

I draw the conclusion that *perestroika* and *glasnost* are now a part of the culture, they have become irreversible in the minds of the people, even if the cadres of the Communist Party have not been finally won over. It is on this hope that I base the future of our relations with the Soviet Union.

The courage of the citizens demonstrating their solidarity with the Baltic peoples on the streets today, the courage of local leaders who tried to find a negotiated solution to their relations with the Baltic republics through bilateral agreements, all these signs of goodwill indicate to me the emergence in the Soviet Union of a new generation of responsible spokespersons who respect the international commitments of the Soviet Union. Although today the Community is obliged, in the light of the repression in the Baltic countries, to re-think its attitude to the Soviet authorities, our confidence in the democratic process remains unshaken.

[...]

[After the ensuing debate Mr Poos stated:]

Mr President, I would like to reply briefly, first to thank all the speakers who have taken part in this debate and to assure them that the Council will take account of their suggestions.

I am delighted that not one member of the European Parliament has complained during the debate that Europe was not there, because when confronted with the repression in the Baltic countries the Council immediately shouldered its responsibilities. Between compromising silence and the complete rupture that some recommend, it has chosen the golden mean. We have addressed a number of statements to the Soviet authorities through the appropriate channels, firmly condemning the repression, first of all, and secondly, restating the principles we subscribe to, the principles of the ECSC, principles which are the great hope of all the peoples of Europe; we have given the Soviet authorities notice, we have given them a warning. We have made a commitment – I underline that: a commitment – to reconsider the implementation of cooperation with the Soviet Union if the repression goes on and violent action against unarmed civilians is allowed to continue.

Speaking for the Commission, Vice-President Andriessen has just announced to Parliament the postponement of the meeting of the joint committee scheduled for next Thursday. This is a clear signal, Mr President, a clear signal which I hope will be understood in Moscow.

What I take away from this debate above all is the double appeal not to lose patience. It is a call to reason and moderation which I second. This call is addressed first to the elected representatives of the Baltic countries which will gain their independence as long as they do not try to get everything all at once, and also to the reformers in the Soviet Union who must realize that the road to democracy is long and difficult and that you do not reverse decades of Stalinism in a few months.

The Council has protested in an unequivocal way, and I have no doubt that the European Parliament will in turn call on the Soviet political authorities to take all steps to end this intimidation of the elected representatives of the Baltic countries. Repressive measures like these, it must be emphasized, can only accentuate the conflicts between nationalities and endanger the policies of reform, the only real hope of the Soviet Union since 1917.

<sup>1</sup> *EPC Bulletin*, Doc. 91/009.

<sup>2</sup> *EPC Bulletin*, Doc. 91/010.

### **91/021. Statement concerning the situation in the Gulf**

Date of issue: 21 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, ladies and gentlemen, never has the Presidency of the Communities been assumed in such dramatic circumstances. Following on the exceptional events of 1990, that fact takes on particular significance. It is with a very heavy heart that I address you today, for the first time, to set forth the Community position on the Gulf conflict.

The use of force inevitably means the defeat of reason and diplomacy. This is particularly painful to those who have struggled so hard for a peaceful solution. Rarely has the international community tried so hard and in so many ways to avoid the conflict and find a peaceful solution to the crisis. The sole limitation placed upon us had consisted in the principles of international law and the resolutions of the United Nations' Security Council, the supreme expression of international law.

At the outset and for many months thereafter, the Security Council applied diplomatic pressure and economic sanctions in the hope that this would be enough to persuade the Iraqi leadership to respect international law. Like the United States, the non-aligned movement and the major Arab states, the European Community spared no effort in seeking to achieve this.

I do not wish to list today all the stages in our activity; these have been described to you in the course of earlier parliamentary debates and within the Political Committee. I wish rather to focus on the initiatives taken since the beginning of January by the Luxembourg Presidency.

On 4 January,<sup>1</sup> the day after expiry of the first deadline for the opening of a dialogue between Iraq and the United States, the Community Foreign Ministers, meeting in Luxembourg, made a statement in which they highlighted three vital factors: the assurance that, if it applied fully and unconditionally the UN Security Council resolutions, Iraq would not be militarily attacked; an invitation to the Iraqi Foreign Minister, Mr Tariq Aziz, to meet with the Ministerial Troika in Luxembourg and, finally, clear confirmation of the undertaking from the Community and its Member States that, once the crisis had been resolved, they would make an active contribution to resolving the other problems of the region, encompassing security, stability and development.

I should point out that, on 15 December, the European Council reaffirmed its support for the principle of convening, at the appropriate time, an international peace conference under the auspices of the United Nations, to find a just and lasting solution to the other problems of the region, including the Palestinian question, the Israeli-Arab conflict and the situation in the Lebanon.<sup>2</sup> That was a position re-stated by the Community in 1987,<sup>3</sup> and held by it consistently and resolutely since 1980.

Although refusing, in line with the relevant Security Council resolutions, any linkage between the crisis resulting from the aggression against Kuwait and the annexation of that country, and the resolution of other problems, the Community did in this way provide the Iraqi leadership with a genuine opportunity of bringing to an end the crisis it had itself created. That offer was rejected by Iraq. Mr Tariq Aziz refused to meet with the Ministerial Troika in Luxembourg, and Saddam Hussein paid no attention to the European proposals. We nonetheless persevered with our endeavours and, seeking to facilitate a positive response, we offered Mr Tariq Aziz the possibility of a meeting in Algiers, the capital of an Arab country particularly respected by all of the parties. I must take this opportunity to express my gratitude for the support given to us in those circumstances by the Algerian Foreign Minister as well as the Yugoslav Foreign Minister, the latter in his capacity as chairman of the non-aligned movement. Despite this very significant support, the European offer went, yet again, unheeded.

The Community remained determined that its message should get through to Baghdad, and so, on 11 January, the Community Foreign Ministers met the United Nations Secretary-General in Geneva. On the eve of his journey to Baghdad, they asked the Secretary-General to put to the Iraqi leadership the European position which may be summarized as follows: the assurance that in the event of a complete and unconditional withdrawal from Kuwait, Iraq would not be subject to military attack; the Community's readiness to support the possible dispatch of United Nations observers and forces to the Gulf to facilitate and monitor the withdrawal of Iraqi troops; an undertaking to make an active contribution to resolving other problems of the region and to establish in the region security, stability and development.

We also stated the readiness of the Troika to visit Baghdad if there was any possibility of persuading the Iraqi leadership not to make yet a further, final mistake, following on so many others.

During a conversation which I had with him following his return from Baghdad, on the morning of 14 January in Paris, Mr Perez de Cuellar told me bitterly that, during his lengthy discussions with Saddam Hussein and his Foreign Minister, he was able to detect no trace of any willingness on the part of the Iraqis to accept the basic precondition for any peaceful settlement, namely Iraqi withdrawal from Kuwait. Far from it, the Secretary-General noted that the Iraqi leadership seemed to be accepting, not to say seeking conflict.

Meeting once more during January, in Brussels, for the third time in ten days, the Community Foreign Ministers had to accept, to their great regret that, faced with the continuing refusal of the Iraqis to apply the Security Council resolutions, any offer by the Troika to visit Baghdad would have been pointless and indeed counterproductive in that it would have conveyed to Saddam Hussein an impression of weakness and division.

I need not, I am sure, emphasize that the final French peace initiative launched some hours later on that same day, although made by France under its special responsibilities as a member of the Security Council, reflected in substance the European position.

I wanted to describe in detail the most recent stages in our activity to make it quite clear that Europe has not been sitting idly by. The failure of our efforts highlights a factor which has now become absolutely clear: by attacking and annexing Kuwait, by systematically destroying it, by pillaging its resources and engaging in acts of violence against its population, and as a result of its treatment of foreign hostages, the Iraqi leadership has violated all the principles of the United Nations Charter and the fundamental rules of international law.

As I told Parliament's enlarged bureau, the war did not begin on 16 or 17 January 1991, it was begun on 2 August 1990 by Saddam Hussein.

We may wonder – and this was a question put to me at the meeting with Parliament's enlarged bureau – why the Security Council decided to move on from a policy of sanctions to authorizing the use of force. It was certainly not an easy decision, but we can see today that it was vital. In his statement to the American nation, on 16 January, the President of the United States explained

clearly the reasons for it. Although the embargo had produced some effect, there was no indication that sanctions alone could induce Iraq to implement the Security Council resolutions. Moreover, neither the occupation of a sovereign state nor the brutal oppression of its people could be allowed to continue indefinitely.

In describing here the efforts for peace made by the Community, I must stress that they were made while cooperating fully and acting in solidarity with the other members of the international coalition, in particular the United States and the Arab countries involved, and while maintaining cohesion within the Community itself. The latter point is worth stressing since, contrary to claims in certain parts of the press, that cohesion was effective from the very first day of the crisis and has continued to be so throughout the subsequent stages. It was eloquently expressed in the Declaration adopted at the Fourth Ministerial Meeting of the Twelve, on 17 January in Paris.<sup>4</sup> The Declaration expresses the full agreement of all the Member States with the objectives to be pursued at the current stage in the conflict as well as during the period following its conclusion. It also expresses their full support for those Member States whose forces are engaged in restoring international law. The declaration contains a message of friendship to all countries of the region and the Arab world. It states the readiness of the Twelve to adopt a global and cohesive approach to that part of the world.

We of course hope that the conflict will be of short duration and involve the minimum loss of life and destruction, particularly among the civilian population. We are therefore firmly opposed to any attempt to widen the conflict. In its two unprovoked attacks against Israel, Iraq has again demonstrated its scorn for international law and its desire to see deliberate and premeditated war inflame the whole of the region. The attack on Israel is in fact nothing more than an attempt to divert attention from the real problem, namely Iraq's attack on and annexation of Kuwait, and to divide the coalition which is fighting to restore international law.

The Community very much hopes that this attempt will fail. To show their support for the peoples of the region, the Member States have already asked the Commission rapidly to implement humanitarian aid programmes for all the victims of the conflict and to provide financial assistance to those countries most affected by the embargo on Iraq.

But even at this time of great concern, we must look beyond the current crisis and prepare to do all we can to guarantee all the countries of the region a future marked by peace, stability and development within a framework of dignity and security, anchored in social justice and regional solidarity. The Community clearly expressed its position on this subject in Paris, on 17 January.

I can confirm here, to Parliament, the Council's commitment to developing a global approach to this region of the world on the basis of a renewed Mediterranean policy, the relaunching of the Euro-Arab dialogue, further cooperation with the countries of the Gulf Cooperation Council and the Arab Maghreb Union as well as with all other interested countries of the region.

We are firmly in support of increased stability based on the principles of security and cooperation. This is not just a matter of establishing a regional security system, although this is needed to prevent the re-emergence of crisis situations, it further involves drastically reducing the proliferation of weapons of mass destruction. The economic and social progress of all peoples of the region must be ensured in a spirit of cooperation and on the basis of the fair distribution of economic resources. The Community is ready to make its contribution; it is also anticipating that aid will be provided by the most prosperous countries in the region.

The Community and its Member States are determined to work with all interested parties to see dialogue and negotiation take the place of confrontation and hate. That being so, I would reiterate here the solemn undertaking by the Community and its Member States, to convene, at the appropriate time, an international peace conference under the auspices of the United Nations. Such a conference will require careful and thorough preparation; Europe will participate actively in that.

In conclusion, Mr President, I think it possible and wise to draw even now from this crisis a number of lessons for the future. The first and most obvious is that we must work actively for a new world order in which right must hold away over force. The action taken by the United Nations in the Gulf crisis as a result in particular of the cohesion maintained within the Security Council, is a valuable precedent that we must not let go of in the future.

The second lesson concerns our Community. Despite the difficult period we are experiencing, we have remained cohesive and acted in support of one another throughout the crisis. We have, however, to be aware that, if it is effectively to meet future challenges, the Community will have to bolster its capacity to act by introducing the appropriate structures and rules. That is the way forward indicated by the European Council when it convened the inter-governmental Conference on Political Union and laid down the broad lines it should follow. The Presidency itself intends to do all it can to ensure that the negotiations which have just got underway as part of the conference result in a form of political union which is robust and capable of playing its proper part on the international stage. The Community must, to that end, have a proper foreign and security policy. The Presidency knows that, in seeking to achieve this, it will be able to rely on the unfailing support of the European Parliament.

[...]

*[After the ensuing debate Mr Poos stated:]*

Mr President, thank you for organizing this debate. I have listened with interest to all that has been said and believe that we have all learnt from it. I should like to make a few concluding remarks on the substance, on the role of Europe and on the post-war period.

During the debate, we have listened to honourable Members on all sides of the House proclaim their horror of war, but those same Members have also stressed that war may be justified. The world order which we all accept, the world order based on the United Nations' Charter, lays down that, as a last resort, force must be used to defend the law. To deny that would simply be tantamount to accepting the law of the strongest, the law of the jungle.

During the past months, the international community, Europe included, has tried everything, but all opportunities have been rejected by the Iraqi dictator. The framework for negotiation was limited, I accept that, being determined by the United Nations' decisions which required, as of 2 August, an unconditional withdrawal from Kuwait, but numerous possibilities were offered. We know now that Saddam Hussein wanted war before as well as after 17 January. He alone could or can still stop it.

Several Members have spoken of Europe's absence; one felt Europe had been completely absent. I must reject that negative and certainly exaggerated assessment.

Europe has not been the main protagonist in the Gulf crisis, that is true. But it has made efforts, serious efforts to reach a peaceful solution, and we now know that those efforts have all failed. There is structural weakness in the policy of European political cooperation. Europe has not, as yet, a real common external policy. The inter-governmental Conference will have to remedy that.

It is true that there were differences of substance between the various European countries. Those differences came to light in the course of the discussions we had in the Council meeting within European political cooperation. That is quite normal when we are dealing with as difficult and complex a subject as the Gulf conflict. But I must stress that, in both the Luxembourg Declaration of 4 January and the Paris Declaration of 17 January, there was unanimity on the concluding text. Cohesion was thus maintained on the basis of the conclusions adopted by the Twelve.

It is said that there was a breakdown in solidarity during the most recent debate of the United Nations Security Council. But as you know, ladies and gentlemen, the attitudes adopted by the

Member States, and particularly those which are permanent members of the Security Council are not subject – and I too regret this – to prior consultation within the Council.

I would refer you to Article 30(7) of the Single Act which provides that the High Contracting Parties are not obliged to adopt common positions for debates taking place within the United Nations Security Council. That is a deliberate loophole left in place by those who drafted the Single Act. I too regret it. It must be plugged, and we shall, I hope, have an opportunity of doing this as part of the inter-governmental Conference.

A third remark on the post-war period. The Community must have a post-war strategy. The Gulf war will leave behind it not only civilian and military victims, not only one or more devastated countries which will have to be rebuilt, it will also leave behind it, as one of you has said, enormous resentment in the Arab world. That is why, in its Paris appeal, the Council launched proposals – I know of no others at present – for political dialogue, including an international peace conference and proposals for economic development for the whole of the Mediterranean region. It will be for the Presidency and the Commission to define this concept in the coming months, and I am sure that the European Parliament will also have its contribution to make on this important point.

Let me conclude by renewing in this House a solemn appeal to the Iraqi leadership. It alone can put an end to the conflict and thus spare its people and all peoples of the region further victims and further suffering. Neither the Community – I must reiterate this – nor its Member States have any reason to be hostile to the Iraqi people. If Iraq finally agreed to respect the decisions of the international community and abandon its absurd and irresponsible policy, it could contribute to the achievement of future balances in the region. Even at this difficult juncture, we continue to hope that reason will triumph over the folly of destruction.

<sup>1</sup> *EPC Bulletin*, Doc. 91/003.

<sup>2</sup> *EPC Bulletin*, Doc. 90/470.

<sup>3</sup> *EPC Bulletin*, Doc. 87/114.

<sup>4</sup> *EPC Bulletin*, Doc. 91/017.

## 91/022. Statement concerning the situation of prisoners-of-war

Date of issue: 22 January 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States express their deep concern at the unscrupulous use of prisoners-of-war and of the intention announced by Iraq to concentrate them near military bases and targets. They consider these actions particularly odious because contrary to elementary respect for international law and humanitarian principles. They condemn such actions unreservedly. They request the Iraqi authorities rigorously to respect all the Geneva Conventions relating to the conduct of war and in particular the Convention of 12 August 1949 on the treatment of prisoners-of-war. This stipulates in particular in Article 13 that 'prisoners-of-war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity' and in Article 23, that 'no prisoner-of-war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations'.

In conformity with Article 125 of this same Convention, the special position of the International Committee of the Red Cross in this field should be recognized and respected. The

Community and its Member States pay tribute to the work of the Red Cross and support all steps aimed at strengthening its role.

The Community and its Member States hold the Iraqi authorities responsible, in accordance with international law – including in their individual capacities – for all illegal acts endangering the physical integrity and the life of prisoners-of-war – which clearly constitutes a war crime.

**91/023. Statement concerning the European Council Meeting in Rome, held on 14 and 15 December 1990, concerning the inter-governmental conferences and concerning the term in office of the Italian Presidency**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Balance Speech to European Parliament, Report on European Council

*Mr Andreotti, President-in-Office of the Council:* Mr President, ladies and gentlemen, the conclusion of the six-month term of the Italian Presidency of the Community gives me a welcome opportunity to return to Strasbourg and give an account of that term. This visit follows the many meetings the Italian Presidency held at various level with the European Parliament to discuss important proposals on various international and Community subjects of topical political interest.

Looking back at the events of recent months we find above all that the overall image and external standing of the Community have improved. The Community has also acquired a greater capacity to take initiatives on the international scene and a greater resolve to assert itself as a fully-fledged political subject. It approached several external events, especially in Central and Eastern Europe and in the Gulf, with a clear resolve to affirm Community solidarity and unity of action, revealing that the Europe of the Twelve is an active protagonist in international relations. At the same time, however, a number of significant limits have emerged as regards our capacity for action, and they have once again shown the need for a further review of the institutional machinery and legislative provisions following the 1987 reform. In this context, the time-scales for reviewing the section of the Single Act relating to Political Cooperation have become shorter and have coincided with attempts at a wider institutional reform aimed at the creation of political union. Parliament and the Italian Government had in fact underlined the need for more substantial institutional reforms at the time when the Single European Act was signed. Thus a very clear affirmation of Community identity has confirmed the need to recognize, in formal terms too, the political dimension of the process of integration on the basis of the assumption that there can be no economic integration without common political structures and similarly there can be no political integration without a solid economic and social substratum. This has reinforced the Community's position as a kind of magnet for countries seeking a new role and a new place within an overall process of adjusting and balancing the competences of the various multilateral organizations operating in Europe. Even if it is difficult today to foresee the outcome in detail, a clear consensus seems to be emerging on the basic objectives: the achievement of a new system of cooperative relations and therefore of integration in an improved framework of stability and security, of which the Community represents the foundation stone.

Ladies and gentlemen, the tragic outbreak of the Gulf crisis, the need to use armed force to restore international law, which is a source of consternation and concern fully shared by the Governments and European public opinion, must not tempt us to change our view of the events which, between early August and today, have led up to this situation. The President-in-Office of the Council, Minister Poos, has already informed the House in detail of the action taken by the Community and its Member States during the dramatic and eventful week prior to the beginning of military action aimed at collective security. I fully agree with his assessment that whether col-



lectively as a Community or individually as Member States, we can in no way be accused of not having taken every possible step and made every effort to reach a peaceful solution to the crisis which began with Iraq's aggression and invasion of Kuwait.

If we look briefly at the most significant events of these recent months, I think we will see that the action taken by the Community and its Member States was basically positive. Faced with a flagrant and blatant violation of the principles governing coexistence between states, which form the basis of the United Nations Charter, the Community's response was bound to be based from the outset on a very firm and rigorous approach. I also note that the Gulf crisis, the dramatic nature of which neither could be nor was foreseeable, paradoxically enhanced the Community's and its Member States' capacity to react on a united basis, increasing their influence and role in the international scene. I am not forgetting that from the earliest days of August the Community and its Member States adopted a series of positions and decisions that were both incisive and prompt, often anticipating and always flanking the Security Council's measures, and made a decisive contribution to establishing the united front of solidarity against the aggressor, a front which is reflected most clearly in a renewed unity of action and intent between the United States and the Soviet Union and which is formally consecrated in the renewed functioning of the machinery of the United Nations Charter and in particular the Security Council.

This applies to all the decisions taken on 4 August, less than 48 hours [after] the invasion of Kuwait, to impose a trade embargo on Iraq covering oil products, a decision which preceded and to a large extent contributed to the subsequent adoption by the Security Council of a generalized embargo *vis-à-vis* the aggressor. But I do not just want to underline the promptness and speed of our reactions, but also the Community's capacity to maintain solidarity within and unity of action. And it is significant that this solidarity was not impaired by the unscrupulous way the Iraqi authorities exploited the thorny question of the Western hostages detained in Iraq during a certain stage of the crisis in November. I think I can affirm that thanks also to our firm approach and solidarity on the hostages question we managed to achieve the desired result of full and unconditional release of all foreign nationals in Iraq at the end of that painful period. Whether collectively as a Community or as individual countries, but always on the basis of coordinated action, we also accompanied our repeated statements of support for the Security Council resolutions with concrete measures and tangible demonstrations of solidarity towards such countries as Turkey, Egypt and Jordan, which are more directly affected by the economic effects of the Gulf crisis and by the results of the embargo against Iraq. Lastly, we encouraged every useful contact with all those in the Arab camp and more generally who proved prepared to work towards a peaceful solution to the crisis in the course of these months.

In particular, we approached the Arab countries during the period immediately after the aggression to encourage an initiative which, because it came from countries sharing historical, political and cultural links with Iraq, we hoped had some chance of success. This is evidenced by many contacts, which I shall not list here, whose main aim was to avoid that recourse to armed force that Baghdad's obduracy has unfortunately made inevitable. If we can set any limits to the Community's actions, they relate perhaps to its participation in the military activities which have become necessary, first to guarantee the implementation of the embargo, and subsequently to ensure respect for the Security Council resolutions, it is true that the decision to send naval forces to the Gulf, together with other armed forces, was taken on a national basis by some Member States. It is also true that this action was coordinated in another European forum, the WEU, which so far has been solely competent for security and defence. All this reflects a situation which is familiar to you and whose origins we know, just as we are aware of the obstacles which have hitherto limited the historical process of Community integration. But it is also true that the lesson of the Gulf crisis has had a considerable influence and may make a decisive contribution to the debate on political union and, more specifically, to the discussion on the foreign policy and security dimension the Community has indicated it wants to establish. We hope the Community will emerge from the process of institutional reform with more incisive instruments for

shouldering the responsibilities incumbent on Europe in the international scene and that it will therefore be able to achieve the objective of a genuine common external and security policy.

During these tragic hours, when we see military action being taken, the Community and its Member States can only repeat their support for the objectives defined in the Security Council resolutions and hope that the conflict will be short-lived and involve as few casualties as possible. We hope the Iraqi authorities understand the gravity of the situation and will spare the people of Iraq further victims and destruction. Above all, we must repeat that it is more than ever in the vital interest of Europe to participate, once the crisis is resolved, and with an open mind and great willingness, in defining the conditions of peace, stability and social justice in the Middle East in the framework of a regional economic solidarity that guarantees the dignity and security of all the peoples in the region. The Iraqi aggression against Kuwait and its disastrous consequences must not and cannot cast doubt on the links of friendship and cooperation between the European Community and the southern shores of the Mediterranean and, more generally, the Arab and Muslim world. We therefore stand firm in our resolve to formulate a global approach through the instruments of a renewed Mediterranean policy, the resumption and revival of the Euro-Arab dialogue and closer cooperation with the Gulf Cooperation Council and the Arab Maghreb Union.

Nor must the Gulf crisis allow us to forget the unresolved Palestinian problem, a source of years of tension and concern in an area very close to us. Without establishing any links with the invasion of Kuwait, for it is impossible to put the two in the same context, we must confirm our commitment to do our utmost to bring about a solution to the Palestinian question that is lasting, just and fair and founded on the Community's well-known position on the matter and the appropriate Security Council resolutions. In this framework, we can only repeat that we are entirely in favour of the convening of an international conference on peace in the Middle East and on the Palestinian question. Today that is a crucial means of determining the government position. Henceforth the United Nations can no longer apply two different yardsticks. On the basis of that premise, and in the hope that the crisis can be resolved as soon as possible, the Community and its Member States must therefore endeavour to promote new conditions of security, stability and cooperation in the region.

Here I would like to dwell briefly on another important aspect. The events in the Gulf, which have followed a long period during which weapons of war were amassed in the regions, especially in Iraq, make it all the more necessary to find an effective form of controlling and limiting international arms transfers. Let me point out that at the UN, on an Italian initiative, a study was carried out on means of ensuring greater transparency in this area. It is now time the Twelve made up for lost time and promoted practical initiatives here. I believe that in the light of events we should now consider not only the question of transparency and illicit transfers but of genuine limitations, as in the case of missile technology and some chemical agents.

These matters are an important factor in the gradual widening of European integration to include security questions, which the inter-governmental conference will have to tackle.

Ladies and gentlemen, the main event symbolizing the changed climate in Europe is certainly German unification. With a display of resolve and strong feeling unprecedented in our history, the Community supported and sustained the process of unification, expressing its entire solidarity with the German people and promptly approving the necessary legislation for the eastern territories to become part of the Community. In this action we were supported by our full awareness of the irreplaceable value, for any further progress towards European integration, of a firmly united Germany anchored in the Community and the ideals of its founding fathers. Although the Community was not directly involved as such in the negotiations on the external aspects of German unification, yet in line with its responsibilities in the international scene it played a fundamental role in the preparations for the CSCE Paris summit which solemnly consecrated the new structure of Europe. There is no doubt that in the search for a new system of balance, the Community managed to assert its potential thanks also to its improved relations with its traditional allies, the

United States and Canada. The declarations on Euro-American relations reflected our full ideological and strategic convergence of view with our transatlantic partners. The eastern front has been shaken by the upheavals of Gorbachev's *perestroika*. World public opinion expected the Community to give specific and concrete signs of political support for the reform process. In spite of the complexity of a situation in constant and therefore confused change, we managed to give this specific sign at the December European Council by indicating short, medium and long-term measures. We greatly hope that during these very tense times in the Baltic States, the Community's sense of responsibility will be matched by an approach based on the search for dialogue and renunciation of the use of force on the part of the Soviet authorities, in line with the spirit and letter of the Paris Charter. During this very difficult time for the Soviet Union we must in fact aim at fully achieving the expectations raised by the adoption of the Charter and enable the international community to continue its support activities. In this context, the EEC is following the course of events with some concern. We are convinced that the just demands of the Baltic States must be satisfied with a view to the harmonious development of the process of political, economic and social renewal initiated by President Gorbachev and which raised such hopes in the world.

Let me now point to our support for the reforms that have occurred or are under way in Central Europe. In this case too I will give only a few indications of our commitment, noting the proposals by the Group of 24 for financial aid in addition to that given by the international financial institutions, the emergency aid for Bulgaria and Romania and the proposals to set up a credit insurance system for exports to that area.

Prior to the Italian Presidency, there was some fear and anxiety in the less favoured countries that the Community would concentrate on the restructuring of the European continent and pay less attention to development questions. Some months later, in the wake of heated debates, we can say we have dissipated these concerns by our deeds. We are not yet ready to give one per cent of our gross product to development, an objective whose validity, for the future, is in our view incontestable. However, we have managed to achieve a more appropriate transfer of resources to the less advantaged countries. The Mediterranean financial protocols, approved in December, allocate an overall amount for 1992 to 1996 of 2,375 million ECU, to which will be added 2,030 million ECU in horizontal financial cooperation for regional projects relating mainly to the environment. Further trade concessions are planned and, at political level, we have opened a dialogue of which we expect developments in all areas with the Arab Maghreb Union, an organization which we welcomed in 1989 as an important factor of regional integration. The cooperation commitments towards Latin America and Asia for 1991-1995 amount to 2,750 million ECU. This was accompanied by further political dialogue with the Rio group, leading last December to the adoption of the Rome Declaration.<sup>1</sup> We have given support to the young Chilean democracy with a cooperative agreement, based on the Argentine model, that contains clauses on the democratic bases of cooperation and respect for human rights.

Still on external activity, let me note the normalization of relations with Iran and Syria, the establishment of diplomatic relations with Vietnam, the attenuation of the measures *vis-à-vis* China and the signs of greater openness towards South Africa. We have noted the applications for accession on the part of Cyprus and Malta, encouraged activities in relation to the accession of Austria and convened the Cooperation and Association Councils with Malta, Egypt, Algeria and Yugoslavia, while setting out special provisions for Belgrade. Mandates have been approved for the association agreements with Poland, Hungary and Czechoslovakia. We have attentively followed the distressing events in Albania. Still in Europe, we have defined the basic terms for the achievement in 1993 with the EFTA countries of the European economic area.

Any critical account must also mention the less satisfactory aspects. I am thinking primarily of the outcome of the Brussels Ministerial Conference and the Uruguay Round. The Community made every reasonable effort to achieve success, remaining cohesive and presenting agreed negotiating proposals. That is a source of some comfort to us, but it does not exempt us from the

need to make further attempts to unfreeze the negotiations. That needs the support of all, and not just of the Community, which plays a fairly important role in the negotiations as the main trading partner in the world, but also, and above all of the United States. It is Washington and the countries which share its approach that must be made to understand that some of the concessions asked for represent far more than a negotiating deal: they represent the renunciation of a major part of our agricultural traditions and a potential threat to the ecological and social balance of our countries.

Ladies and gentlemen, it has been said on several occasions that the great period of reforms opened as a result of two factors of different origins but convergent aims: the external factor, which I have just tried to outline, represented by a general redefinition of European and international relations; and the internal factor, resulting from the Single Act and based on the objective of completing the international market by 1993. The Community has managed to raise the banner of institutional reform. That does not seem a boast. Yet I cannot deny a sense of satisfaction about what has happened in the past year, which ended with the Italian term of Presidency.

If we think back to the Strasbourg European Council, we cannot deny that perplexity and doubts were expressed about our ability to live up to the commitments we undertook at the time, limited at that point to economic and monetary union. The plan to amend the Treaties on a wider scale, involving the institutional balance and the competences of the Community, was scarcely initiated and only some governments and political forces openly pursued it. Since then, in a surprisingly short time, we have managed to give substance to what was no more than an idealistic aspiration. Grasping the opportunity of the historical changes under way, we undertook a radical transformation of the Community which advanced it in concrete terms towards the objective of European Union.

The two cornerstones of that process were and are economic and monetary integration and political integration. We had also fixed a date to verify whether the conditions were right for a leap forward, in Rome, at the end of 1990. This date was fully respected, thanks not only to the Irish Presidency's tenacity and patience prior to the Italian Presidency, but also to the willingness and long-sightedness of the Member States, supported by the proposals of the Commission and the constant impetus given by the European Parliament. There certainly remain some considerable differences between the Member States about future developments, and the problems risk becoming more complex when it comes to moving from defining the principles to the actual structures. However, I am convinced that if we keep alive the ideological aims I perceived during the most recent European Council meetings, we will manage together to achieve very far-reaching aims that were inconceivable until little more than a year ago. On economic and monetary union, as I said here last November, we were right to prune the debate of any elements of controversy and define quite unequivocally the basic structure of the future system. This will be based on a convergent economic policy, on national budgetary reorganization, on economic and social cohesion and respect for the environment.

Monetary policy will be centralized in a newly to be created institution and will aim at price stability. The future adoption of a single currency, the ECU, will set a seal on the Community's desire for unity in this field too. There could not be a more eloquent symbol of the transition from the national to the supranational, common conduct of monetary policy. I said earlier that not all the signs are positive and that there remain old and new concerns. Realistically, however, we must remember that we are at the beginning of negotiations. Without wanting to prejudice the activities of the conference, I believe that all the observations made at various times deserve the utmost respect and attention. Yet we must stand firm in our resolve to respect the fundamental guidelines set out in Rome and conclude our activities rapidly, so that the ensuing institutional reforms enter into force at the same time as those on political union in 1993.

Ladies and gentlemen, the European Council devoted two sessions to the question of political union in order to point the way for the inter-governmental conference. At the end of intensive di-

plomatic and preparatory activity, we managed to define the terms of an agreement between the Twelve which would also match up to the ambitions of the inter-governmental conference and enable all the Member States to play a constructive part and ensure the entire credibility of the negotiating results. The greatest innovation brought about by the institutional reforms is the inclusion of foreign and security policy in the Community's activities. I shall not waste any more words on underlining the importance of this, for the circumstances and events I described in the introductory part of my statement amply show how strongly this need is felt and how essential it is to face up to it.

Although we have suggested a specific decision-making structure for Political Cooperation, its mechanisms clearly reflect the Community model. It is also worth pointing to the far-reaching nature of the guidelines we adopted on security and defence, especially if we remember the special sensitivities of some Member States and how close these matters are to the most intimate areas of national sovereignty.

Before concluding, I would like to dwell for a moment, here in this Parliament, on aspects relating to democratic legitimacy. First we must note that the European Parliament's fundamental role as guarantor of the democratic legitimacy of the union has been fully recognized, by unanimous consensus. This is shown by the agreement now reached on the extension of its powers in some major sectors, and on the reference to co-decision-making power, a power which Italy firmly supports, with regard to acts of a specifically legislative nature in the framework of a new definition of their typology and hierarchy. In the context of the undertakings given by the Presidency in this Chamber on 21 November last year, we may also note that the European Parliament will be closely involved in the activities of the inter-governmental conferences, during the preparatory stage of the inter-institutional conferences and other meetings, and at the final stage when it will be asked for its opinion on the outcome of the conferences.

An original and effective formula was also found for involving the national parliaments more closely in building Europe, without impinging on the European Parliament's role. I am thinking of the European assizes which we had the honour to host and which produced encouraging signs of the people's wish to advance along the road towards European union.

We are aware that these new procedures and this new political climate, although extremely important, especially compared to the precedent of the Single Act, will not bring an end to the debate on strengthening the democratic legitimacy and reinforcing the role of the European Parliament. There is still a long way to go. But you may be sure that Italy, as the Presidency yesterday, as a delegation today, was and will always be at your side and fully committed to the achievement of that role.

The Community also needs more wide-ranging and more incisive powers. We have suggested that matters which now come under inter-governmental cooperation should also be covered by the Treaty. It is also important for some sectors that already come under the Community texts to have a stronger legal basis and simplified decision-making procedures.

I am thinking above all of social policy, for here there is still strong resistance to its practical achievement, more than a year after the Strasbourg Charter. We have done all we can to promote social action. Let us frankly admit that the results did not always live up to the commitments made, certainly not because of any inertia on the part of the Presidency or the Community institutions, but because of the objective difficulties encountered. We remain convinced that we need not wait for the reform of the Treaties before embarking on a serious social policy. That is necessary and urgent today, and not only as a corollary to the single market but also as an autonomous Community strategy designed to widen the consensual basis in the interests of millions of citizens and workers.

Quite decisive progress has been made in other sectors: the internal market, taxation, financial services, technical harmonization, energy, telecommunications, health and research. The environ-

ment has been one of the most widely debated subjects, and with good results, especially as regards the Mediterranean. The transport sector has confirmed that this is a very complex area that needs further negotiation. We have also endeavoured to explore new roads, looking forward to future reforms in the field of culture, education, youth, civil protection and tourism. In the end we were faced in every area with different tasks, but we were always concerned to respect the timetables and adjusting to the necessary priorities.

Ladies and gentlemen, let me devote a final observation to the functions of the Presidency-in-Office. There has been and will be some discussion about the role of the Presidency in the context of political union: whether it will be strengthened, whether its term should be extended, and so on. It is our impression that a six-month term is right, partly because in a Community of Twelve, which will become even bigger in future, any other term would lead to a very slow rotation and take some of the impetus out of the Member States's activities. In the context of powers, much depends on the level of cooperation between the Presidency and the other partners and other institutions. The Community's outside image is certainly more clearly defined, especially now that our international activities are increasing and widening. Now that the Single Act has transformed Political Cooperation in practice into a legal commitment, it is essential for it to be fully implemented through the common efforts of the Member States. The success of the Presidency depends above all on the spirit of understanding and solidarity it finds among its partners and the Community institutions.

Today Italy gives thanks, through me, to all the Community institutions, to the European Parliament, to its President Barón Crespo, who has played his extremely delicate role with such sensitivity and intelligence. I give particularly warm thanks to the President of the Commission, Jacques Delors, for the enthusiastic support he has given to the Italian initiatives and for promoting the Community ideals. I am sure that the Luxembourg Presidency, to whom I wish every success along its difficult road, will enjoy the same climate of active cooperation. Italy will spare no effort to pursue the goals the European Council of Rome set the two inter-governmental conferences and to make all possible progress along the road to European integration.

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<sup>1</sup> EPC Bulletin, Doc. 90/474.

#### **91/024. Statement concerning the Programme of the Luxembourg Presidency [extracts only]**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Programme Speech to European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President of the European Parliament, Mr President of the Commission, ladies and gentlemen, two days ago I had an opportunity to take part in the European Parliament's debates on the war in the Gulf and the situation in the Baltic republics. I want to say how much I appreciated Honourable Members' contributions in those debates. In the address I am going to make now I shall be referring only incidentally to those issues. It is not that there is nothing more to say, far from it! We shall be discussing them on many more occasions during the months ahead. These events will make their influence felt to a greater or lesser extent and with variably lasting effect on all aspects of European policy and we are going to have to take them into account. I intend to do so in close liaison with the European Parliament. Nevertheless, the normal life of the Community goes on and we have many tasks ahead of us. It is these that I now wish to discuss.

Let me first of all thank the Italian Presidency for the energy and imagination with which it conducted the affairs of the Community over the last six months. With the gravity of the international situation and the scale of our internal problems, the Italian leadership, foremost among them my counterpart Gianni De Michelis, were able to show how able and committed they are.

I shall start with a quick checklist on the Community's state of health. What a long way we have come since I last made a speech presenting a programme to this Parliament, five and a half years ago! What progress has been made! The Community was then just emerging from a difficult period marked by economic stagnation and budgetary wrangling. In the prevailing gloom of Europessimism, the first premonitory signs of a revival were beginning to break through. This revival, when it came, surpassed all our hopes, thanks to the reforms of the Single Act and the impact made by the inspirational theme of the Single Market. Helped by strong economic growth and exceptionally dynamic investment, the Community succeeded in reversing the adverse trend on the labour market. Millions of new jobs were created. At the same time, it achieved the very successful integration of Spain and Portugal, two countries that brought in fresh enthusiasm and European commitment.

And how could I fail to mention the phenomenal upheaval that has taken place on the European continent? In less than a year the divisions inherited from the last war have been broken down. Europe has at last been restored to its natural unity. Human rights and democracy have taken a strong hold in Central and Eastern Europe, which is now looking with hope towards our Community. The fall of the Berlin Wall and German unification have put a definitive end to a particularly sorry chapter in European history, and the Community has been able speedily and naturally to absorb our German fellow-citizens living in the former GDR.

The checklist, you will agree, gives much cause for satisfaction. The European Community has shown stamina and imagination. Is this to say that all is for the best in the best of possible worlds? Of course not. To suggest otherwise would be presumptuous, dangerous and irresponsible. Presumptuous because the Community's gaps, both internal and external, are still too visible. Dangerous because history ordains that those who do not move forward must go backwards. Nothing can ever be taken for granted, whether democracy and freedom or economic prosperity. Our objective must be to make the Community the centre of stability and attraction that the new Europe needs. We must aim high and far. Anything less would be irresponsible.

It is therefore ordained that the Community must move forward. It must move on to the next stage in its development. It faces four major challenges as 1991 gets into its stride: completion of the Single Market and further development of sectoral policies; the creation of an economic and monetary union; transformation of the Community into a political union; and strengthening of its action and influence on the world stage. Together, these objectives add up to an extremely ambitious plan. As in 1985, the Luxembourg Presidency, with the active support of the Commission, will do its utmost to enable the European Community to make a success of this venture. The objectives I have mentioned are closely bound up with one another: a Single Market without a single currency and an economic and monetary union without a political union would be uncompleted structures, at best. And a union without a proper common policy on external affairs and security would be an economic giant, but lacking in resilience and with little credibility in the world.

The Luxembourg Presidency sees completion of the internal market as one of its major objectives. The irreversibility of this process has to provide firm foundations for economic and monetary union and political union. The deadline, 1 January 1993, is approaching very fast, especially bearing in mind the time needed for transposition of directives into national laws. This is therefore going to be a crucial year for meeting that deadline. The Luxembourg Presidency is aware of the amount of legislative work still to be done, which is going to take a joint effort over the months ahead by all the institutions concerned – Commission, Parliament and Council.[...]

The protection of the environment is increasingly vital to the very health of Europeans, not just their general well-being. It is important to get progress on the relevant directives, particularly

those on preventing water pollution and protecting natural habitats. We must also coordinate positive action by the Twelve in relation to top-level international conferences, notably the world conference on the environment and development to be held in 1992.

In agriculture, some very important matters are going to have to be addressed, and we know just how difficult they are going to be. I refer to the fixing of farm prices and certain related measures for 1991/1992, the relaunch of the Uruguay Round negotiations, in which agriculture is one of the most sensitive areas, and the accompanying measures designed to alleviate the impact of such reductions in support measures as are decided under the GATT.

We are expecting to make an early start on work in the Council, as soon as the Commission is able to bring forward the necessary proposals. Regarding the agriculture side of the Uruguay Round, we remain convinced that the Community must make a constructive contribution to the negotiations with a view to working out a balanced, gradual reduction in agricultural support measures. However, we are aware how difficult it is going to be for the farming world in the Community to bear further reductions in support, on top of the various restrictions adopted since 1984. We therefore have to make sure that the decisions taken do not compromise the future of European agriculture.

The single internal market is one of the foundations of the future European union, but not the only one. The two inter-governmental conferences launched in Rome on 14 December will make additions to the Community edifice. The conference on economic and monetary union has the task of taking the conclusions of successive European Council meetings – the one in Rome in particular – and carrying them over into the text of a revised treaty.

A promising start has now been made by the Ministers' personal representatives group, and we can take satisfaction from the knowledge that all countries concerned, without exception, are preparing to approach these discussions in an open and constructive spirit. That is not to say there is total agreement. While there are scarcely any differences on the final objective of an economic and monetary union founded on a monetary policy, a new European monetary institution and a coordinated Community economic policy, substantial questions on the precise content of this economic and monetary union have yet to be settled and there is far from total accord on how to go about reaching the final stage. The Presidency is nevertheless confident and thinks that the discussions ahead will bring a convergence of views. On the basis of all the proposals on the table, we shall try to gradually work out a text that would be acceptable to all Member States.

During the course of its work in connection with the two inter-governmental conferences, the Presidency will keep in close touch with the European Parliament, which will have every opportunity to put its point of view in the three types of meeting for which the European Council has made provision: the inter-institutional meetings, the regular gatherings of the President of the Commission, the President of the European Parliament and the chairmen of the conferences, and the hearings of the President of the European Parliament before the start of certain meetings of the ministerial-level conference. Also in accordance with the Rome Conclusions, both the conference on economic and monetary union and that on political union will take due account, throughout the proceedings, of opinions delivered by the European Parliament and the Commission under Article 236 of the Treaty.

In my introduction I referred to the close links between the various objectives pursued by the Community, and in particular between the external role it has to play and its internal capability for action. This link is very clear in the discussions on political union.

The preparatory work done under the Italian Presidency served to bring out the key themes of the conference. The ideas of the European Parliament, set out in a remarkable and very detailed opinion, provided input throughout the preparatory phase. I am sure they are going to be an invaluable source throughout the proceedings of the conference.



What are the aims of political union? I see them as fourfold. The Community has to be vested with competence in new areas. That is the first aim. This competence will not be exercised to useful effect unless the institutions and decision-making function efficiently. That is the second aim. The Community is founded on the principles of democracy and cannot disregard the question of democratic legitimacy. The third aim will therefore be to strengthen that legitimacy. The fourth and last aim, which has been thrown into sharp relief against the background of international crisis, is the development of a common external and security policy. In view of the international situation, I propose to discuss this last aim first.

The past few weeks have vividly illustrated the absolute need for the Community to develop such a policy. True, the Twelve have managed, on the essentials, to maintain their unity in the Gulf crisis. They succeeded in putting together an initiative aimed at a peaceful solution in the framework of the United Nations resolutions, but the Community has not carried real weight. To be worthy of the name, a European policy needs to stem from a comprehensive and coherent world view and to be backed up by the necessary resources for taking decisions and giving them effect. In a world where the geo-political balances inherited from the Second World War have – happily, in my view – collapsed, the European Community must establish a stronger presence so as to contribute actively to the establishment of a peaceful order founded on cooperation and the rule of law. To do that, it must pay increasing attention to security and, eventually, defence. The commitments and special ties by which the majority of Community Member States have bound themselves within the Atlantic Alliance must of course stand.

I have no wish to prejudge the outcome of the conference. But it seems clear to me that none of the traditional components of foreign policy must be excluded, a priori, from our Community's external and security policy. The separation between Political Cooperation and the Community sphere has become archaic and is destined to disappear. At the same time, the Commission's role in this area is going to be strengthened. In keeping with the profoundly democratic orientation of Community Europe, the development of a fully-fledged external policy must be accompanied by an increased role for the European Parliament in the definition and execution of that policy.

The effectiveness of external policy action will be all the greater if realistic and real internal reform is carried out. I hasten to add that while this reform needs to be ambitious, it must not upset an institutional balance that has demonstrated its worth. There are many problems that can be dealt with more efficiently and economically at Community level. Why forgo the added element that the Community can contribute through joint action? Transferring competence does not mean losing competence. Wisely used, the transfer of sovereignty brings a gain, not a loss. This is where the subsidiarity principle, on which Parliament has produced a very useful report, has to come into play. Where tasks can be carried out better at national level, it would be counterproductive to insist on transferring them to the Community. We know from history that excessive centralization leads to inefficiency and tension. Under no circumstances must Europe's diversity, from which it derives richness and quality of life, be blurred or even obliterated by indiscriminate harmonization and extreme centralization.

I mentioned efficiency as the second aim. The primary means of achieving this is to extend the scope of voting by qualified majority. Should not this be made the general rule, apart from a very limited number of exceptions that could be allowed to subsist? Still on the subject of efficiency, thought is going to have to be given to a stronger role for the Commission in relation to enforcement, fuller compliance with the Court's judgments or, to quote another example, closer control by the Court of Auditors and the European Parliament over execution of the budget.

This brings me finally to an aim that is close to the hearts of all democrats: the strengthening of democratic legitimacy. In Rome the European Council referred a number of points to the conference for examination. These included extension and improvement of the cooperation procedure, extension of the parliamentary assent procedure, and involvement of the European Parliament in

appointment of the Member and President of the Commission. The conference was also invited to consider the development of co-decision procedures for legislative acts. The Presidency will not duck any of these issues.

There you have the ingredients of the menu that it is our job to prepare. This exercise follows on directly from the Single European Act and is fully in line with the philosophy underlying it. Is it lacking in ambition? I do not think so. The Single Act, as you will agree, breathed fresh life into the Community. At the time, the pessimists complained that the reform did not go far enough. Since then, it has been universally recognized as a great success for the Community. If it is to keep moving forward, Europe needs dreams. Our job in the Presidency is to make a marriage of the ideal and the possible, always remembering that the best is the enemy of the good.

In the present circumstances, bearing in mind how long ratification procedures take in the various Member States, the time factor is very important. A constitutional review cannot drag on for years. The Presidency is aiming at the earliest possible conclusion of both inter-governmental conferences, by summer this year if that can be achieved. The Presidency will be doing all it can towards that end, although it realizes that the Community, like a living organism, will continue to develop over the years, meeting the new challenges awaiting it.

Looking to external affairs, the European Community must keep up with the accelerating pace of history and perform the role that is to be expected, that the world expects, of a Community which has a population of 340 million and is the biggest trading power in the world. This, as we have seen, is to be one of the major themes of the inter-governmental conference on political union.

A strengthened multilateral trade system, founded on common rules and disciplines accepted by all and extending to new branches of activity, is absolutely essential to [the] development of trade and the world economy. The slower growth of our economies and the Gulf war heighten the risk of recourse to protectionism. We therefore have more reason than ever to cleave to the objectives clearly established at Punta del Este. Only a comprehensive approach, based on balanced concessions by all participants, can bring the Uruguay Round to a successful conclusion. This approach was reaffirmed by the European Council in Rome. The Presidency will be giving its fullest support to the effort currently being made by the Commission to reach a balanced overall agreement as soon as possible. The Council will therefore be keeping this on the agendas for its various meetings.

Relations with the EFTA countries are on the point of entering a new phase. The Community and EFTA share the same fundamental values, both political and economic. That is reflected in the objective of establishing a European economic area. Jointly creating a genuine large market of 380 million inhabitants is an ambitious and necessary task. It is also in the interests of stability on the European continent. For some EFTA members, the European economic area is a stage towards a more distant goal, for others, it is the goal. In both cases, these negotiations are laying down important markers for the future architecture of Europe. A great deal is therefore at stake.

The meeting of 19 EEC and EFTA Ministers held on 19 December 1990 in Brussels took stock of the negotiations and produced some initial answers. I am confident that the commitment to completing these negotiations by the summer given by the Community and EFTA Ministers on 19 December can be kept. The Presidency will be doing everything to ensure that it is. This will be a test of the Community's credibility and ability to get things done.

The credibility of the Community is also on trial in its relations with the countries of Central and Eastern Europe. These countries have emerged from a long and painful torpor, and the courageous reforms they have embarked upon must succeed. That is in our interest, of course, but there is also a moral obligation here. The Community cannot solve these countries' problems for them, but it must help them to do so.

The Community, it has to be acknowledged, has reacted speedily to the difficulties that have arisen in the various countries concerned. Where immediate, pressing problems have come to light, it has responded. At the same time it has played a preponderant role through the PHARE programme. With the extension of this programme to Romania in the next few days, it will cover all the countries of Central and Eastern Europe. The Community has also concluded trade and co-operation agreements with all these countries. Now we have to go further and offer our European partners prospects that are more ambitious and extend beyond the short term. That is the logic behind the negotiations on European association agreements with Hungary, Poland and Czechoslovakia. These negotiations, which should lead to closer cooperation and the establishment of political dialogue, are being given high priority by the Luxembourg Presidency. I think the agreements ought to be signed by the end of June. In the meantime, we are going to have to taken a decision on extending this association policy to Bulgaria, Romania and Yugoslavia.

The Soviet Union is of course a case apart. The Community has so far fully supported the reforms undertaken by President Gorbachev. There is encouragement to be taken from *perestroika*, and the Community hopes that this continues. It has given proof of its determination to help the Soviet Union on its path to reform. In Rome the European Council defined a major programme of cooperation over the short and medium terms. The actual implementation of this programme will of course be conditioned by developments in the situation in the Soviet Union. This fundamental reservation applies to everything I have to say.

For the short term, the decisions on food aid in the form of free supplies or loan guarantees will be taken as soon as Parliament has delivered its opinion, for which the urgent procedure has been requested. As to the medium-to-long term, we await the Commission's proposals on cooperation in the energy, telecommunications, transport and agri-foodstuffs sectors. The Commission is continuing, although at a slower pace in view of the turn taken by events, its discussions with the Soviet Union aimed at the conclusion of a wide-ranging agreement comprising a political dialogue and all aspects of closer economic cooperation, and cooperation in the cultural sphere as well. This idea has received a positive response from the Soviet Union and we sincerely hope political events there will allow it to come to fruition.

Keeping control over the global issues – the maintenance of peace, respect for human rights, stabilization of international trade, improving the economic lot of developing countries, or protection of the environment – presupposes sustained and fruitful dialogue in transatlantic relations. Following the recent declarations on relations between the European Community on the one hand and the United States and Canada on the other, we now have an excellent framework for this dialogue and cooperation. The Luxembourg Presidency intends to continue and indeed intensify this dialogue over the weeks and months ahead. Recent events in the world amply demonstrate how necessary it is.

It is undeniably right that these developments should be mirrored in our relations with that ever more important player on the international stage, Japan. In an increasingly multipolar world, there is a need for intensified dialogue between Japan and Europe, on both political and economic issues.

I consider it just as vital to reassure our partners in the South of the Community's firm resolve not to allow its attention to be distracted from the sometimes tragic situation in the developing countries. We must tell them repeatedly, with all the persuasiveness at our command, that the Community is going to keep faith with its heritage and its fundamental options, maintaining and deepening its substantial, balanced relations with all its partners in the South. The conclusion of the fourth Lomé Convention, the adoption of new strategies for cooperation with countries in Asia and Latin America, and the definition of a remodelled Mediterranean policy are all pointers to the scale and continuity of the Community's commitment to this area of policy. In the course of the

Community's political and economic dialogue with its partners, the Seventh Meeting with the Central American Countries is to be held in Managua on 18 and 19 March. In line with the Declaration issued in Rome last December,<sup>1</sup> the first Ministerial Meeting with the eleven countries of the Rio Group will be held in Luxembourg on 25 and 26 April. The Presidency hopes to make the earliest possible start on negotiations with Paraguay, the only country in Latin America which does not yet have a cooperation agreement with the Community.

Closer relations with the ASEAN countries will be the aim of the political and economic Ministerial Meeting that is to be held in Luxembourg in May. The Presidency will lose no opportunity to put across the fundamental message that, more than ever before, Europe is alive to the needs of the developing countries, with which it has had close relations for many many years.

I also wish to mention a topic that is perhaps more urgent than any other: the situation in the Mediterranean and the Arab world. The Mediterranean has always been a region of interchange – of men and ideas, of goods and cultural traditions – but today we see that, despite its many advantages, it has become characteristically a region of tension. The many fissures – structural, political, socio-economic, ethnic, religious and cultural – criss-cross and deepen one another, resulting in violent and destabilizing confrontations. Conscious of the responsibilities that a shared history and a substantial political and economic presence have put on its shoulders, the Community plans to play an active and constructive part in working out viable solutions to the region's dire problems.

Looking at the political aspect, we are convinced the Community can make a contribution on the basis of experience gained in Europe with the CSCE. Disarmament and *détente*, accompanied by the essential confidence-building measures, economic cooperation and promotion of human rights and fundamental freedoms are all building blocks for the construction of a more just and peaceful order in the region, especially looking towards the post-war period in the Gulf. On the economic side, the adoption under the Italian Presidency of a remodelled Mediterranean policy, with ambitious aims and resources to match, is evidence of the very special attention the Community pays to the region. The Luxembourg Presidency will be unstinting in its efforts to set up this new Mediterranean policy, which demonstrably enhances its policy on this neighbouring region and will be an invaluable complement to the Euro-Arab dialogue. The ideas that President Delors set out before the House on 14 December will provide us with guidance as to the various initiatives to be envisaged in the context of a region which, whatever happens, is going to emerge from this dreadful war deeply traumatized and shaken to its roots. Let the States and populations in the region rest assured that, in these difficult times, the Community will always be on hand and ready to make a positive contribution to solving their problems.

Mr President, my intention has been to present you with as comprehensive a review as possible. If I have tried your patience with this enumeration of the problems facing us, I apologize. The programme that I have had the honour to set before you is one which is valid in time of peace. It is my fervent hope that the grave events of recent days are not going to force us to make substantial changes. If that should prove to be the case, the Presidency, with the help of the Commission, with the help of Parliament, is ready to take on the additional work.

Allow me finally to underline an obvious fact that had been obscured for too long, but has been cruelly exposed these past few weeks. The Community has arrangements for Political Cooperation which are efficient and functional, but so far it has no common foreign policy. The time has now come for it to make this vital qualitative leap forward. Control over its destiny depends on it.

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<sup>1</sup> EPC Bulletin, Doc. 90/474.

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**91/025. Question No H-1205/90/rev. by Mr Nianias concerning the role of the European Community in security**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What is the position of the Foreign Ministers meeting in European political cooperation on:

The massive armament of Turkey envisaged in NATO circles, when the EC, as part of the CSCE, is in favour of disarmament in Europe, and when at least two Community Member States (Italy and Spain) are proposing an expansion of the CSCE in the Mediterranean, and on the recent nuclear cooperation agreement between Turkey and Argentina, which is expected to allow Turkey to build up a whole nuclear arsenal within a short space of time, which will constitute a permanent threat to peace in the Mediterranean?

*Answer:*

The Community's position on non-proliferation of nuclear weapons was set out very clearly by the Dublin European Council in its Declaration of 26 June 1990.<sup>1</sup> The specific points raised in the question were not dealt with within the framework of European political cooperation.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/268.

**91/026. Question No H-1209/90 by Mr Melandri concerning sanctions policy against South Africa**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

It is now known that, within a few months, European political cooperation is to review its policy of EEC sanctions against South Africa and the De Klerk Government. Recent international decisions on this subject include the adoption by the UN General Assembly of a resolution of 17 September 1990 calling on the international community to maintain sanctions against South Africa until there is clear proof of irreversible change in that country.

Does European political cooperation not consider that, despite the important changes that have occurred in South Africa, sanctions against Pretoria should nevertheless be maintained, given that only the adoption of a law which applies the principle of 'one man, one vote' can bring about the 'irreversible change' which is needed before the sanctions policy can be reviewed?

*Answer:*

The Presidency wishes first to reiterate that the total abolition of apartheid and the creation of a united, non-racial and democratic South Africa are still the policy goals of the Community and its Member States where that country is concerned.

In this context and in the light of the important changes which have already taken place in South Africa, and to which the honourable Member referred in his question, on 15 December 1990 the Rome European Council adopted a series of decisions aimed at giving effective encourage-

ment to pursuing a process of irreversible change in the direction envisaged by the Strasbourg European Council.<sup>1</sup>

The European Council therefore decided that, as soon as legal steps were taken by the South African Government to rescind the Group Areas Act and Land Acts, the Community and its Member States would begin to relax the measures adopted in 1986.

To the same end and with a view to helping combat unemployment and improving the economic and social situation in South Africa, the Rome European Council decided to rescind the ban on new investments.

At the same time, the Community and its Member States agreed to step up the programme of positive measures and to bring it into line with the needs of the new situation – including the return and resettlement of exiles – thereby sending a clear message of political support for the victims of apartheid and reaffirming its determination to contribute to the achievement of a new economic and social balance in South Africa.

As I stated at the beginning, the Community and its Member States hope thereby to help speed up the process already taking place by sending a clear message of support for the creation of a new, united, non-racial and democratic South Africa, capable of taking its rightful place in the international community.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/472.

#### **91/027. Question No H-1234/90 by Mr Arbeloa Muru concerning sanctions against Turkey and Israel**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What are the legal and political reasons behind the failure on the part of the Twelve to apply any sanctions against the Republic of Turkey for its occupation of part of Cyprus and against the State of Israel for its continued presence in the Occupied Territories of Gaza, the West Bank and East Jerusalem?

#### **Answer:**

As the honourable Member is well aware, the positions of the Community and its Member States on Cyprus and the Israeli Occupied Territories are based on the full implementation of the relevant resolutions of the United Nations Security Council. These positions have been put forward and upheld repeatedly and consistently.

The honourable Member is invited to consult the Rome European Council's statement of 15 December 1990<sup>1</sup> on the Middle East and, in the case of Cyprus, the European Council's statement of 26 June<sup>2</sup> and the speech by the presidency on behalf of the Twelve to the United Nations General Assembly on 25 September 1990.<sup>3</sup>

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<sup>1</sup> *EPC Bulletin*, Doc. 90/470.

<sup>2</sup> *EPC Bulletin*, Doc. 90/265.

<sup>3</sup> *EPC Bulletin*, Doc. 90/337.

**91/028. Question No H-1259/90/rev. by Ms Dury concerning the resurgence of anti-semitism during the Polish election campaign**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

According to press reports, the Presidential election campaign in Poland has been marked by anti-semitic words and attitudes on the part of the candidates. Has EPC considered this phenomenon and, if so, what conclusions does it draw for the future of relations between the Community and Poland?

*Answer:*

The Community and its Member States are following closely the development of the democratization process in Poland. However, the specific point raised by the honourable Member has not been considered within the context of European political cooperation.

**91/029. Question No H-1286/90 by Mr Kostopoulos concerning the systematic dehellenization and extirpation of Greek Orthodox Christians on the islands of Imvros and Tenedos**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

There has been almost total dehellenization of the islands of Imvros and Tenedos, which were granted a system of home rule by Article 14 of the Treaty of Lausanne in 1923. In 1922 there were 6,662 Greek Orthodox Christians living on Imvros, whereas today there are barely 350, and of the 2,500 Greek Orthodox Christians living in Tenedos in 1922, today only 140 remain. Does EPC intend to take any measures, and if so which ones, against Turkey to stop its annihilation and persecution of the remaining Greek Orthodox population, which are now continuing under the pretext of reorganizing the local public land register, but with the manifest aim of depriving the Greek population of its property?

*Answer:*

As was pointed out in the answers to Questions H-1147/90, by Mr Kostopoulos, H-1269/90, by Mr Roumeliotis and H-1270/90, by Mr Pagoropoulos, the Community and its Member States are closely monitoring the human rights situation, including the rights and the protection of minorities, in Turkey. The authorities in Ankara are aware of the importance which the Community and its Member States attach to strict respect for constitutional rights and for all the commitments which Turkey freely undertook when it signed the Treaty of Lausanne (Articles 14 and 37 to 45), and to the international conventions on human rights.

**91/030. Questions No H-1288/90 by Mr Newens, H-1289/90 by Mr Alec Smith, H-1290/90 by Mr Barton, H-1291/90 by Mr Brian Simpson, H-1292/90 by Mr Hoon, and H-1297/90 by Mr Hughes concerning human rights and executions in Iran**

Date of issue: 23 January 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Answer to Oral Question in the European Parliament

*Question No H-1288/90:*

According to the state-run Iranian press, 116 people were executed in Iran between 20 October and 20 November 1990. Has European political cooperation made any protest in relation to these executions?

*Question No H-1289/90:*

Two Mojaheddin political prisoners, named as Ms Brazendeh and Ms Mousa Taghavi-Yeganeh, who were already serving prison sentences, have been executed in the City of Gashsaran in south western Iran. Will European political cooperation protest at these executions?

*Question No H-1290/90:*

Has European political cooperation made any protest at the mounting number of executions in Iran which, according to the Rafsanjani regime's own official announcements, totalled 550 by mid-November during 1990 alone?

*Question No H-1291/90:*

During the week 11-17 November 1990, the Iranian press officially reported 18 public executions in six Iranian cities including the cities of Rasht, Kerman and Ahwaz. When will the European political cooperation condemn the mounting toll of executions in Iran?

*Question No H-1292/90:*

Will European political cooperation investigate the recent torture and execution of a political prisoner, Massaud Keshavarz, in Iran who was arrested in the northern City of Rasht in 1981 and imprisoned for 9 years before his execution?

*Question No H-1297/90:*

On 19 November 1990, Galindo Pohl, UN Special Representative, published an interim report critical of human rights abuses in Iran based on evidence he gathered during his mission to Iran during October. Have European political cooperation considered that report?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* I should like to try to give a grouped reply to the numerous questions concerning the human rights situation in Iran.

There is no need to stress that the Community and its Member States continue to [be] concerned at this situation, and in particular at the continuation and number of executions in Iran.



They have launched several urgent appeals to the Iranian authorities, requesting them to respect the rules generally recognized by the international community, having constantly – I am going to stress this point – supported the resolutions adopted since 1985 by the United Nations General Assembly on this question. The Twelve have noted that their efforts, together with those of other countries, have led to certain results. *Inter alia*, they have noted in this context the readiness of the Iranian authorities to collaborate with the Commission on Human Rights. The Special Representative, Mr Galindo Pohl, was thus able to visit Iran on two occasions to examine the human rights situation on the spot.

The Twelve very recently coordinated their position at the United Nations on the human rights situation in Iran, with a view to the discussion in the Third Committee of the General Assembly. A resolution on the subject, co-sponsored by all the Member States of the Community, was adopted by consensus on 4 December 1990. That resolution notes with concern the conclusions of the United Nations Special Representative, Mr Galindo Pohl, and urges the Iranian Government to investigate in order to remedy the violations reported by the Special Representative.

The Twelve miss no opportunity of raising this question or of approaching the relevant authorities wherever such approaches might be in the interests of the persons concerned; or if they consider that their intervention may have the desired effect.

*Mr Hoon (S):* I thank the President-in-Office for a very complete answer. I should like to ask him to undertake on behalf of the Community that the Community, in its future relations with Iran, will not repeat the mistakes it made in the past as far as Saddam Hussein's regime in Iraq was concerned. In particular, will he guarantee that our relationship with Iran is based not on Iran's perceived attitude towards Iraq but on a very clear commitment to maintain and uphold internationally recognized standards of human rights?

*Mr Wohlfart:* I think I can satisfy the honourable Member by telling him that it is expected that the European Community and its Member States will be proposing the extension of the terms of reference of the Special Representative, Mr Galindo Pohl, at Geneva; and that it is also proposed to appoint a special rapporteur on Iran in the Commission on Human Rights.

*Mr Hughes (S):* I too was pleased with the President-in-Office's answer. Not too long ago the Khomeini regime in Iran was condemned roundly by the world community for its appalling human rights record while Saddam Hussein was nurtured as an ally in the region. Now it is becoming clear that the Rafsanjani regime in Iran is guilty of equally appalling human rights abuses. But until recently the world community was remaining silent on the issue. I am pleased, therefore, to hear the Minister's comments today.

Is he aware – he does not seem to be from the answer he has given – that there was great concern over the rigid restrictions placed on Galindo Pohl during his visit last October to Iran? The terms of reference of his visit were strictly determined by the Iranians. He was not allowed to visit the prisons he wished or meet the people he wished to meet. Will the Council of Ministers make representations on that point? Will they monitor these abuses in Iran and make sure that they respond on a regular basis in relation to the abuses that are being committed there?

*Mr Wohlfart:* The Council is aware of the difficulties that the Special Representative, Mr Galindo Pohl, undoubtedly encountered in the field, and I think this means that we are aware of the need to read between the lines of his report.

*Mr Arbeloa Muru (S):* In the question by Mr Newens it is stated that in the space of two months 116 persons were executed in Iran, evidence of monstrous violence which may lead to aberrations of the type that, as my colleagues have already pointed out, have taken place in Iraq. This is an international public danger.

How, then, can we set an example to countries which order things in this way, if our own constitutions and legislation still provide for the death penalty, which has not been abolished? When are the Ministers, the Council and Political Cooperation finally going to put an end to the shame of the death penalty in our own countries?

*Mr Wohlfart:* I think that the whole range of problems that have just been raised by Members in their principal and supplementary questions deserve our full attention. This is a very serious problem. As I have just been reminded, we are talking of the execution, in a relatively short space of time, of 116 persons; and I think I can again repeat that the Community has launched several urgent appeals to the Iranian authorities, calling upon them to respect the rules generally accepted by the international community. I also consider that, even if the situation has perhaps changed, that is no reason for us to relax our efforts.

*Mr Cooney (PPE):* Could I ask the President-in-Office if, arising from his replies, he would ensure that in the contact between the Council and the Iranian authorities, it is indicated that the continuing persecution of the Bahai community is unacceptable and should cease.

*Mr Wohlfart:* I think I can reply in the affirmative.

**91/031. Questions No H-1293/90 by Mr Cassidy, H-1294/90 by Mr McMillan-Scott, and H-1303/90 by Mr Simpson concerning human rights in Romania**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-1293/90:*

In its issue No 363, Keston College News Service reports that only three out of the 2000 Eastern-rite Catholic Churches confiscated by the Romanian Communist authorities in 1948 have been returned. At that time, the estimated number of Eastern-rite Christians was 2 million, people now obliged to worship in the open air. Will EPC insist that there is no Community relationship with the Iliescu regime until human freedoms, including freedom of religious practice, are manifestly respected?

*Question No H-1294/90:*

Reports indicate that the National Salvation Front is organizing show trials for the writer Andras Sutö, who lost an eye in March 1990 as a result of violence by Romanian Open Hearth activists, and for Bishop Laszlo Tökes, whose resistance started the revolution against Ceaucescu. The Catholic Bishop of Alba Julia, Mgr. Balint, has been excluded by the Romanian Ministry of Cultural Affairs from round table discussions on relations with the Churches.

Machinery and paper for an independent press cannot be imported, hobbling a free press. Will European political cooperation mandate the Commission to suspend the Cooperation Agreement if the Romanian authorities do not establish themselves as a state based on the rule of law, human rights and pluralism?

*Question No H-1303/90:*

Is European political cooperation aware that the Romanian authorities are refusing to establish human rights for all the peoples of Romania, exemplified by the refusal to authorize the reopening of the Bolyai University for ethnic Hungarians, an institution of great academic distinction in times past?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* Madam President, I think we are dealing here with several questions which partially overlap. Allow me, then, to reply to the group of questions H-1293/90, 1294/90 and 1303/90, which deal, as I have just said, with the same subject.

Although numerous and substantial reforms still await implementation in Romania, the country can, as of now, report progress in the field of human rights and other aspects of democratization. Indeed, according to the reports from our heads of mission in Bucharest, the Romanian Government is pursuing its efforts in a direction which has been described as desirable. However, the Community and its Member States continue to use the resources of political dialogue as well [as] the traditional diplomatic channels to make known their attachment to the application of the principles of the CSCE as defined recently in the Paris Charter for a New Europe. Freedom of the press is one of those principles.

With regard to national and religious minorities, this document affirms that these questions can only be resolved in a democratic political framework, and that the rights of persons belonging to those minorities must be fully respected, inasmuch as they are a part of universal human rights. With regard to the trade and cooperation agreement between the Community and Romania, it is important to note that conclusion of the agreement remains subject to the opinion of the European Parliament. The specific point raised by Mr Simpson has not yet been tackled in the framework of European political cooperation.

*Mr McMillan-Scott (ED):* I thank the President-in-Office for the replies to these questions and could I point out to the Chair that I was asked by my colleagues Mr Cassidy and Mr Simpson to be present here so that that grouped answer could be taken by myself.

This unhappy country is coming out of a very deep shadow, and I would remind the House and the Presidency that Romania signed the UN Convention on Civil and Political Rights in 1974 and various other UN declarations as well as the Helsinki Final Act and the Vienna follow-up text of 1989. However, the fact is that the human rights violations continue. I would like to ask the Presidency whether it supports Parliament's continued refusal to grant an opinion on the trade and cooperation agreement with Romania while the press is not free, while the judiciary remains subject to tight political control, while the National Assembly is very much the plaything of one political party and while, above all – as these questions demonstrate – religious freedom in Romania simply does not exist and, in particular, in the light of the very sad case of Pastor Laszlo Tökes as referred to in my question?

*Mr Wohlfart:* I am delighted to provide the honourable Member with additional information. I recognize that the European Parliament's opinion is being withheld for reasons of which we are well aware. However, I should like, if you will permit me, to speak to you briefly of a working visit I myself made about two months ago. On that occasion I met some opposition journalists. I also spoke to the famous parliamentary committee of inquiry into the distressing events of last June. As you know, we are still awaiting the report which is clearly to establish responsibility for those distressing confrontations. You also know that the launching of various programmes and also the extension of the PHARE programme to Romania are contingent, *inter alia*, on the publication of that report.

I shall not conceal from you that the members of the opposition gave me clearly to understand that, in this context, there would be a majority report and a minority report – which, I think, will come as a surprise to no one. But I should also like to say this: all the members of that opposition, the representatives of the minorities, the representatives of political tendencies other than the party in power, the opposition journalists, asked us to do everything we could to help Romania. Everyone, including the opposition, says that without our technical aid in the framework of the trade and cooperation agreement and of the G24 PHARE programme, it will be very, very difficult for the Romanian people to get by.

*Mr Habsburg (PPE):* We discovered on a previous occasion in the Committee on Budgetary Control that the Community aid for children was partly being distributed by the army. That would really be making the poacher turn gamekeeper. Now action is being taken to ensure that this is stopped or at least monitored so that if the army has something it really does get through to the children.

*Mr Wohlfart:* I share the concerns just expressed by the honourable Member, Mr Habsburg. I can tell him that I have also had contacts with the director of the committee responsible for distribution of aid to the orphanages and care centres. I think that for the moment we have guarantees, given that the distribution is taking place through internationally recognized NGOs such as Médecins Sans Frontières.

In conclusion, I should like to add that the Luxembourg Government also intends, through international organizations like Médecins Sans Frontières and others, to ensure that the aid granted actually reaches the poorest and those whose need is greatest.

*Mr Wijnsbeek (LDR):* Madam President, may I ask the President of the Council if he is aware of the pernicious effects of halting aid to Romania in general? For example, the reconstitution of the Bucharest University Library has been halted because funds from the Community have, very rightly, been suspended since the intervention by the miners. However, those who certainly have nothing to do with the action by the miners are suffering its consequences.

I should also like to know whether the Council would be ready to grant residence permits to a few Romanians who have justifiable reasons for leaving the country?

*Mr Wohlfart:* I should like to return to the question of the publication of the committee's report. I think we are now entitled to insist that the parliamentary committee of inquiry make a move. It must produce this famous report that everyone is waiting for.

On the question you have just raised, whether trainees may be allowed to visit our countries on short courses, I can only tell you, with regard to my own country and others, that this possibility exists at bilateral level. I think it will be possible to resolve this question in the framework of the trade and cooperation agreement, and that we shall do what is necessary to satisfy you.

*Mr Ramírez Heredia (S):* I have been watching time fly, and thinking that I would not have a chance to put this question, which is the reason for my presence in the Assembly now. For the fact is, Mr President-in-Office, in connection with Mr Simpson's question, that if there is any minority that is ill-treated and ill-served in Romania, it is undoubtedly the Gypsy minority. Some 3 million Gypsies live in Romania, and, according to the reports I have here with me, which were provided by the International Romany Union, many of the Romanian Gypsies are deprived of the most basic necessities, and have neither bread, clothing nor a roof over their heads. Gypsy invalids and children have no social protection, and are abandoned to their fate. I simply wanted to read out to you word for word the accounts transcribed for me by the members of the International Romany Union. And there is something much more serious: more than 152 families in the Romanian towns

of Cosamoda and Cogasiliano have been victims of violent assaults by Romanian youths and by the neo-nazis who are also to be found, who have set fire to their homes.

Mr President, is the Council of Ministers aware of this situation? Because if it is not, I shall be putting a specific question on the matter at the next part-session.

*Mr Wohlfart:* I think I can fully share the concerns just expressed by the honourable Member with regard to a particular minority – the Gypsies, I believe. Firstly, where questions of national minorities are concerned, the Paris Charter is the framework in which these distressing problems must be resolved. Secondly, the question you have raised has not yet been tackled by European political cooperation. But I think I can assure you that this will be one of the Presidency's areas of concern.

**91/032. Question No H-1295/90 by Mr De Rossa concerning EC nationals imprisoned in Iraq and Kuwait**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will EPC state what action has been taken to safeguard the interests of EC nationals imprisoned or facing charges in Iraq and Kuwait, and will it comment in particular on the case of Brian Duffy of County Down, Ireland?

*Answer:*

Since the beginning of the Gulf crisis, the Community and its Member States have acted in concert and with determination to defend the interests of their nationals in Iraq and Kuwait. They believe that their action contributed to the decision to allow foreign hostages to leave.

The specific case referred to by the honourable Member has not been raised in the EPC, but the country directly concerned followed developments in the case very closely. At this juncture, EPC can confirm that the person in question has been released.

**91/033. Question No H-1329/90 by Ms Banotti concerning Cambodia**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Could EPC inform the House about its present position with regard to the awful situation in Kampuchea, the UN plan for an interim administration in Kampuchea and the possibility of further EC aid for this beleaguered country?

*Answer:*

The Community and its Member States reaffirm their support for the efforts of the five permanent members of the United Nations Security Council and the Co-Presidents of the Paris Conference to find an overall political solution to the Kampuchean conflict.

They fully support the documents drawn up by the five permanent members and Indonesia in Paris on 26 November 1990.

They welcome the outcome of the meeting between the Co-Presidents of the Paris Conference and the twelve members of the Kampuchean Supreme National Council on 23 December 1990 and express the hope that all parties in Kampuchea will give their full support to all the provisions which these documents envisage as rapidly as possible.

They express the hope that the Supreme National Council will also be able to play its part, particularly by representing Kampuchea in the United Nations, the specialized UN agencies and other international institutions.

The Community and its Member States support the appeal made in Paris on 23 December 1990 by the two Co-Presidents after their meeting with the members of the Kampuchean Supreme National Council, to the Kampuchean parties to exercise maximum restraint on battle field.

The Community and its Member States are continuing to provide humanitarian aid to the people of Kampuchea. They reaffirm their willingness to contribute to the reconstruction and development of Kampuchea once a political solution to the Kampuchean conflict has been found.

**91/034. Question No H-1335/90 by Mr Balfe concerning the violation of human rights in Greece**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Are the Foreign Ministers aware of the recent Helsinki Watch report 'Destroying Ethnic Identity: the Turks of Greece?' Are the Foreign Ministers prepared to draw the attention of the Greek Government to this report and ask the Greek Government to address itself to the well-documented abuses of human rights set out in the report?

*Answer:*

The question raised by the honourable Member does not fall within the framework of European political cooperation.

**91/035. Question No H-1347/90 by Mr Ephremidis concerning statements on Cyprus**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Speaking at a press conference on 19 December 1990 Mr de Michelis, President-in-Office of the Council of Foreign Ministers, told journalists that the European Community, Greece, Turkey and Cyprus should meet to find a solution to the problem of Cyprus and specified that a settlement must be based on the relevant UN resolutions.

What specific initiatives have been taken in this direction?

*Answer:*

The Community and its Member States have reaffirmed on several occasions their support for the unity, independence, sovereignty and territorial integrity of Cyprus, in line with the relevant UN resolutions.

In view of the impasse which has been reached in the intercommunity dialogue, the Community and its Member States have stressed the need to resume the dialogue on the basis of the United Nations Secretary-General's goodwill mission, confirmed by Security Council Resolution 649/90.

This position was set out in a new declaration at the Dublin European Council on 26 June 1990<sup>1</sup> and repeated in the speech by the Presidency on behalf of the Community and its Member States at the 45th Session of the United Nations General Assembly in September 1990.<sup>2</sup>

<sup>1</sup> *EPC Bulletin*, Doc. 90/265.

<sup>2</sup> *EPC Bulletin*, Doc. 90/337.

**91/036. Question No H-1352/90 by Mr Bandres Molet concerning the release of a Galician sailor imprisoned in Iran**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Jesès Manuel Rosales, a captain of the Spanish merchant navy, has been imprisoned in Iran for more than 19 months, and has been fined 7 million dollars by the authorities of the Islamic Republic of Iran under civil liability law, in respect of harm incurred by third parties for which he is deemed responsible and which occurred on board the vessel MINAB-4, owned by the Iranian state oil company.

At the trial, which took place in the presence of an Islamic judge, secretary and prosecutor, Captain Rosales denied responsibility for the tragic accident, which he said had occurred by misadventure.

What steps could be taken by European political cooperation, whether of a diplomatic or a political and economic nature, to achieve the unconditional release, as soon as possible, of Captain Manuel Rosales by the Iranian Government?

*Answer:*

The Community and its Member States are doing all in their power to defend human rights and, in particular, to protect nationals of the Member States. With regard to the matter raised by the honourable Member, they are supporting the efforts being made bilaterally by Spain *vis-à-vis* the Iranian authorities to secure the release of Mr Manuel Rosales.

**91/037. Question No H-1/91 by Mr Lomas concerning Sri Lanka**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

How have the Foreign Ministers meeting in EPC used their influence to ensure that the Sri Lankan Government conducts an independent judicial investigation into all reports of army and police personnel involvement in extra-judicial killings and disappearances in Sri Lanka?

*Answer:*

Various approaches have been made to the democratically elected authorities in Sri Lanka in respect of the matter raised by the honourable Member, in particular by the Ambassadors of the Twelve in Colombo on 19 October 1990.

At the Conference of Donor Countries, which was organized by the World Bank in Paris on 25 October 1990, the representatives of the Presidency, the Member States of the Community and the Commission representative also raised the subject of human rights in Sri Lanka.

Following the above approaches, the Government of Sri Lanka announced in November that a task force was to be set up which would report directly to the Head of State and be responsible for compiling all available information on cases of human rights abuse, coordinating the government's responses and monitoring the progress of such cases in the courts.

The task force includes senior members of the Presidents's Office, the security forces and the Ministry of Foreign Affairs, along with an independent person of high standing whose integrity and impartiality are recognized.

The initial meeting between the task force and the ambassadors of all the donor countries took place in December, on which occasion a report on the current situation was submitted. The task force has given assurances regarding the holding of subsequent meetings of a similar nature and has asked to be notified by its opposite numbers at such meetings of any cases which have been brought to their attention.

The ambassadors who attended the initial meeting have stressed that the actual worth of the task force's activities will be assessed on the basis of tangible results achieved.

**91/038. Question No H-6/91/rev. by Mr Paisley concerning extradition**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

When last did the Ministers meeting in Political Cooperation discuss the question of a common extradition treaty between Member States of the Community and what proposals have been forthcoming?

*Answer:*

A proposal for the conclusion of an extradition treaty specifically applying to the Member States of the Community was made on 25 October 1982 at the Conference of European Ministers of Justice. On 26 May 1989, the EPC Working Party of Legal Cooperation adopted an agreement on the simplification and modernization of procedures for the forwarding of extradition requests and will, during the current presidency, consider a set of proposals enabling extradition formalities in specific cases to be simplified.

The various aspects of extradition procedures are accordingly being given very detailed consideration by European political cooperation.



**91/039. Question No H-12/91 by Mr Cabezón Alonso concerning the death of the Spanish photographer Juan Antonio Rodriguez in Panama on 21 December 1989**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

On 21 December 1989, invading US troops in Panama fired on and killed the Spanish photographer Juan Antonio Rodriguez, while he was engaged on professional work as a graphic journalist.

Despite the demands of one or two governments and various bodies and institutions, including the European Parliament, the US authorities have not adequately clarified the facts of the matter, nor is it known whether an inquiry was held and if so, what its findings were, nor whether those responsible for this death have been brought to justice. Neither has any compensation been paid to the victim's family.

My previous questions concerning this matter have not been answered satisfactorily.

Do the Foreign Ministers intend to insist that the US Government provide the necessary clarification, hold an inquiry and trial and provide adequate compensation?

*Answer:*

As has been stated on several occasions in this chamber, the Community, its Member States and Parliament in its resolution of 18 January 1990 deeply deplore the death in Panama of Juan Antonio Rodriguez while carrying out his work as a photographer and journalist.

As the case of Mr Rodriguez primarily concerns the Spanish Government, the Community and its Member States have noted that Mr Rodriguez's family have begun legal proceedings in the United States with a view to achieving the result referred to by the honourable Member.

**91/040. Question No H-14/91/rev. by Mr Langer concerning the Community reaction to the pardon granted in Argentina**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What reaction does EPC intend to express and what steps will it take to indicate to the Argentinian President, Carlos Menem, the feelings expressed in the press showing that the vast majority of Europeans strongly disapprove of the pardon which has recently been granted to the military officers responsible for bloody dictatorship, executions, deportations, torture, repression, the denial of human rights and other crimes?

*Answer:*

In its declaration of 4 December 1990,<sup>1</sup> following the attempted rebellion in Argentina by certain elements of the army, the Community and its Member States expressed their support for the strengthening of democratic institutions in Argentina. Moreover, the position of the Community

and its Member States on full and unconditional respect for human rights is well known to the Argentinian authorities.

Although the Community and its Member States have not adopted a common position on the amnesty recently decreed by President Menem, they hope that it will not call into question the Argentinian authorities' commitment to strengthening democracy and rejecting unconditionally the serious violation of human rights which occurred under the military dictatorship.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/441.

**91/041. Question No H-19/91 by Mr Cornelissen concerning the violation of human rights of Kurds**

Date of issue: 23 January 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What is the response of EPC to the reports of the violation of human rights, the inhumane treatment and lamentable situation of the Kurds in general, and in particular the (displaced) Turkish Kurds and Kurdish refugees from Iraq in Turkey? In the light of the aid recently granted by the EC to Turkey in connection with the Gulf crisis, will EPC use its influence to bring about an improvement in the living conditions and respect for the human rights of Kurds in general, and of Kurdish refugees in particular?

*Answer:*

I refer the honourable Member to the answer I have just given to the question by Mr Kostopoulos, particularly regarding the position of the Community and its Member States on the problem of human rights violations in Turkey and, more especially, on the protection of minorities.

The Community aid to which the honourable Member refers falls within a specific framework and is intended to respond to the special needs and circumstances arising from the Gulf crisis. Contacts which may be established in implementing this aid will not prevent the Community and its Member States from pursuing their policy of defending human rights where Turkey is concerned.

**91/042. Opening address at the 47th session of the Commission on Human Rights**

Date of issue: 31 January 1991

Place of issue: Geneva

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*M. Poos:* Avant toute chose, permettez-moi, Monsieur le Président, de vous féliciter de votre élection et de vous souhaiter bon courage pour ces six semaines qui s'annoncent fort chargées.

En effet, au moment où je prends la parole, comment ne pas faire référence à un certain nombre d'événements récents qui pèseront sans doute sur les travaux de cette 47ème session de la Commission des Droits de l'Homme.

D'emblée, et au titre du respect des Droits de l'Homme dans les relations internationales, je réitère ici la condamnation des Douze de l'invasion du Koweït par l'Irak, des violations perpétrées par les dirigeants de l'Irak à l'égard de sa propre population, et à l'égard de la population du Koweït occupé, ainsi que des prises d'otages. Nous condamnons au même titre les violations inacceptables des normes établies par les Conventions de Genève à l'égard des prisonniers de guerre et demandons solennellement que, dans le cadre des actions belligérantes dans le Golfe, l'Irak respecte pleinement tous les principes du droit humanitaire applicables en cas de guerre.

Les espoirs que nous avons placés dans le processus démocratique engagé en Union Soviétique ont été mis durement à l'épreuve lors des événements tragiques qui se sont produits dans la nuit du 12 au 13 Janvier 1991 dans la ville de Vilnius et, plus récemment, dans la nuit du 20 au 21 janvier dans la ville de Riga. La Communauté et ses Etats membres ont condamné ces répressions qui sont en opposition flagrante notamment avec la Charte de Paris adoptée solennellement le 21 novembre 1990 à l'occasion du Sommet C.S.C.E. Ils ont lancé un appel urgent aux autorités soviétiques afin qu'elles s'abstiennent du recours à la force, mettent fin à l'intervention militaire et reprennent le dialogue avec les représentants élus des peuples baltes, en vue de satisfaire aux aspirations légitimes de ces peuples. Je voudrais enfin me référer aux mesures que la Communauté et ses Etats membres ont prises dans ce contexte pour souligner de manière concrète leur consternation et leur réprobation.

Les dispositions de la Charte des Nations Unies et de la Déclaration Universelle des Droits de l'Homme, ainsi que l'esprit de la C.S.C.E., doivent servir d'inspiration pour la solution des conflits tant externes qu'internes. D'abord, parce qu'ils conservent les principes démocratiques basés sur la volonté du peuple comme seule base légitime de nos Gouvernements. Et enfin, parce qu'ils ordonnent l'application des moyens pacifiques pour résoudre les conflits, y compris le dialogue, et contiennent des limites claires quant à l'emploi de la force.

Monsieur le Président, pour mettre en évidence l'acuité que l'évolution des relations internationales a conférée aux problèmes des Droits de l'Homme depuis la dernière session de cette Commission, permettez-moi de conclure mon introduction en citant une voix des plus autorisées dans ce domaine:

Au cours de l'année, la question des Droits de l'Homme a cessé d'être un thème subsidiaire du débat international pour devenir une préoccupation dominante. Partout dans le monde se renforce l'idée qu'une pratique sociale ou politique qui ne respecte pas la dignité et la valeur de la personne humaine, l'égalité des droits des hommes et des femmes—ainsi que des nations, petites et grandes, ne peut—ni ne doit—survivre.

M'exprimant au nom de la Communauté européenne et de ses Etats membres, j'ai tenu à rappeler, dès le début de mon intervention, ce constat du Secrétaire Général de l'O.N.U. figurant dans son dernier rapport sur l'activité de l'Organisation.

Les Douze partagent le fond même de l'appréciation de M. Perez de Cuellar. Nous avons fait la même analyse en ce qui concerne un plus grand respect des Droits de l'Homme, tant sur le plan des relations internationales, que sur celui des Etats pris individuellement. La nécessaire poursuite de cette évolution positive demeure un des principaux objectifs de la politique européenne commune.

D'une part, l'accélération révolutionnaire de l'histoire que le monde vient de vivre confère une très grande actualité à la nouvelle dynamique qu'il convient d'accorder au respect des Droits de l'Homme dans les rapports entre Etats. D'autre part, cette profonde mutation a singulièrement facilité et favorisé le processus positif auquel s'est référé M. Perez de Cuellar, en transformant de façon fondamentale les données politiques en Europe et dans le monde.

En effet, l'émancipation politique des pays d'Europe centrale et orientale, symbolisée par la destruction du mur de Berlin, a mis fin à l'ordre européen et mondial issu du dernier grand conflit et source de 49 ans d'antagonismes et d'affrontements idéologiques. Il faut espérer que de

nouvelles relations internationales, consacrant les valeurs démocratiques et reposant sur la confiance et la coopération mutuelles, s'y substitueront durablement et que dans les enceintes internationales, les discussions portant sur les problèmes des Droits de l'Homme échapperont peu à peu aux oppositions idéologiques.

J'ose exprimer l'espoir que le débat sur les Droits de l'Homme ne va pas désormais changer de terrain pour se retrouver l'otage d'un autre débat, celui entre les pays hautement industrialisés et ceux qui ne le sont pas.

Monsieur le Président, pour la Communauté et ses Etats membres, les liens réciproques entre les droits civils et politiques, les droits sociaux, économiques et culturels sont bien établis. Cela nous a conduits, dans l'application de notre politique économique internationale, ainsi que d'aide au développement, à prêter une attention particulière à la question du respect des Droits de l'Homme.

Nous estimons qu'une politique orientée vers la mise en œuvre d'une certaine catégorie de droits ne saurait servir de prétexte au non-octroi d'autres droits fondamentaux. Ce principe a été clairement rappelé lors de la dernière conférence ministérielle dans le cadre de l'Accord de Lomé. Ce principe continue également à nous guider dans nos rapports avec nos voisins d'Europe centrale et orientale.

Permettez-moi de résumer les considérations qui précèdent en citant la déclaration des Douze du 21 juillet 1986<sup>1</sup> sur les Droits de l'Homme:

La promotion des droits économiques, sociaux et culturels, ainsi que des droits civils et politiques, est d'une importance primordiale pour la pleine réalisation de la dignité humaine et pour l'aboutissement des aspirations légitimes de tous les individus... ni l'absence de développement économique et social, ni une conviction ou une idéologie ne sauraient justifier le refus des droits civils et politiques.

La défense de ces principes a amené les Douze à réagir et à agir par des démarches communes là où les droits fondamentaux se trouvent bafoués. La solidarité avec les victimes individuelles de violations des Droits de l'Homme doit être à la source du respect que nous exigeons de ces droits, quel que soit l'auteur d'une violation.

Notre ferme volonté de persévérer dans cette voie, nous ne la voyons pas comme une ingérence indue dans les affaires internes d'un pays donné. Au contraire, pour les Douze, l'application des principes de la Charte des Nations Unies, et notamment de ses articles 55 et 56, ne constitue pas une ingérence, mais un droit et une obligation morale de la Communauté internationale d'intervenir.

Et cela d'autant plus que nous sommes convaincus que le respect des Droits de l'Homme demeure un des facteurs essentiels dans le maintien de la paix dans le monde. Dans certains cas, les opérations de maintien de la paix des Nations Unies peuvent d'ailleurs jouer un nouveau rôle dans la surveillance du respect des Droits de l'Homme.

L'actualité nous enseigne douloureusement, qu'à terme toute violation continue et systématique des droits fondamentaux engendre nécessairement des conflits dépassant rapidement le cadre restreint qui les a vus naître.

Il est, dès lors, impératif que la Communauté internationale, par son action en faveur du respect des Droits de l'Homme, cherche à garantir la paix internationale.

Ainsi, la question des Droits de l'Homme est-elle devenue un élément crucial du dialogue et de la coopération avec les autres pays, contribuant à renforcer le lien que nous établissons entre démocratie, Droits de l'Homme et développement durable.

C'est dans cet esprit que la Présidence, au nom de la Communauté et de ses Etats membres, s'exprimera en détail au point 12 de l'ordre du jour de la Commission. Dans le domaine des Droits

de l'Homme, aucun pays ne peut être exempt de torts. Ce n'est donc pas pour donner des leçons à autrui que les Douze tiennent à réagir et à intervenir là où les Droits de l'Homme et ses libertés fondamentales ne sont plus garanties.

Monsieur le Président, afin de souligner le respect des Douze pour la valeur des travaux de la Commission que vous présidez, je voudrais hautement réitérer notre engagement à arriver à une solution consensuelle des problèmes d'ordre technique qui figurent à l'ordre du jour de la Commission ou qui sont en instance d'examen. Entre autres, les besoins d'un fonctionnement souple et plus efficace des organes de surveillance des Droits de l'Homme dans le cadre des Nations Unies devraient être mieux pris en compte.

Il en est de même de la rationalisation de l'ordre du jour de la Commission, de la réorientation du rôle des services consultatifs, et de la question urgente du financement du Centre des Droits de l'Homme. Il est indispensable que le Centre pour les Droits de l'Homme reçoive une part plus importante des fonds budgétaires des Nations Unies que la dotation, inférieure à un pourcent, qui lui est actuellement affectée.

Les Douze présentent ces observations en insistant à nouveau sur la nécessité de veiller à la mise en œuvre, à l'application universelle et à l'amélioration des instruments juridiques existants dans le domaine des Droits de l'Homme. Ainsi, la conférence mondiale sur les Droits de l'Homme revêtira-t-elle sans doute une très grande importance dans ce contexte précis.

Monsieur le Président, la Commission que vous présidez est la gardienne universellement reconnue de l'action de la Communauté internationale en faveur du respect des Droits de l'Homme. Cette action doit se fonder en droit sur des textes précis. Mais le fondement véritable de cette action, c'est la source morale à laquelle puisent toutes les doctrines sous-tendant le respect et la promotion des Droits de l'Homme, alors que ceux-ci transcendent les frontières et les temps comme les systèmes de société, les idéologies et les religions.

A l'appui de cette intemporelle universalité des Droits de l'Homme, j'aimerais citer, pour terminer mon exposé, M. Mohamed Bedjaoui, Juge à la Cour Internationale de Justice à La Haye, ancien Ministre algérien, quand, au colloque organisé en 1989 par le Conseil de l'Europe sur l'universalité des Droits de l'Homme dans un monde pluraliste, il se livra à la réflexion suivante:

*La quête des Droits de l'Homme ne date pas d'aujourd'hui. Elle a une histoire aussi longue que celle de l'homme lui-même, nourrie autant des multiples splendeurs du génie humain que [des] effrayantes infirmités dont sa puissance égarée est parfois capable. Les Droits de l'Homme sont ainsi une conquête permanente, produits des combats et des messages de tous les hommes, et d'abord des victimes elles-mêmes. Ils ont été historiquement marqués de manière étincelante par des temps forts, des peuples élus et des moments privilégiés. Le résultat, non point final et définitif, mais simplement de la présente étape dans la marche de l'humanité, est qu'il existe aujourd'hui une expression universelle des droits fondamentaux de l'homme!*

<sup>1</sup> *EPC Bulletin*, Doc. 86/231.

#### **91/043. Statement at the 47th session of the Commission on Human Rights [point 4]**

Date of issue: 1 February 1991

Place of issue: Geneva

Country of Presidency: Luxembourg

Status of document: Statement in international forum

**M. Alex:** Monsieur le Président, permettez-moi de faire aujourd'hui, au nom de la Communauté européenne et de ses Etats membres, une brève intervention concernant le Point 4 de l'ordre du

jour: 'Question des violations des droits de l'homme dans les territoires arabes occupés y compris la Palestine'.

Nous reconnaissons que ce débat se situe dans un contexte particulièrement difficile. Toutefois, les événements dans la région ne devraient pas empêcher la communauté internationale de continuer à suivre de très près l'évolution du conflit israélo-arabe et, partant, la situation des droits de l'homme dans les Territoires Occupés. Le premier devoir, en effet, de cette Commission consiste à préserver ces droits et de faire état des violations où et quand elles se produisent.

Les Douze sont préoccupés par le fait que la situation s'est considérablement aggravée dans les territoires arabes occupés par Israël. Cette aggravation est une conséquence directe de la détérioration du climat politique qui – après quelque 20 années d'occupation israélienne et presque trois ans de soulèvement palestinien – rend d'autant plus urgente une solution négociée au conflit israélo-arabe.

En dépit des nombreux appels que la communauté internationale, dont les Douze, a lancé au cours de ces dernières années, Israël n'a pas cessé ses pratiques de représailles collectives, telles que les destructions d'habitations ou les restrictions à la liberté de circulation, et ceci contrairement aux engagements internationaux qu'Israël a pris dans le cadre des instruments juridiques auxquels il a souscrit.

Les Douze déplorent également la pratique des détentions administratives, la fermeture d'écoles et universités ainsi que les discriminations économiques dont souffrent les populations vivant dans les Territoires Occupés.

Par ailleurs, les Douze ont condamné à plusieurs reprises la politique israélienne d'expulsion et de déportation, mesures contraires à l'article 49 de la 4<sup>ème</sup> Convention de Genève sur la protection des populations civiles. Ils demandent instamment à Israël d'agir conformément à ses obligations aux termes de cette Convention. De manière générale, ils considèrent qu'Israël se doit de coopérer, à cet égard, avec les Nations Unies.

Nous regrettons également qu'Israël n'ait pas donné suite à la résolution 1990/1 adoptée à la 46<sup>ème</sup> session de la Commission des Droits de l'Homme, l'invitant à ne plus procéder à l'installation de nouveaux immigrants dans les Territoires Occupés. Le respect de cette dernière aurait été de nature à instaurer un climat empreint davantage de sérénité à un moment où la région en a particulièrement besoin.

Les Douze espèrent enfin que l'instauration du couvre-feu n'entraînera pas une augmentation des violations des droits de l'homme dans les Territoires Occupés. Ils rappellent qu'en tout état de cause le couvre-feu doit rester une mesure à caractère exceptionnel et limitée dans le temps.

Convaincus que la violence engendre la violence, je tiens à souligner ici, Monsieur le Président, que les Douze condamnent tout recours à celle-ci, quel qu'en soit l'auteur. Dans ce contexte, ils déplorent les actes de violence dont ont été victimes des civils israéliens dans les Territoires Occupés.

Monsieur le Président, la position des Douze concernant la question palestinienne repose sur l'affirmation du droit de tous les Etats de la région, y compris Israël, à la sécurité, c'est-à-dire à vivre dans des frontières sûres, reconnues et garanties. Nous rappelons également le droit à la justice pour tous les peuples de la région, ce qui inclut la reconnaissance des droits légitimes du peuple palestinien, y compris son droit à l'autodétermination, avec tout ce que cela implique.

La Communauté et ses Etats membres, que des liens historiques, politiques, économiques et culturels unissent aux pays et aux peuples de cette région, ne peuvent rester indifférents aux graves événements survenus depuis le 2 août dernier et qui ont des conséquences négatives, non seulement pour la paix et la sécurité, mais aussi pour les conditions de vie de chacun et pour le respect des droits de l'homme dans la région. Ils insistent pour que ces événements ne rendent pas

plus difficile le respect des droits de l'homme dans les Territoires Occupés. Tenant compte de ce qui précède, il est plus important que jamais de poursuivre les efforts en vue d'aboutir à un dialogue permettant de trouver une solution durable.

Merci Monsieur le Président.

#### **91/044. Statement concerning the Baltic States**

Date of issue: 4 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States welcome the decision to hold a referendum in each of the Baltic States and express the hope that this will favour the resumption of a meaningful and constructive dialogue between the central authorities of the USSR and the Baltic States.

They consider that such a decision is in conformity with the spirit of the Paris Charter for a new Europe.

#### **91/045. Statement concerning South Africa**

Date of issue: 4 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States warmly welcome the announcement made on 1 February 1991 by President De Klerk of further important changes to come in South Africa. These will include the repeal of the 'Group Areas Act', of the two 'Land Acts', and of the 'Population Registration Act', which will thus open the path towards the complete and irreversible abolition of apartheid and the establishment of a united, non-racial and democratic South Africa.

The Community and its Member States recall that at its meeting of 14 and 15 December 1990, the European Council decided that as soon as legislative action is taken by the South African Government to repeal the 'Group Areas Act' and the 'Land Acts', the Community and its Member States will proceed to an easing of the set of measures adopted in 1986. In these circumstances, the Community will prepare the necessary steps.

The Community and its Member States also welcome the outcome of the meeting of 29 January between Mr Mandela and Mr Buthelezi, on behalf, respectively, of the African National Congress and the Inkatha Party. The agreement between the two parties must now be implemented so as to enable discussion on the future of South Africa to take place in a peaceful atmosphere.

#### **91/046. Statement concerning Sudan**

Date of issue: 7 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

With drought and famine threatening the lives of millions of people in North Kordofan, North Darfur, the Red Sea Hills and Southern Sudan over the next few months the Community and its Member States are shocked and dismayed at the Government of Sudan's continued failure to make any response to efforts by the donor community to engage in substantive discussion on emergency assistance and to cooperate with donors and Non-governmental Organizations in implementing measures to ensure that emergency supplies reach the needy populations in time in all parts of the country affected by drought.

The Community and its Member States once again strongly urge the Government of Sudan fully and immediately to take all the necessary measures to cooperate with donors so as to avoid loss of life and suffering.

**91/047. Statement at the 47th session of the Commission on Human Rights  
[point 5]**

Date of issue: 7 February 1991

Place of issue: Geneva

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*M. Alex:* Monsieur le Président, j'ai l'honneur d'intervenir, au nom de la Communauté européenne et de ses Etats membres, au point 5 de l'ordre du jour.

La Communauté se félicite tout d'abord que, depuis la dernière session de la Commission, la Namibie ait recouvré sa pleine souveraineté et indépendance dans le cadre du système des Nations Unies et a[il] pris la place qui est la sienne au sein de celui-ci.

Pour ce qui est de l'Afrique du Sud, M. le Président, la Communauté et ses Etats membres ont noté avec la plus grande attention les progrès importants qui y sont intervenus durant les 12 derniers mois. A cet égard, la Communauté et ses Etats membres se félicitent de l'annonce faite le 1er février 1991 par le Président De Klerk de nouveaux changements importants à venir en Afrique du Sud.

Tout au long de l'année écoulée, la Communauté européenne a réaffirmé avec force son rejet total du système de l'Apartheid. Notre objectif demeure l'abolition pure et simple de ce système odieux de discrimination raciale, qui constitue un affront à la dignité humaine, une violation de la Charte des Nations Unies et est contraire à la Déclaration universelle des droits de l'homme.

Un certain nombre de changements significatifs ont pu être enregistrés dans le domaine des droits de l'homme, à commencer par la libération de Nelson Mandela et d'un certain nombre d'autres prisonniers politiques. Ceci a déclenché un processus de changement et a apporté les premières fissures au système de l'Apartheid. Depuis, le Gouvernement sud-africain a en effet levé les restrictions sur les organisations politiques, mis un terme à l'état d'urgence, autorisé les manifestations et démonstrations pacifiques et a instauré un moratoire sur les exécutions.

Les Douze ont également exprimé leur appréciation quant aux résultats des entretiens entre le Gouvernement et l'A.N.C. Ce rapprochement est de nature à faciliter les négociations devant conduire, avec la participation de toutes les forces représentatives du pays, à l'élaboration d'une nouvelle constitution.

Par ailleurs, la Communauté et ses Etats membres saluent le résultat de la rencontre du 29 janvier entre MM. Mandela et Buthelezi, respectivement au nom de l'A.N.C. et du Parti Inkatha. L'accord entre les deux parties doit maintenant être mis en œuvre afin de permettre que la discussion sur l'avenir de l'Afrique du Sud se déroule dans une atmosphère pacifique.



Compte tenu de ces développements, les Douze souhaitent que le Gouvernement sud-africain renonce dès à présent à toute mesure répressive contre la majorité de la population sud-africaine, qu'il s'engage à libérer tous les prisonniers politiques, qu'il continue de mettre en œuvre son engagement à autoriser le retour sans conditions de tous les exilés et qu'il abroge définitivement, ainsi qu'il l'a annoncé, les dispositions restrictives de l'Internal Security Act.

Monsieur le Président, s'agissant du discours du Président De Klerk du 1er février 1991, nous retenons que, douze mois après avoir libéré Nelson Mandela, M. De Klerk a pris l'initiative courageuse et nécessaire de proposer au Parlement l'abolition effective, au cours de la présente législature, des grands piliers de l'Apartheid que sont le 'Group Areas Act', dont le 'Development of Black Communities Act', et les 'Land Acts', de même qu'il a confirmé son intention de procéder au démantèlement du 'Population Registration Act'.

La Communauté et ses Etats membres rappellent qu'à l'occasion de sa réunion des 14 et 15 décembre passé, le Conseil européen a décidé que dès lors qu'une initiative législative pour l'abrogation des lois relatives aux zones d'habitation séparées et à la propriété foncière aura été prise par le Gouvernement sud-africain, la Communauté et ses Etats membres procéderont à un assouplissement des mesures adoptées en 1986.<sup>1</sup> Dans ces circonstances, M. le Président, la Communauté entamera les préparatifs en vue des actions appropriées.

En attendant, la Communauté et ses Etats membres maintiennent leur engagement en vue du démantèlement complet et irréversible du système de l'Apartheid et de l'avènement, dans le cadre d'une nouvelle constitution, d'une Afrique du Sud unifiée, non raciale et démocratique qu'ils appellent de leurs vœux.

Nous espérons, M. le Président, que l'évolution entamée en Afrique du Sud s'amplifiera suite au discours de M. De Klerk et que les promesses contenues dans celui-ci se traduiront bientôt, conformément à sa volonté, par des mesures concrètes en vue de l'instauration d'une nouvelle Afrique du Sud, capable de reprendre la place qui lui revient dans la Communauté Internationale.

<sup>1</sup> *EPC Bulletin*, Doc. 90/472.

#### **91/048. Statement concerning Ethiopia**

Date of issue: 15 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States welcome the opening of the port of Massawa and the successful start of the Northern relief corridor and congratulate the two parties on having responded positively to the need to put the interests of the population of drought-stricken Eritrea before political considerations. They urge both sides to ensure that the operation can continue to develop successfully, and express the hope that the reopening of the relief corridor will act as a confidence-building measure for the peace process.

The Community and its Member States call upon both parties to ensure that this process is advanced by the round talks to be held shortly in Washington, under United States auspices.

They further call on both parties to demonstrate their sincerity, facing up to the heavy responsibilities which lie upon them, by addressing substantive issues in a constructive spirit. In this context, the Community and its Member States recall their conviction that a just solution can only be

achieved through a negotiated settlement, based on the respect for the territorial integrity and unity of Ethiopia and the need to take into account the distinct identity and aspirations of Eritrea.

**91/049. Statement by the 80th EPC Ministerial Meeting concerning the Gulf crisis**

Date of issue: 19 February 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States have taken note with interest of the appeal of President Gorbachev to the Iraqi leadership and they welcome in particular his call for a full and unconditional withdrawal of the Iraqi troops from Kuwait and the re-establishment of the sovereignty and legitimate government of that country in conformity with the relevant Security Council Resolutions.

They renew their appeal to the Iraqi Government fully and unconditionally to implement all the relevant resolutions of the UN Security Council thus putting an end to the conflict and sparing new sufferings to their people and the people of Kuwait.

They reaffirm the commitment of the Community and its Member States to contribute actively, once international legality is re-established, to security, stability and development for all the countries in the region, in an appropriate framework which also takes into account the need for a global, flexible and gradual approach to the various problems of the area. In this connection, they reaffirm their commitment to the sovereignty, unity, independence and territorial integrity of all the countries of the region. They will continue their consultations with the United States and other concerned countries, notably the Soviet Union.

They are fully committed to support the role of the United Nations in promoting security and international peace in the area. They believe that it is mainly for the States of the region to reach agreement on arrangements aimed at ensuring their future security both individually and collectively. The Community and its Member States will be ready to play their full part in supporting the efforts of the states concerned, and to complement them with appropriate and convergent action.

In this connection, the Community and its Member States welcome the fact that at their meeting held in Cairo on 15 and 16 February the Foreign Ministers of Egypt, Syria and the Gulf Cooperation Council agreed upon a framework for future cooperation. They will undertake the appropriate contacts with those countries. A meeting of the Troika will be held in the near future with Israel at Ministerial level. Other countries, notably Iran, have also an important role to play for the future stability of the region.

The Community and its Member States attach particular importance to their political dialogue with the Gulf Cooperation Council countries. They are looking forward to the early convening of the EC/GCC Cooperation Council.

The Community and its Member States attach special importance to their cooperation and political dialogue with the countries of the Arab Maghreb Union. They will promote the pursuit of a meaningful and constructive dialogue at political level shortly, and will undertake the appropriate contact.

The Community and its Member States believe that the Arab/Israeli conflict and the Palestinian question are fundamental sources of instability in the region. They consider that the international community should make renewed efforts urgently to achieve a comprehensive, just and lasting solution. They continue to believe that a properly structured international conference at an appropriate time will provide a suitable framework for negotiations. Such a conference will require a seri-

ous preparation. They will actively promote the search for a peaceful settlement through dialogue with and between all concerned parties.

Regarding the situation in Lebanon, they express their strong support for the full implementation of the Ta'if Agreement as the means to achieve national reconciliation in a Lebanon free of all foreign troops.

The Community and its Member States endorse the view expressed in the Cairo meeting about the importance of efforts by the Arabs themselves to foster greater economic and social development, respecting the principle of sovereignty over economic resources. The Community and its Member States share this perspective and stand ready, in full respect of this principle and in a spirit of mutual solidarity, to develop their cooperation with the countries of the region. Their immediate priorities are to ensure the early implementation of their new Mediterranean policy and the rapid disbursement of their aid for the three countries most directly affected by the economic consequences of the Gulf crisis.

The Community and its Member States are aware of the need for a comprehensive approach to all the problems of the Mediterranean, Middle East and Gulf region. In this connection, they are willing to explore the modalities for launching a process aimed at establishing a set of rules and principles in the field of security, economic cooperation, human rights and cultural exchanges.

#### **91/050. Statement concerning the attendance of sittings of the European Parliament by the Presidency of the Council and EPC**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, as you know, according to an inter-governmental decision taken on the basis of Article 216 of the Treaty, the only authority on this matter, plenary sittings of the European Parliament are normally held in Strasbourg.

Does anybody dispute that? The precedent set on 22 September 1988 means that Parliament, in exercising the prerogatives of organizing its internal business, may decide to hold a plenary sitting outside Strasbourg as long as any such decision remains an exception.

The question is therefore where the exception ends and the rule starts. It is not for the Ministers to make a judgement as to the frequency of sittings. On the other hand, they do have to concern themselves with the legal and practical aspects of attendance by the Presidency of the Council.

Let me start with the practical aspect, Mr President. The fact of the matter is that there appears to be a view in Parliament, or at least among a number of its Members, that the Presidency of the Council is supposed to turn up whenever Parliament deems its presence necessary. That is not always possible. The Presidency of the Council can and must perform its role during Parliament's ordinary sittings, the dates of which are known well in advance. It cannot and must not be at Parliament's beck and call at all times. That would make it impossible for the President of the Council to attend to his other duties, which represent a very heavy workload, especially in times such as these. And if the President of the Council systematically sent someone else to represent him, he would be accused of treating Parliament with disrespect.

Let us now consider the legal aspect. The Presidency represents the Council and Political Cooperation respectively, with the partner's tacit agreement. Once a Member State lodges a formal objection, that tacit agreement no longer subsists. That is particularly true in the case of Political Cooperation, where unanimity is the rule, for the time being at least. At yesterday's restricted meeting we referred to the exchange of letters between the Presidency of the Community

and the Presidency of the European Parliament concerning the two extraordinary sittings in Brussels. I have the honour to convey to the House in plenary the conclusion reached by the twelve Ministers:

The Presidency will continue to participate in the European Parliament's regular plenary sittings. Should the European Parliament wish to hold extraordinary sittings in Strasbourg or elsewhere, it would be well advised to ensure in advance that the Presidency is able to attend, if it wishes it to do so. If a Member State considers that, on account of its nature or the frequency of its meetings, an extraordinary sitting no longer meets the criterion of an extraordinary sitting recognized by law, it shall duly inform the Presidency. The Presidency shall refrain from attending Parliament's sitting until this opposition is withdrawn. It shall inform the other Member States.

### **91/051. Statement concerning the Baltic Republics**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Wohlfart, President-in-Office of the Council:* Mr President, ladies and gentlemen, during Question Time last night I stated that the Presidency of the Council would report to the House on the outcome of the Troika meetings held in Moscow last week-end and also to acquaint you with the Soviet Union's reply to questions on human rights as provided for under the Charter of Paris.

When the President of the Council, Mr Jacques Poos, addressed this House a month ago, none of us had yet recovered from the shock produced by the events in Vilnius and Riga. Since then, a relative calm has reigned in the Baltic countries and the weapons have remained silent. Developments have taken place in the meantime, and I shall now try to inform you about the steps taken by the Ministerial Troika, which went to Moscow on 16 February.

It was in fact in this House that the process leading to the despatch of the Troika to Moscow was launched. It was here on 21 January that Vice-President Andriessen announced the postponement of the joint committee meeting due to have taken place on 24 and 25 January in Brussels. That step was confirmed the following day by the political directors at their extraordinary meeting. From that moment on, the Community and its Member States adopted a dual approach with regard to the Soviet Union.

On the one hand, it was clear that cooperation with the Community could not proceed oblivious of events in the USSR, and in the Baltic countries in particular. The postponement of the joint committee meeting and the consequent slowing down of the implementation of the Council's decisions were necessary pending concrete signs of improvement or clarification of the situation. On the other hand, the commitments entered into under the CSCE required the Community and its Member States to display a more committed attitude.

Accordingly, making use of the mechanisms provided for by the humanitarian section of the Helsinki Accords, the Twelve requested the Soviet authorities to provide information on those responsible for the tragic incidents in question. The Soviet Union has now responded to that request for information in the form of a memorandum, which I shall now take the liberty of reading out to you.

The position of the Soviet leadership on the events that have occurred in Lithuania and Latvia, including its political assessment of what happened and the programme for overcoming the crisis in the Baltic region, is set out in the statement by the President of the Soviet Union, Mr Gorbachev, of 22 January 1991. This position refers to the re-establishment of peace and stability, to respect for the law by everyone without exception and to the unacceptability of all forms of recourse to force.

It also refers to the guarantee of human rights and fundamental freedoms and to a constructive dialogue between all the political forces involved. The Soviet Union will do whatever is necessary in order to meet its international commitments, including those relating to human rights, throughout its territory. On 28 and 29 January, within the framework of the CSCE process, the Soviet Union's representatives on the Committee of Senior Officials at the CSCE meeting in Vienna gave the appropriate explanations. In accordance with the law, criminal investigations have opened into the causes of the tragic events in Vilnius and Riga. All the circumstances connected with the use of firearms are being carefully investigated and will be considered in accordance with the law. Those responsible for what happened will be punished. At the same time an investigation is being carried out by a special parliamentary committee of the Supreme Soviet of the Soviet Union. A series of measures taken by the Soviet leadership should contribute to the settlement of the complex situation in the Baltic Republics.

The Federation Council, consisting of senior representatives of all the republics in the Soviet Union, has confirmed the inadmissibility of recourse to the use of armed force in order to solve political issues and also the need to remove the causes of the conflict and to restore constitutional order. Negotiating machinery has been created with a view to examining the whole complex of political, social and economic questions with Latvia, Lithuania and Estonia. This machinery will function on a permanent basis. The President of the Soviet Union has instructed the delegations of the Union of Soviet Socialist Republics to conduct these negotiations. The Federation Council has also proposed a series of urgent measures to resolve the political and *constitutional crisis*, such as the setting up of a conciliation committee from among the various political and social groups, the organization of a round table with the participation of all the parties concerned, as well as the creation of a mechanism for the meticulous legal and impartial appraisal of the laws adopted in the Baltic Republics as regards their compliance with the provisions of the constitutions of the Soviet Union, the Socialist Republic of Lithuania, the Socialist Republic of Latvia and the Socialist Republic of Estonia, particularly in regard to unqualified respect for human rights.

President Gorbachev, the Supreme Soviet and the Government of the Soviet Union are concentrating their attention on the development of the situation in the Baltic Republics, are doing their best to prevent an escalation of the confrontations and to normalize the situation, secure civil harmony in the Baltic Republics and work out political decisions acceptable to both sides.

Mr President, this reply is at present being studied by the appropriate bodies in the Community, but its very existence seems to me to indicate on the part of the Soviets a desire to provide reassurance.

As well as taking this formal step, the Twelve informed the Soviet authorities of their desire to reopen the political dialogue. In fact, since the resignation of Mr Schevardnadze there had been no high-level contacts between the Soviet Union and the Community. And how do we make the Soviet authorities understand our point of view if we do not have the opportunity to explain it in direct talks? Certainly, this course involved risks. It seemed to us that the achievements of *perestroika*, and of the CSCE, ought to be referred to precisely at this difficult time. The invitation of the Troika coincided with the redeployment of diplomatic activity in Moscow. Whilst the conflict in the Gulf figured in the talks in which the three Ministers took part, it is nevertheless significant that virtually all of the two hours of talks with Mr Gorbachev were devoted to the Baltic question.

Mr Gorbachev's message was direct and frank: there was no alternative to *perestroika*, it was purely a question of time. The pace of the reforms depended to a large extent on the Baltic question. In Mr Gorbachev's view, the Twelve had reacted without awaiting the outcome of the inquiry he had ordered and to which I have already referred. He believed that this attitude stemmed from a lack of confidence which was inconsistent with the commitments entered into in Paris. It was also contrary to the interests of Europe as a whole.

The case of the Baltic countries could be settled within two limitations, namely maintenance of the Union and the order produced by the Second World War. According to the President, any other approach was in conflict with the Soviet constitution and represented a violation of CSCE principles, of its territorial integrity and of the inviolability of its frontiers. President Gorbachev therefore refused to give the Baltic countries special treatment and proposed an exclusive method, namely to resolve the Baltic problem in accordance with the procedure provided for in the Soviet constitution.

To this approach he added a series of practical considerations. The fate of the national minorities in the three republics could not be settled within the space of two years. The various communities therefore had to understand that they still had to live together for some time. But what Mr Gorbachev feared above all was the effect that the departure of the Baltic countries could have on the other republics in the Soviet Union. The prospect of the Lebanization of the Soviet Union could not be an acceptable one for Europe and it is with that apocalyptic vision in mind that the President appealed for cooperation. In the words of President Gorbachev, one could not always move in a straight line. Sometimes the road ahead contained twists and turns. That was not, however, a reason to turn one's back in the space of twenty-four hours on the achievements of *perestroika* and the CSCE consensus.

Mr President, ladies and gentlemen, I have submitted this information to you raw, without attempting to evaluate it. We are all aware of the complexity of the situation in the Soviet Union and in particular in the Baltic countries. When he set up, with the aid of his most highly qualified collaborators, a committee to inquire into the Ribbentrop-Molotov Pact, Mr Gorbachev was no doubt aware of the legitimate hopes that this step would awaken among the Baltic nations. Nevertheless, the acknowledgement of the wrongdoings of totalitarianism, the restoration of suppressed memories, the rediscovery of a people whose fate had been denied, however praiseworthy all this might be, is not sufficient to cancel out the heritage of the past. An act of independence undoubtedly helps to relieve these countries' feeling of oppression, but this symbolic emancipation will not automatically liberate them from the after-effects of totalitarianism. These can only be overcome through a concerted effort by the parties concerned.

On 4 February the Community and its Member States welcomed the holding of referenda in the Baltic Republics as a contribution to the dialogue between these republics and the central authorities. What will happen in Estonia and Latvia, which plan to hold plebiscites on 3 March? The central authorities are for the moment sticking to their intention to hold a referendum throughout the Soviet Union on 17 March. Relations between the republics and the centre are at the heart of the debate now provoked by these plans. But however animated the debate may be, it does testify to a desire for a dialogue.

It seems to me that the Community and its Member States cannot encourage the Baltic countries to depart from the path of dialogue, I am also convinced that we must support them in asserting their legitimate aspirations in the course of no doubt difficult negotiations with the Soviet authorities. The attitude of the Community must therefore be cautious and vigilant but cooperative, showing concern for human rights, for the CSCE commitments and, above all, encouraging dialogue between communities which totalitarianism reduced to intolerable situations, in which the notion of society has been lost.

Mr President, ladies and gentlemen, to restore to the Baltic countries the right to build a free, open and independent society also means to encourage them to assure their future through effective negotiations.

#### **91/052. Statement concerning the situation in the Gulf**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, when I last made a statement to the House on the Community's position on the conflict in the Gulf, in 21 January, war had broken out

only a few days before. At the time, having had to accept it as a *fait accompli* that reason had been defeated and diplomacy had failed, I expressed the hope, shared by many of us, that this conflict would be short-lived. But the war has been going on for over a month now, and no one, at this stage, can tell when it will end.

During this first month of armed conflict Saddam Hussein has tried to draw Israel into the war by repeatedly launching Scud missiles at its civilian population. Iraq has also launched Scuds on civilian targets in Saudi Arabia and temporarily occupied the Saudi border town of Khafji. But Israel and the allies succeeded in thwarting all attempts to widen the conflict. The Israeli authorities are fully aware of the implications of retaliation and are still keeping a low profile, absorbing significant material damage and dozens of casualties.

Saddam Hussein's countless attempts to divide the coalition have also failed. By other actions, which can deservedly be called criminal, the Iraqi leader has yet again amply demonstrated his contempt for the basic principles of international law. The Iraqi dictator's violation of the third Geneva Convention by using prisoners of war for propaganda purposes and as human shields on strategic sites in Iraq is further proof of his cynicism.

The Iraqi forces' deliberate sabotage of Kuwaiti oil wells has caused the biggest oil slick in history. This ecological disaster could do irremediable damage to the flora and fauna in part of the Gulf. It is also threatening drinking-water supplies in the main countries in the neighbourhood.

Against this background, what were we to make of the statement issued by Iraq on 15 February – which I emphasize was not, curiously enough, signed by Saddam Hussein – to the effect that it was willing to cooperate with the implementation of Security Council Resolution 660? As the House will be aware, this resolution stipulates immediate and unconditional withdrawal of all Iraqi forces from Kuwait. This statement briefly raised hopes throughout the world, especially in Baghdad itself. But how those hopes were dashed when it was realized that the offer was a hoax! It was tied to unacceptable conditions, contrary to the United Nations resolutions, which I repeat, stipulate complete and unconditional withdrawal of all Iraqi troops from Kuwait.

Since the news of that statement was broadcast on Baghdad radio, there has been Mr Gorbachev's initiative. At our meeting yesterday we analyzed this initiative on the basis of the information at our disposal. It is not in fact a peace initiative. It is a last-chance appeal.

Let me now tell you of the conclusion reached by the twelve Ministers:

the Community and its Member States have noted with interest the appeal by President Gorbachev to the Iraqi leadership and particularly welcome his appeal for a complete and unconditional withdrawal of Iraqi troops from Kuwait and the restoration of that country's sovereignty and its legitimate Government, in accordance with the relevant Security Council resolutions.

On 17 January 1991,<sup>1</sup> just after war had broken out, the Ministers of the Community, meeting in Paris, took the view that no time was to be lost in working out a scenario for after the war in which all countries in the Near and Middle East could enjoy a future of peace, stability and development, with dignity and security. This comprehensive approach to the region includes a remodelled Mediterranean policy, meaningful renewal of the Euro-Arab dialogue, and increased cooperation with the countries of the Gulf Cooperation Council and the Maghreb Arab Union, and with all the other countries concerned in the region, notably Israel.

The Presidency has been given a remit to draw up, jointly with the Commission, a discussion paper setting out the thinking of the Community and its Member States on the post-war period. This paper, which is being submitted to all partners for their comments and suggestions, was discussed yesterday in Luxembourg by the Ministers meeting in European political cooperation.

However, I must make it clear that the debate taking place on the basis of the Presidency's paper can only be a preliminary one. It will be taken further in the light of the consultations that the Ministerial Troika is going to have with the countries in the region, as a follow-up to yesterday's meeting. This overall approach is naturally contingent upon the uncertainties about what the situation is going to be like after the war and its is also conditioned by the boundaries of the Community's competence as they now stand. The Community will continue its consultations with the United States and with other countries concerned, the Soviet Union in particular.

The Presidency's paper starts by seeking to identify the needs of the region as a whole and then tries to define the various possible courses of action open [to] the Community. The answers to the questions asked on these two levels are in three component parts: the security component, the political component and the economic component.

The security component is seen as the top priority by the Twelve and also by the Arab countries, to judge from our initial contacts. It is necessar[il]y going to have to include provisions on control and limitation of arms exports. The political component will be primarily a matter of developing confidence-building measures to prepare the ground for the peace conference or conferences that are going to have to get today's bitter opponents sitting around the same table. These conferences should naturally be held under United Nations auspices. That would be the main content of the political component, although restoration of unity and territorial integrity to a reconciled Lebanon, with the removal of all foreign forces from its land, and the emergence of a peaceful solution to the Cyprus problems are definitely not going to be overlooked either.

On economic development, the Twelve take the view that the bulk of the effort to be made must come first and foremost from the Arab countries themselves. Nevertheless, through its existing policies and some new forms of action, the Community is in a position to foster the formation of closer economic ties among all countries in the region. In this connection, there have been proposals on improving the inter-regional infrastructures from my colleagues on the Council, and from the Commission. It is of course a condition of economic stability that oil prices should be [stable] and high enough to pay for investment on the colossal scale required for the reconstruction of war-torn Kuwait, Iraq and Lebanon.

Finally, I must make a point of stressing that the Twelve are being non-exclusive in their approach, which means that the possibility of developing relations with countries such as Iran and – why not? – the new Iraq could eventually be on the agenda.

It is an open secret that some of us are harbouring thought of a grand design for this region, which involves setting up a framework that would be much the same, *mutatis mutandis*, as that of the CSCE process in Europe. In fact, it would involve arrangements that would be parallel and complementary to the measures I have just been describing. This CSCM, the idea of which I put forward in December 1989 at the Euro-Arab meeting in Paris called by France, is currently under active consideration by all our Member States.

Mr President, ladies and gentlemen, there you have a necessarily incomplete outline of the ideas set forth in the Presidency's paper. It now falls to the Ministerial Troika to sound out reaction to these ideas in the countries directly concerned. I am therefore absolutely not ruling out adjustments in our approach in the light of these soundings and the situation that we find at the end of the war.

As you will see, Europe is not going to be a bystander in the aftermath of this first serious crisis that we have seen since the end of the cold war. With your help and your active support, we can show that we are equal to the challenges that lie ahead.

[...]

[After the ensuing debate, Mr Poos stated:]



Mr President, since this plenary sitting is now so very sparsely attended, making us almost an intimate gathering, I shall confine myself to a few brief comments. My first concerns what has been called the Gorbachev initiative, an extremely pressing issue that we must all confront. But it is not strictly speaking an initiative. It is a mediation proposal and the text, as shown in certain quarters, clearly demonstrates that it is a last appeal to Saddam Hussein.

I do not propose to dwell on what some people have referred to as the differentiation in the information supplied to Member States. The explanation for this is that President Gorbachev himself informed only some Member States, insisting on them that the information was secret. This last attempt had already been mentioned in Moscow last Saturday, when the European Ministerial Troika visited the Soviet capital. At that time President Gorbachev and his Foreign Minister, Mr Besmertnik, had already told us that as long as there was a glimmer of hope of a diplomatic or political settlement of this conflict, such an attempt was legitimate before other means were resorted to. So it was that the Community and its Member States noted with interest the appeal made by the Soviet Head of State.

A few honourable Members have asked what response the Community has made to this appeal. I have to stress that this appeal was not addressed to the Community. It is not for the Community to say yes or no to Mr Gorbachev, and yesterday, at their Ministerial Meeting in Luxembourg, the Twelve confirmed that, just as before 15 January, the solution to the crisis was in the hands of Saddam Hussein alone. Only he can stop the war by withdrawing his troops from Kuwait completely and unconditionally.

Allow me to add a personal comment. Mr Gorbachev's initiative is, in a sense, a reflection of the Soviet leadership's perception of its responsibilities in the conduct of foreign policy. As Europeans, we know the value to us over the past fifteen months of the great predictability of the Soviet Union's behaviour on the international stage. I can confirm that in our discussions, both with President Gorbachev and with Mr Besmertnik, we were assured that the Soviet leaders had no intention of abandoning the ground that they themselves had prepared, namely the twelve United Nations resolutions. In coming to a definitive judgement on this initiative, it is of course necessary to understand all its implications and to assess it in the light of the requirements of all the United Nations resolutions, not just Resolution 660.

An honourable Member, Mr Penders, has again complained of the lack of coordination in European political cooperation. Let me repeat, for your information, that the Community has held five Ministerial Meetings in six weeks. The Political Committee, for its part, has met five times, and we have discussed the Gulf war at two WEU Ministerial Meetings. In terms of frequency of meetings, in terms of intensity of coordination among the Twelve, this is without precedent. I find that there is either a misunderstanding or some wishful thinking going on here. The Community, I stress, does not at present have a foreign common policy. What it does have at present, under Article 30 of the Single Act, is European political cooperation, backed by limited means, as you are aware. These means are inadequate. We have said so, you have said so, and we are trying to put matters right through the inter-governmental conference on political union.

In practice, there has been no lack of coordination of the Member States' positions; on the contrary, there has never been such intense coordination. I would remind the House that Political Cooperation, as voted by you when approving the Single Act, does not preclude national initiatives. After each of the five Community Ministerial Meetings, we issued a communiqué reflecting the common position, and there are no grounds for saying that any national initiative has been blatantly contradictory to the position agreed by the Twelve.

So why is Europe damaging itself? Why this self-inflicted harm? Why is it being said that the Community has been a casualty of the Gulf war? It is true the Community must learn the right

lessons from this war, and I hope it is going to do so in the inter-governmental conference on political union.

Another comment: Mr Langer said he would have preferred a European initiative to the Gorbachev initiative.

Mr President, ladies and gentlemen, there has been a European initiative. This was our Luxembourg statement of 4 January 1991,<sup>2</sup> our twofold appeal to Iraq, first calling on it to free Kuwait peacefully before the deadline set in the United Nations ultimatum, and secondly stating our readiness to discuss the political problems at the root of the instability in the Middle East with Iraq and all countries in the region. Europe was ready to engage in that political discussion, and if Saddam Hussein had accepted the offer, he could have avoided war and the devastation it is causing to his own people.

Why this repetition, at one part-session after another, that Europe has been on the sidelines? Why denigrate our initiatives? It is not our fault we did not get the response we were hoping for, besides with all the other peace initiatives, brought forward by the Arab countries, by Mr Perez de Cuellar, UN Secretary General, have been defeated by the self same Saddam Hussein. So why complain when he did not grasp Europe's outstretched hand?

A final comment, Mr President, on the lessons to be learnt from the Gulf war in terms of the common foreign and security policy. On the whole, I am of the opinion that we have to measure our progress towards this common foreign and security policy according to the speed and thoroughness with which we are setting up machinery to enable us to achieve our aims. So far, the Presidency of the Council has referred to the inter-governmental conference, for detailed discussion, a set of proposals drawn up by its secretariat for clarifying the key questions on which the Governments are being asked to give answers. In addition, on 8 March we are holding a special meeting, of the Schloss Gymnich type, at which a very restricted circle will discuss the few divergences that have emerged so far from the answers given. A document has been prepared for this purpose in the form of what I would describe as a 'truth questionnaire' to which we have invited the Member States to give precise answers. With your permission, Mr President, I can tell the House the seven questions we have put to the Member States.

First, do you agree to give active and unreserved support to the common position in relations with third countries and in international gatherings? Secondly, do you agree to refrain from taking any action or position conflicting with the common position? Thirdly, do you accept the general obligation to keep one another mutually informed on all matters bearing directly or indirectly on the common position? Fourthly, do you accept the obligation to consult sufficiently in advance to allow the other Member States and the Commission to react? (This is to give another Member State or the Commission an opportunity to request a prior discussion at the appropriate level.) Fifthly, will you refrain, in the absence of a prior decision by the Union, from taking any unilateral initiative or action on a matter on which a common policy has been established? Sixthly, do you accept the general obligation for the Union to speak with a single voice? The seventh and last question is this: do you accept that a Member State or the Commission must be able to ask the Council whether any national action is in conformity with the common policy?

I thank honourable Members of the European Parliament for the support I am sure they will give these proposals from the Presidency, commending them to their own governments in particular.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/017.

<sup>2</sup> *EPC Bulletin*, Doc. 91/003.

**91/053. Question No H-1206/90 by Mr Nianias concerning efforts to find a solution to the Middle East question**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

There is a growing awareness among the international community (particularly since the end of the cold war) that the only way to achieve a peaceful and just solution in the Middle East is to hold an international conference, under the auspices of the UN, with the principal aim of resolving the problems of Palestine, Cyprus, Lebanon, Kuwait and Kurdistan.

What is the opinion of the Foreign Ministers meeting in EPC in this regard and what measures do they intend to take to promote this idea in order to avoid a holocaust in the region, which would have incalculable consequences for world peace and the international economic order?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* Part of Mr Nianias' question has already been dealt with this morning in connection with the post-crisis scenario. But I would still like to make a reply of sorts for the sake of form.

The Community and its Member States share the honourable Member's concern to see peaceful and just solutions found for the problems of the Middle East. The Community and its Member States have worked actively in the past for such solutions and will continue to do so. But the problems raised by the honourable Member do not necessarily call for the same framework of solutions. The problem created by the invasion and annexation of Kuwait by Iraq can only be solved by the withdrawal of the Iraqi troops and the re-establishment of Kuwait's sovereignty, in accordance with the terms of Security Council resolution 678 and the other relevant resolutions.

As regards the Lebanon, the Community and its Member States firmly support the application of the Ta'if agreements and the national reconciliation talks with a view to a solution based on the sovereignty, unity and territorial integrity of the Lebanon. In their view, peace and security in the Israeli-Lebanon frontier zone can only be re-established through full implementation of resolutions 425 and 426 of the UN Security Council. Similarly, the Community and its Member States support the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus and the initiatives of the Secretary General of the United Nations, Mr Perez de Cuellar, aimed at reaching a solution based on these principles and on the relevant UN resolutions.

As regards the position of the Kurds, the Community and its Member States have several times made unequivocal statements calling for respect of Human Rights. As to the Israeli-Arab conflict and the Palestinian problem, the Community and its Member States are in favour of calling a peace conference under the aegis of the United Nations and will continue to support the efforts to make such a conference possible and useful, allowing constructive talks to begin between the parties concerned.

The Presidency is naturally aware that an international conference would be a good opportunity to deal with other problems linked to the security, the stability and the economic and social progress of the region. The Community and its Member States reserve the right to examine such possibilities and consider all useful initiatives, in close liaison with the countries involved and with the support of the United Nations.

*Mr Nianias (RDE):* Thank you, Mr President-in-Office, for your detailed answer. I see, however, that when the war ends the conferences will have to face enormous problems, such as the imple-

mentation of the United Nations resolutions, economic questions, matters of state and dominion, opposing and competing views, even matters concerning the coexistence of political philosophies and cultural circles, amounting to a difficult, dark and complex world which the West will need a strategy to deal with.

I would therefore like to ask whether, in the face of the labyrinthine problems so difficult to find a solution to with mere human resources, the Community has any overall political approach to the entire maze we are facing? Because, Mr President-in-Office, unless we possess some sort of strategy from now for dealing with all those issues, the conference will be upon us and we will be caught by surprise, since there will be more people there than we can imagine, probably opposed to the interests of European countries. So I am asking whether we do in fact have an overall strategy to achieve what you have indicated, or not? I want a simple answer: yes, or no?

*Mr Wohlfart:* For the last month I have been constantly following, with great interest, expert discussions which all come to the same conclusion: after this tragic war, nothing will be the same as before. I think [if] everything were to be the same as before, one would have to ask some questions about the point of this war we have had to fight. I agree with the honourable Member when he speaks of this maze of problems. In his first question, he asked whether we have a post-crisis strategy to solve all these problems. As the representative of the Council, I would not want to duck a question which he is surely asking the Commission as well as the Council.

This morning Mr Poos, President-in-Office of the Council, told us that the Community, the Council together with the Commission, has already drawn up a post-crisis strategy. The details of this strategy are being examined by the Council of General Affairs Ministers. The General Affairs Council of March will take the necessary decisions given the multiplicity of problems. As you have just pointed out, it is necessary to find a sensible way through this labyrinth which allows us to resolve the multiple problems of the region so that it can at last regain peace, stability and security. I can assure you that the Council, with the Commission, will make its contribution and that the Community will have its say in the post-crisis scenario. Thus we will be able to play our appointed role in a part of the world that is close to all our heart.

*Mr Arbeloa Muru (S):* Mr President, I shall confine myself to Mr Nianias's question only. We all know very well already the views of the United States and Israel about Palestine. We know very well what Iraq thinks about Kuwait and Kurdistan. Does the President of Political Cooperation know the present views of our long-standing ally Turkey on Kurdistan and Cyprus subjects which will be on the agenda of the next international peace conference?

*Mr Wohlfart:* In terms of the post-crisis scenario both the Palestinian question and the problem of Lebanon have often been mentioned. I think all the other problems need to be included, notably the Kurdish question. There is also the problem of the Maghreb countries and the questions raised by the process of democratization in certain emirates. The Commission and the Council are seeking a global approach. Now if you want to know what sort of time-scale will be required to solve any of these problems, I am in no position to tell you, but I can assure you it is the intention of the European Community to find a solution to all these questions including the problems of all the minorities in the region.

*Mr Lane (RDE):* I think it is quite depressing to hear your reply, because you talk about the discussions that will take place *after* the crisis. This morning when I was speaking on the Gulf crisis I referred to the efforts that were made over the weekend by President Gorbachev to seek a solution *before* there is a land war. As I understand it, the Troika of Foreign Ministers had a meeting in Moscow during those discussions between the Iraqis and the authorities in Moscow, yet it would appear that you were sidelined and not informed of what took place. Could you explain exactly

what happened last weekend and why the EC troika was not informed of the details of the proposals being put forward?

*Mr Wohlfart:* I don't know that my replies are depressing; I thought they were rather constructive. But I leave it to the honourable Member to make up his own mind.

It is pointless to go over the same ground, saying that the Community was absent. This morning, Mr Poos devoted two fairly detailed exercises, at the beginning and end of the debate, to demonstrating the contrary. The Community was not absent. When you say that the Troika did not meet Mr Tariq Aziz, I reply that it did not intend to. The mission of the Troika to the Soviet Union was to examine the problems arising from relations between the Community of the Twelve Member States and the Soviet Union, notably in relation to the events in the Baltic countries.

**91/054. Question No H-1309/90 by Mr Arbeloa Muru concerning the European Community and El Salvador**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

As a neighbour of one of the murdered Jesuits and of Dr Begofia Garcia Arandigoyen, who was also murdered, I was deeply moved to read the words of another Jesuit, theologian, Basque, Spaniard and Salvadorean, Jon Sobrino, on the anniversary of the death of his companions: 'The repression has been going on for fifteen years. They haven't just killed six Jesuits. They've killed 75,000 people'.

Do the Ministers believe that, in its relations with El Salvador, the EEC has taken this terrible state of affairs seriously?

*Answer:*

As we have stressed on several occasions in this House, the Community and its Member States are sparing no effort to ensure that their deep concern at human rights violations are understood and taken into consideration by the Salvadorian authorities.

Detailed replies have been given to the numerous questions on the particularly brutal assassination of six Jesuit priests and their two co-workers and on the absence of any real progress in the judicial enquiry.

On 11 December 1990, my predecessor referred, in reply [to] Question H-1241 by Mr Bandrés-Molet, to the statement issued on 16 November<sup>1</sup> and to the representations made to the Salvadorian authorities on the first anniversary of the assassinations.

The Community and its Member States are aware that these assassinations are only one aspect of the very grave human rights situation in Salvador. That is why the elucidation of this particularly odious crime would be an important sign which would open new political horizons in Salvador.

At the next ministerial conference in the San Jose process which will be held in Managua on 18 and 19 March, the Community and its Member States will renew their efforts to strengthen peace and respect for human rights in Central America and to promote social justice. The encouragement and support which the Community and its Member States have given to the countries of Central America since 1984-1985 through the San Jose process have had a profound impact on the more positive developments in the region.

In this context, the Community and its Member States issued a statement on 16 January 1991<sup>2</sup> firmly supporting the action taken by the UN Secretary-General to speed up the negotiations taking place between the Government of Salvador and the Farabundo Marti National Liberation Front (FMLN).

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<sup>1</sup> EPC Bulletin, Docs 90/461 and 90/406.

<sup>2</sup> EPC Bulletin, Doc. 91/016.

**91/055. Question No H-1314/90 by Mr McMillan-Scott concerning the Community's relations with Romania**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Up-to-date reports from Romania indicate that Prime Minister Petre Roman personally prevented democratically-elected leaders of the opposition parties from addressing a National Day Rally in Alba Julia on 1 December 1990, giving clear evidence of the National Salvation Front's policy of setting off Romanians against Hungarians, that the President of the Union of Television Employees, Dumitru Iuga, is on hunger strike protesting against the promotion of ex-Communists and the management's strong political bias against opposition parties, and that a strike by Romanian drivers on 10 December 1990 has been declared political by President Iliescu and liable to be suppressed by force. Does EPC recognize that President Iliescu's and Prime Minister Petre Roman's apparent espousal of reforms in Romanian society is phoney?

*Answer:*

Allow me to refer the questioner to the whole series of answers I gave to questions on this same subject at Question Time in January.

Given what I said then, I should like to add that the subsequent decision of the Council of Europe to give Romania the status of special guest would seem to confirm the Presidency's positive, if prudent assessment of certain developments in Romania.

**91/056. Question No H-42/91 by Mr Alex Smith concerning political assassination attempts**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Assassination attempts against Iranian political refugees in Europe have increased alarmingly in recent months. In several cases official inquiries prove direct involvement of the Iranian regime in these attempts. Do the Foreign Ministers meeting in Political Cooperation intend to object to the Iranian regime?

*Answer:*

The Community and its Member States condemn outright all politically motivated assassinations, irrespective of the identity of those responsible. They have on several occasions expressed the hope that the Iranian leadership will take specific action which would prove that there is a wish to see Iran develop a constructive relationship with the EEC, contributing in a peaceful manner to the international order according to the rules governing relations between states, so that Iran can again take its rightful place within the international community.

The specific issue raised by the honourable Member has not been discussed by the Foreign Ministers meeting in Political Cooperation.

**91/057. Question No H-76/91 by Ms Banotti, taken over by Mr Cushnahan, concerning possible terrorist attacks**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Could the Foreign Ministers inform me whether they have discussed the possibility of terrorist attacks by Iraq at targets in Europe and whether they have prepared any contingency plans in preparation for the possibility of such attacks, in the context of the Gulf war?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* In the course of last year, the Community and its Member States continued to develop and strengthen their cooperation in the struggle against international terrorism. With the frequency and gravity of terrorist activities constituting a matter of serious concern at both national and international level, the States must maintain a firm attitude and the response to the terrorist threat must be as concerted as possible.

Broadly speaking, the establishment in 1993 of a Community without internal frontiers, in accordance with article 8 of the Treaty of Rome, will necessitate ever increasing cooperation between the police forces of the Member States.

The Community and its Member States take the view that, in the present circumstances, with the threat in the context of the Gulf war there can be no relaxation of vigilance in the Community or the Member States, given the possibility of terrorist attacks which might be either encouraged or perpetrated by Iraq against targets in Europe. The Ministers of the Member States of the Community responsible for internal security met on 22 January 1991 in Luxembourg, in the context of the Trevi group, to exchange information on the measures taken by each Member State at the national level and at the same time to discuss the possibilities of joint action and cooperation at the Community level to maintain and guarantee security in the Member States.

I am pleased to emphasize that Ministers also expressed the intention of their governments to preserve the climate of confidence necessary to peaceful coexistence between the populations of the various communities resident in the Member States.

*Mr Cushnahan (PPE):* I welcome the response from the President-in-Office of the Council. There have been a number of attacks throughout Member States since the Gulf war started. In Germany there have been at least two: on 17 January there were explosions in shops in Bonn and Berlin,

and on 13 February an explosion at the American Ambassador's residence. In France there was an attack on *Liberation* newspaper offices in Paris on 26 January, and on 27 January an attack on the Centre for Immigrants in Marseilles. In Italy there was an explosion at the English school, in an international library in Milan on 17 January, and on 29 January an attack on the facilities of Coca Cola Milan. In Greece there were a number of attacks: a bus explosion near Acropolis and, of course, the explosion at the Franco-Hellenic school. It is very fortunate that there has not been wholesale slaughter arising out of those attacks.

On top of the problem of the Gulf war we have had a terrorist attack in Britain by the IRA on a democratically elected cabinet in Downing Street and indeed attacks on civilians in railway stations in London, which must equally be condemned. Could I ask the President-in-Office to give an absolute assurance that every possible measure will be taken, be it security or legal, and, in particular the plugging of any loopholes in extradition treaties between Member States, to ensure that democratic institutions throughout the Community are not under terrorist threat from anywhere, whether the source is the Middle East or indeed terrorists in my own country?

*Mr Wohlfart:* As I have already said in my written reply to the question, this is an extremely serious subject and the Twelve are very conscious of it. An exchange of views is useful, but as the honourable Member has just emphasized in his supplementary question, the greatest possible effort must be made to remove the threat, although we know quite well that unfortunately nothing we can do is going to reduce the risks of attack. But I think the important thing that members of Parliament want to know is whether the Twelve are making every effort to achieve a coherent approach at Community level in making an assessment of the threat, planning security measures and improving cooperation.

If the honourable Member will allow me, I would like to give some information about this informal ministerial meeting of the Trevi group and examine in detail the various initiatives decided upon on 22 January 1991 in Luxembourg.

First of all, as regards the assessment of the threat, there is a threat of attack and there will continue to be one after the conflict is over for the reasons honourable Members have already mentioned. There is a risk in certain Community countries where there is a very large population of Muslim origin. There is also a threat of state terrorism, terrorism by organized groups and spontaneous terrorism. Terrorism linked to the crisis in the Gulf may bring in its wake a renewal of international terrorist activity but while our analysis may conclude that an aggravated risk of terrorism does exist, we do not for the moment have any information about the intended acts.

As for the security measures that have been taken, we know of the following initiatives: checks on all Iraqi nationals – in certain cases removal and expulsion; tighter security control on nationals of certain risk countries; restrictions or bans on the issue of transit visas to Iraqi nationals; intensification of preventive measures, setting up of security committees, expulsion of certain diplomats; contacts with threatened communities in Europe to reassure them and maintain a climate of confidence; reinforcement of frontier controls, tighter control at airports – to mention just one example, all electrical equipment is now prohibited on flights; controls on certain threatened targets, notably embassies, public buildings, sensitive areas, American interests and those of other countries directly implicated in the operations in the Gulf.

As to improved cooperation, first the basic measures: better and faster exchange of information between the Twelve; reciprocal information on all persons declared *persona non grata* and all persons expelled; assessment exchanges on risk communities, rapid exchange of information on persons regarded as suspects, intensification of contacts between information services; procedural measures to associate the observer countries of the Trevi group in the exchange of information, stepping up the frequency of meetings if necessary; providing, if the situation should worsen, a phase of intensification of cooperation; setting up what is still only envisaged as a possibility in



the context of Trevi 92, a system of liaison officers, that is a crisis cell in a single location consisting of a representative from each of the Twelve.

In addition, these countries have working groups fighting international terrorism and regularly exchanging highly confidential data on measures taken or to be taken in the fight against this scourge.

*Mr Desyllas (CG):* How frightening is the whole nightmare scenario of state terrorism described to us by the President-in-Office! I would like to ask him whether he has seen the film 'Casablanca', in which a superintendent of police says: 'Arrest the usual suspects'. Perhaps that is how we should deal with all the Arabs and Palestinians in the twelve Member States?

*Mr Wohlfart:* First, let me assure the honourable Member that I have indeed seen the film 'Casablanca', but faced with the gravity of the situation and the threat of international terrorism – which, as the honourable Member just emphasized in his question, is no vague threat, but a harsh, cruel and merciless reality – I think the Member States of the Community must get together and provide themselves with the basic structures to combat this scourge.

**91/058. Question No H-77/91 by Mr Robles Piquer concerning movements of heavy armaments in the USSR**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What does the EPC consider are the political implications of the report published in the newspaper 'Sovetskaya Rossiya' according to which the USSR has moved thousands of tanks, cannons and other heavy armaments to the east of the Urals, thereby making a mockery of the recent agreements on conventional arms reduction?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* Mr President, the question raised by the honourable member has not been discussed in European political cooperation. However the Community and its Member States maintain rigorous and faithful application of all disarmament and arms control agreements signed.

*Mr Robles Piquer (PPE):* Mr President-in-Office of the Council, I must say that I am somewhat surprised at such an evasive answer, because if a statement by a well-known and indubitably important Soviet newspaper that the Soviets are moving their heavy armaments to the other side of the Urals to evade compliance with the agreed rules laid down does not arouse some concern on the part of our Community political organs, I must say that I do not quite see what the Community political organs are for. In my opinion this is a matter of extreme gravity and it seems to me that this information, which comes from a source which we must regard as acceptable and reliable, ought to have been investigated in greater detail.

*Mr Wohlfart:* It is very difficult to add anything further to my initial reply. How do you expect me to add anything more if the matter has not yet been discussed in European political cooperation? As regards the war in the Gulf, the President-in-Office of the Council, Mr Poos, has stated that at present the EPC has no competence in the matter. As you know, there are inter-governmental conferences now underway, notably on political union, and an effort will be made to include these

other areas in Community competence. Whatever happens as regards a common foreign and security policy, I can certainly say that the inter-governmental conference is of the greatest importance for the Community if it wants to act not just as a great economic power, but also as a political power with a role to play in today's world.

*Mr Hughes (S):* I fully understand the problem facing the President-in-Office if this specific issue has not been discussed in Political Cooperation. However, he will recall that as part of the talks on the reduction of conventional forces in Europe, detailed consideration was given to verification arrangements in order to check compliance with the agreements. Could the President-in-Office tell us whether he feels that verification arrangements are in fact satisfactory and will monitor this sort of situation? Could he also tell us whether in fact European political cooperation is informed of the periodic checks carried out under the verification procedures?

*Mr Wohlfart:* In the context of the EPC treaty, I do not think European political cooperation has been informed.

**91/059. Questions No H-80/91 by Mr Cushnahan and H-139/91 by Mr Gangoiti Llaguno concerning the situation in the Baltic States and concerning direct dialogue**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-80/91:*

In view of the recent events in the Baltic States, what actions have the Foreign Ministers, meeting in Political Cooperation, taken to convey to the Soviet authorities the concern of the Community at these developments?

*Question No H-139/91:*

The Community's position with regard to the current conflict between the Government of the Soviet Union and the Baltic Republics is well known.

Does not EPC consider that, following on from this line, a direct dialogue should also be established with these Republics, in order to obtain information at first hand as to their intentions?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* Mr President, ever since the events in the Baltic countries began, the Community and the Member States have been telling the Soviet authorities and their representatives of their lively concern about the serious situation in the Republics. In their statement of 11 and 14 January,<sup>1</sup> they reminded the Soviet authorities that the use of force was completely unacceptable and contrary to the Charter of Paris, and that a solution must be found through dialogue between the Soviet authorities and the elected representatives of the Baltic peoples, with a view to satisfying the legitimate aspirations of these peoples.

They pointed out that the pursuit of fruitful cooperation between the Community and its Member States on the one hand, and the Soviet Union on the other hand, can only be based on shared values. They will examine the development of such cooperation in the light of the devel-

opment of relations between the Union and the Baltic Republics. Against this background and after the tragic incidents in Vilnius and Riga, it was decided to postpone the meeting of the joint committee of the Community and the Soviet Union, planned for 24 and 25 January 1991.

As regards the technical assistance programme agreed by the European Council of Rome, it was decided that, without actually suspending the programme, this was not the time to pursue it actively.

The Community and its Member States have also decided to set in motion the first phase of the ECSC human rights mechanism. In line with this mechanism, they have put forward a request for information about the events in question at the Soviet Ministry for Foreign Affairs. At the meeting between senior civil servants of the ECSC in Vienna, as well as at the 47th Session of the Human Rights Commission in Geneva, the representatives of the Presidency stressed their concern about the events in the Baltic countries in the name of the Community and its Member States.

In their statement of 4 February,<sup>2</sup> the Community and its Member States expressed their satisfaction at the decision to hold a referendum in each of the Baltic countries, and their hope that by consulting the people in this way conditions would be created for the relaunch of a meaningful and constructive dialogue between the Soviet central authorities and the Baltic countries. They considered such a decision to be in accordance with the spirit of the Charter of Paris for a new Europe.

*Mr Cushnahan (PPE):* Regrettably on Monday of this week the fourteenth Lithuanian victim of the massacres in January died, and of course 300 were injured. Despite all that has been done, the Soviet authorities still continue to deny freedom of the press in Vilnius and Riga and the parliament in Vilnius is still under siege. There is no perceptible reduction in the Soviet military presence. While I would not support a suspension of medical and food aid on humanitarian grounds, I would certainly support the suspension of any other aid. Pressure needs to be brought to bear on the Soviet authorities, as the President-in-Office has said, to ensure that they comply with their commitments under the Charter of Paris and the Helsinki Final Act and desist from any further intimidation. The problem we in the West face is that Gorbachev is highly regarded, and quite rightly, for the heroic stance he took in promoting perestroika and glasnost; but the danger – and I think the Ministers meeting in Political Cooperation have to make a judgment here – is that he may succumb to the more hardline elements in the Soviet Union. Given his reputation in the West, which was justly earned, he could become a figleaf for the resurrection of the old Stalinist regime. I would urge the Ministers meeting in Political Cooperation to bear that in mind and take any action that is necessary to hammer the message home to the Soviet Union that this Parliament will not tolerate a repetition of these events in the Baltic States.

*Mr Wohlfart:* Mr President, I would like to say first of all that this question has already been overtaken by events. As you know the Troika of the Community has in the meantime paid a visit to the Soviet Union where it not only had a meeting with the Minister of Foreign Affairs, Mr Besmertnik, as planned, but also one with President Gorbachev, which was not originally scheduled. For a reply to this question, I think it would be useful to wait for tomorrow's debate on the situation in the Baltic countries when the Presidency intends to make a complete report on the results of this Troika visit to Moscow.

So I ask honourable Members to wait a little longer because tomorrow I will try to give them detailed reports not only on the Troika but also on the Soviet reply to the first phase of the mechanisms of the Commission of Human Rights in the context of the ECSC. I will be happy to deal with this very important question in greater breadth and depth tomorrow.

*Mr Gangoiti Llaguno (PPE):* Mr President, first I should like to thank the Presidency for the explanations which have been given and for announcing the report which it is to make to us tomor-

row. In any case, on the lines of the question which I put, I should like to ask further whether the Presidency of the Council does not think that once we have been informed about the visit of the Troika to Moscow and the European Economic Community's interest in the problems of the Baltic countries, it would be very useful not only to hold a meeting or interview with Moscow, with the authorities there, but also with the representatives of the Baltic Republics currently suffering repression? I should like to ask whether the Council would agree to establish such contact itself or whether the Commission or a subcommittee of Members of Parliament should make direct contact with the representatives of the three Baltic Republics to hear from them at first hand the views of the other party affected by this conflict.

*Mr Wohlfart:* I have not forgotten the question which was asked, because it was formulated a bit differently. Referring to the statement of 4 February which I mentioned in the course of my main answer, I should add that the Community and its Member States hope the current conflict between the Soviet authorities and the elected representatives of these republics will be settled through dialogue and without the use of force. That is absolutely clear. It is also clear that before it can create firm ties with the Baltic Republics the Community must continue to encourage the establishment of such a dialogue. I believe that the two parties, the central Government and the Governments of the Baltic Republics, have everything to gain from such a dialogue.

The Community and its Member States thought it would be helpful if, alongside the measures already taken in relation to the Soviet Union, the political debate with the Soviet authorities were pursued and contacts with local representatives in the republics intensified.

As the honourable Member knows, several Member States already have informal contacts with the Baltic Republics. If members of the European Parliament want to go to the Baltic countries, and this is the idea put forward by the honourable member, we would encourage any initiative of that kind. But above all let me emphasize that we need a dialogue based on mutual understanding between the Soviet Union and its various republics and on respect for the constitution.

*Mr Vandemeulebroucke (ARC):* Mr President-in-Office, you said that you had 47 contacts. Then you said you would like to recognize the Baltic States. I would like to ask you what diplomatic approach the twelve Member States of the European Community will adopt. I have never had an answer to that simple question.

*Mr Wohlfart:* You quoted me as saying that the number of contacts was 47. I think there is still a slight difficulty here.

The process which is now underway – and here I think everyone in this chamber will agree with me – is a very delicate process, and a certain balance, a certain equilibrium, is needed, if I may say so, to encourage dialogue between the central power and the Baltic Republics. At the present time, I cannot advise you on behalf of the Council of any recommendations aimed at establishing diplomatic relations with the Baltic States.

*Mr Maher:* Were it not for the fact that world media attention is directed almost completely at the war in the Gulf at the moment, it would probably be focussed much more on the problems of the Baltic States. That would not suit the Soviet Union at all. In view of that situation, would the Council consider or has it given any consideration to sending observers to the Baltic States on a more or less semi-permanent basis while this problem lasts to observe what is going on and to show a presence in the Baltic States? That would not suit the Soviet Union either because obviously it does not want the outside world to know too much about what it is doing, its intimidation, etc. It needs the West at the moment. It needs assistance. It needs cooperation. Would the Council give consideration to this kind of idea?

*Mr Wohlfart:* I leave it to the honourable Member to make his own appreciation of the situation in the Soviet Union as he sees it, especially, as regards the Baltic States. I would like to ask honourable members to avoid what I feared when I first attempted to answer the question. I did not want us to get into lengthy discussion now, either on Soviet central Government policy towards the Baltic States and the other republics which make up the confederation or on the policy the Twelve are drawing up in the light of the elements of information collected during the Troika's visit. If you would please wait another twelve hours and nine minutes, I shall then give you a complete rundown, as complete as possible, on developments in the Soviet Union together with informal elements provided by Mr Gorbachev, very important elements for future relations between the Soviet Union and the Community. I would ask you to be patient for a little while longer.

*Mr Habsburg (PPE):* May I ask the representative of the Council one question: I discern in the official statements of our Community and also in the remarks of certain politicians a dangerous confusion. There are different situations in the Soviet Union. The Baltic States are real States, because of the twelve members of the Community there was only one country which recognized the occupation of the Baltic States by the Soviets, and that was Hitler's Germany. So only Hitler recognized it, everyone else refused to recognize it.

Now, I see a certain confusion arising between those republics we have recognized as being in the Soviet Union, and the Baltic countries which we have not recognized in that way. There is a very clear and important legal distinction here. Is it being made by the Council?

*Mr Wohlfart:* Eleven of our States refused to recognize the annexation of the Baltic Republics. But can I also ask the honourable Member, who is well-known in the Grand Duchy for his articles in a great Luxembourg daily paper and his trenchant opinions, to wait until tomorrow because I have certain elements of information that I would rather disclose tomorrow morning, not tonight, so that all members can take note at the same time of this very important information for our future policy position.

<sup>1</sup> EPC Bulletin, Docs 91/008 and 91/010.

<sup>2</sup> EPC Bulletin, Doc. 91/044.

**91/060. Question No H-94/91 by Ms Ewing concerning the Soviet prisoner of conscience Lazar Rulyov-Kagan**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Several Members of the European Parliament have already raised the issue of the terrible plight of Soviet Jewish prisoner of conscience, Mr Lazar Rulyov Kagan, and yet he is still in detention. Matters have been made even worse for his wife, Svetlana, because he has been moved from Cerapovec to Sokol near Vologda, a distance too great for her to be able to visit him.

Will the Foreign Ministers meeting in Political Cooperation please look into this matter again and send an urgent message to the Soviet authorities to release Mr Rulyov-Kagan immediately?

*Answer:*

The specific case raised by Ms Ewing has not been discussed in European political cooperation.

However, the Community and its Member States use the mechanisms of political dialogue as well as traditional diplomatic channels in order to make clear the importance they attach to the application of the principles of the CSCE as recently defined in the Paris Charter for a New Europe, which encompasses respect for human rights, including the rights of religious minorities. This document stipulates that these principles can only be applied in a democratic political framework and that the rights of persons belonging to minorities must be fully respected in so far as they count as universal human rights.

As they have done on many occasions, the Community and its Member States will continue to remind the Soviet authorities of the need for the USSR to respect fully the commitments entered into in the sphere of human rights.

**91/061. Question No H-114/91 by Mr Papayannakis concerning the expulsion of Albanian refugees from Greece**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

By 25 January 1991 about 2500 Albanians, some of Greek descent, who had recently sought asylum in Greece, had 'returned' to Albania in circumstances which the UN High Commissioner for Refugees described as 'disturbing'. A Greek Government spokesman stated that the refugees had returned 'voluntarily'. According to the latest reports (28 January 1991), more refugees have been put on buses and deposited at the Albanian border. What view do the Foreign Ministers meeting in Political Cooperation take of these actions in the light of the development of Community policies towards Albania, Eastern Europe and in more general terms the defence and development of the principles of the CSCE, and the Community's declarations and texts on human and civil rights? Do they know what treatment the Albanian regime had in store for the 'returning' or, returned refugees, and are there, and has Greece put forward programmes for the reception and integration of refugees from Albania and what will be the Community's response?

*Answer:*

Although the question put by the honourable Member does not come within the remit of European political cooperation, I should like to draw his attention to the fact that the authorities of the two countries concerned recently held a high-level meeting to discuss in particular the question of Albanian refugees and the problems caused by the exodus.

According to the joint communiqué issued on Sunday, 13 January, the two countries agreed that Albanians of Greek origin should remain in their homeland and that refugees returning from Greece should be able to live as free citizens. The text did not envisage any measures to check the exodus of refugees from Albania.

Where the principles of the CSCE referred to by the honourable Member are concerned, we note that at the present time Albania is not part of the CSCE. Moreover, Albania's acceptance of the commitments on human rights inherent in the CSCE will play a decisive role in the attitude taken by the Community and its Member States to Albania's request to become a participant country in the CSCE.

**91/062. Question No H-123/91 by Mr De Rossa concerning recognition of time spent in custody awaiting extradition**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

With reference to Council of Europe Recommendation No R(86) 13 of 16 September 1986 to the effect that 'time spent in custody pending extradition should be deducted from the sentence in the same manner as the time spent in custody awaiting trial' has the EPC given any consideration to how this recommendation might be implemented by the Member States?

*Answer:*

I refer the honourable Member to the answer to Question H-6/91 by Mr Paisley on extradition. I can assure him that the various aspects of the extradition procedure are being examined in great detail in European political cooperation.

**91/063. Questions No H-142/91 by Ms Aulas, H-144/91 by Mr Melandri, and H-144/91 by Ms Valent concerning the relations between the EEC and the PLO<sup>1</sup>**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-142/91:*

Is it true that the Foreign Ministers, when the Troika visit Israel, will shun all contacts with Palestinian leaders? What underlying political considerations have prompted the decision, and how do the Ministers reconcile their apparent intention with the need to keep open the channels of dialogue with the Palestinian authorities?

*Question No H-144/91:*

How much truth is there in the claim that the Foreign Ministers intend to freeze the EEC's relations with the PLO? What underlying political considerations have prompted the decision, and how do the Ministers reconcile their apparent intention with the need to keep open the channels of dialogue with the Palestinian authorities?

*Question No H-144/91:*

The Portuguese Foreign Minister, João de Deus Pinheiro, has apparently said that the Community Foreign Ministers have frozen the Community's relations with the PLO and Yasser Arafat. Is this statement true and, if so, how can it be reconciled with the need to keep open the channels of dialogue with the Palestinian authorities?

*Answer:*

As they deal with the same subject, I shall answer Ms Aulas', Ms Valent's and Mr Melandri's questions together.

I would point out that the Foreign Ministers of the Twelve decided – on a proposal from the Presidency – to begin by establishing a series of contacts at political level with countries directly concerned by the Gulf crisis – such as Egypt, Syria, Jordan and Israel – and with the countries of the Magreb Arab Union which, as we are well aware, are particularly sensitive to the conflict.

This initiative is intended as a token of our unwavering friendship with the countries of a region which is clearly important for the Community on several counts. The events now taking place should not affect our relations with these countries as a whole, or with other countries. On the contrary, our primary concern is to resume cooperation as quickly as possible in order to ensure the future peace, stability and progress of the region as a whole.

In the framework of these contacts, the Ministers took the view that high-level political contacts with the PLO would not be appropriate at this stage. As the presidency's spokesman stated, this does not rule out all contact with the PLO. Contacts with the PLO can take place through the usual channels.

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<sup>1</sup> Question numbers as reported

**91/064. Question No H-126/91 by Mr Roumeliotis concerning American Government interference in Greece's internal affairs**

Date of issue: 20 February 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The US State Department's annual report published on 1 February 1991 which was handed to Greece's Foreign Minister during his recent visit to the USA raises the non-existent issue of a Macedonian minority in Greece and makes unacceptable statements about the Muslim minority in Thrace. Do the Foreign Ministers meeting in European political cooperation intend to adopt a position on this very important issue and condemn the American administration for intervening in the internal affairs of a European Community Member State, thereby possibly aggravating an already very tense situation?

*Answer:*

The issue referred to by the honourable Member was not raised in European political cooperation.

**91/065. Statement concerning the Gulf**

Date of issue: 24 February 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States deeply regret that Iraq has failed to respond positively to the appeal of the international coalition to withdraw immediately and unconditionally from Kuwait in accordance with the UN Security Council resolutions. In this grave moment, the Community and its Member States are at the side of the forces of the allied coalition.



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The Community and its Member States hope that the liberation of Kuwait can now intervene rapidly and with a minimum of loss in human lives on both sides.

**91/066. Statement concerning Nicaragua**

Date of issue: 25 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

On the occasion of the first anniversary of the elections which made possible, in democratic fashion, a change of Government in Nicaragua, the European Community and its Member States reiterate their support for pluralist democracy in this country and throughout Central America.

They express their conviction that the Central American countries will continue to display their determination to attain fully the objectives of the regional peace process through national reconciliation, and the respect and promotion of human rights.

**91/067. Statement concerning Thailand**

Date of issue: 25 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States have been deeply disturbed to learn the news of the military *coup d'état* on 23 February in Thailand. Opposed to all illegal use of force, they condemn the suspension of the constitution, the dissolution of the Parliament that was democratically elected on 24 July 1988, the dismissal of the Government and the establishment of martial law.

They call on the military personnel who have seized power to return it to those who have been duly elected and who represent the popular will, so that democracy can be restored.

The Community and its Member States consider that only a democratic Thailand will be in a position to play fully the constructive role to which it is called in the interests of peace and development in the region of South East Asia.

**91/068. Statement concerning Albania**

Date of issue: 26 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

In view of recent events in Albania, the Community and its Member States recall their strong interest in the development of the process of democratization in that country, as it takes shape against the background, in particular, of the free elections scheduled for 31 March.

The Community and its Member States give their encouragement to any progress towards democracy in accordance with the principles of the rule of law and call upon the Albanian authorities to do nothing which could compromise the movement towards reform.

**91/069. Statement at the 47th session of the Commission on Human Rights**

Date of issue: 27 February 1991

Place of issue: Geneva

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*M. Alex:* Monsieur le Président, j'ai l'honneur de prendre la parole au nom de la Communauté européenne et de ses Etats membres pour évoquer un certain nombre de sujets figurant au Point 12 de notre ordre du jour.

Avant d'aborder la situation concrète des droits de l'homme dans certains pays, j'aimerais commencer mon propos par quelques considérations d'ordre général.

Le lien entre la démocratie, les droits de l'homme et le développement soutenu est devenu de plus en plus évident dans le contexte de la coopération économique internationale. Le respect des droits de l'homme, la primauté du droit, le pluralisme politique ainsi que des institutions politiques efficaces et responsables sont considérés comme formant la base de tout développement économique et de toute redistribution équitable. Les paramètres mentionnés ci-dessus se trouvent dans le document final de la deuxième Conférence des Nations Unies sur les pays les moins avancés, adopté en septembre dernier. Par ailleurs, la promotion des droits de l'homme constitue un élément essentiel de la quatrième Convention de Lomé entre la Communauté et ses partenaires des Etats d'Afrique, des Caraïbes et du Pacifique, présidant également à la coopération instaurée entre la Communauté européenne, les pays asiatiques et les pays latino-américains.

Monsieur le Président, les Douze réitèrent leur profonde conviction que la protection des droits de l'homme et des libertés fondamentales ne saurait être considérée par quiconque comme une ingérence dans les affaires internes d'un Etat. La Charte des Nations Unies, et notamment ses articles 55 et 56, nous confère le droit moral d'intervenir là où des violations des droits de l'homme se produisent.

Monsieur le Président, la Conférence mondiale des droits de l'homme prévue pour 1993 constitue incontestablement une initiative positive qui, dans le futur, pourra donner une impulsion nouvelle au respect des droits de l'homme. La Communauté européenne et ses Etats membres attachent une grande importance à cette réunion. Elle sera amenée à examiner les moyens d'assurer une meilleure protection et promotion des droits de l'homme, y compris le renforcement des mécanismes existants dans le cadre des Nations Unies.

Pendant l'année écoulée, la Communauté aura constaté des tendances contrastées et des résultats différents dans le domaine des droits de l'homme. La Communauté européenne a tout d'abord pu saluer la réunification de l'Allemagne. La période a également été marquée par les progrès réalisés en Europe centrale et orientale, ainsi qu'en Haïti et en Namibie. En Afrique du Sud, il y a eu une série d'évolutions très importantes dont le discours du Président De Klerk au Parlement sud-africain, le 1er février passé.

Cette période a été marquée de même par la continuation, l'exacerbation et l'apparition de situations inquiétantes dans beaucoup d'autres parties du monde, notamment par la violation systématique et brutale des droits de l'homme perpétrée par l'Irak à l'encontre de sa propre population, de la population koweïtienne et à l'encontre des otages étrangers.

Enfin, convient-il de rappeler et de regretter qu'un certain nombre de pratiques condamnables se sont poursuivies aux dépens des droits de l'homme et surtout de la prévention de nouvelles violations. Je citerai à cet égard la quasi-impunité qui permet, voire encourage, la perpétration des violations institutionnalisées dans de nombreux pays encore.

Face à ces événements, la Communauté et ses Etats membres ont fait état de leur réprobation la plus ferme, dénonçant les violations des droits de l'homme où qu'elles se soient produites et

prenant des actions concrètes. J'en veux pour preuve les quelque cent déclarations publiées dans le cadre de la C.P.E. qui se rapportent à des problèmes précis des droits de l'homme partout dans le monde.

Aussi, convient-il de retenir, Monsieur le Président, que les représentants de la Communauté et de ses Etats membres ont effectué, pendant ces 12 mois passés, plus de 120 démarches dans le but de protéger ou de sauver des personnes exposées à un traitement arbitraire, soit encore en vue de marquer la préoccupation des Douze devant des violations des droits de l'homme particulièrement offensantes comme la torture, les exécutions sommaires, les disparitions forcées ou involontaires, les arrestations et détentions arbitraires. Ces démarches, souvent de nature confidentielle, et cela dans l'intérêt de ceux que nous avons cherché à aider, ont fréquemment contribué à convaincre les gouvernements concernés, soit de libérer des prisonniers, de commuer des peines de mort ou d'entamer des enquêtes sur des disparitions et d'autres violations des droits de l'homme, soit, d'une façon plus générale, de revoir leur attitude à l'égard des droits de l'homme et des libertés fondamentales.

Pour leurs déclarations, ainsi que pour leurs actions concrètes, les Douze ont trouvé une précieuse source d'inspiration et d'information en étudiant les rapports des rapporteurs spéciaux thématiques. Les Douze ont pris bonne note du fait que le Gouvernement philippin a invité le rapporteur spécial sur la torture ainsi que le groupe de travail sur les disparitions. Cette façon de procéder constitue un exemple à suivre par d'autres gouvernements qui connaissent des problèmes analogues en la matière.

La Communauté et ses Etats membres ne se sentent ni vocation ni velléité à prétendre servir de modèle à d'autres dans le domaine du respect des droits de l'homme et des libertés fondamentales. Nous tous avons déjà fait l'objet de poursuites engagées par la Cour européenne des droits de l'homme dans le cadre du Conseil de l'Europe. Nous estimons qu'avant de prendre en considération ce qui se passe en dehors de nos frontières, nous avons une obligation politique d'assurer le respect intégral de ces valeurs fondamentales dans nos pays, voire à l'intérieur de notre continent. C'est à ce titre que nous avons tout d'abord suivi, avec une vive attention, l'évolution des pays d'Europe centrale et orientale. Si l'année 89 avait été riche en promesses, les mois subséquents nous ont confirmé dans nos espoirs, tout en laissant subsister certaines craintes.

La Pologne, la Hongrie et la République fédérative tchèque et slovaque ont mené à bien l'instauration d'un Etat de droit. En attendant l'adhésion de la Pologne, les deux derniers, déjà membres du Conseil de l'Europe, ont intégré le giron des nations démocratiques européennes. A travers leur signature de la Convention européenne des droits de l'homme, ces pays ont adhéré à un des instruments les plus contraignants existant aujourd'hui en matière de droits de l'homme. Cette Convention, non seulement octroie à l'individu un droit de recours contre l'Etat qui l'a lésé, mais a instauré surtout des instances juridictionnelles dont le bon fonctionnement a prouvé leur raison d'être sur le plan international.

L'installation de nouvelles structures politiques et sociales dans les pays d'Europe centrale et orientale ne s'est pas faite sans heurts tant il s'avère difficile de mener à bien la reconstruction démocratique après plus de 40 ans de dictature.

La Communauté et ses Etats membres ont noté avec intérêt la confirmation apportée par le Rapporteur spécial concernant le processus d'amélioration du respect des droits de l'homme en Roumanie. Faisant leur les recommandations du Rapporteur spécial, les Douze encouragent les autorités roumaines dans leurs efforts en vue de favoriser la tolérance et de stimuler le dialogue. A cet égard, nous avons pris bonne note du rapport soumis par la Commission d'enquête du Parlement roumain nommée suite aux événements de la Place de l'Université et d'ailleurs à Bucarest du 13 au 15 juin 1990. De même, avons-nous accueilli avec satisfaction les propos du M.A.E. roumain dans son discours devant cette Commission des Droits de l'Homme, le vendredi 15 février 1991. Nous estimons qu'il serait utile que le Rapporteur spécial continue à suivre

l'évolution des droits de l'homme et des libertés fondamentales et continue aussi à assister, le cas échéant, les autorités roumaines dans le respect intégral de ceux-ci.

Concernant la situation des droits de l'homme en Albanie, les Douze notent avec intérêt les décisions prises par le Gouvernement en vue de rejoindre les autres pays d'Europe centrale et orientale qui ont choisi la voie de la démocratie. Toutefois, nous sommes obligés de relever que la situation des droits de l'homme, y compris la répression de manifestations, continue à nous inspirer de profondes inquiétudes. Nous encourageons le Gouvernement albanais à développer davantage le processus de démocratisation, la liberté religieuse ainsi que le respect du droit de quitter tout pays y compris le sien et de revenir dans son pays.

La Communauté reste par ailleurs préoccupée par la situation des droits de l'homme au Kosovo en Yougoslavie. Nous lançons un appel urgent à toutes les parties concernées en vue de trouver une solution pacifique à la crise actuelle, et nous demandons au Gouvernement yougoslave et aux autorités locales de garantir le plein respect des droits de l'homme et des libertés fondamentales. Nous insistons sur la nécessité d'éviter à tout prix le recours ou la menace de recours à la force.

La Communauté et ses Etats membres ont, à plusieurs reprises déjà, y compris à cette tribune, dénoncé et condamné la perpétration d'actes de violence graves dans les pays baltes. Un certain nombre d'actions concrètes ont été prises par les Douze. Parmi celles-ci, il convient de souligner l'enclenchement du mécanisme dans le cadre de la dimension humaine de la C.S.C.E. Cette procédure devra permettre de faire toute la lumière sur les événements. Par ailleurs, en vertu des engagements auxquels l'Union Soviétique a souscrit au sein des Nations Unies, la Communauté internationale a le droit d'exiger que les coupables de ces exactions soient identifiés et punis, que les autorités soviétiques s'abstiennent dorénavant de tout recours à la force et favorisent l'instauration du dialogue, comme elles s'y sont engagées. Les Douze ont noté avec satisfaction les assurances données en ce sens par le Représentant de l'Union Soviétique à la Commission des droits de l'homme, hier, en début de soirée et l'importante déclaration lue ensuite sur ce sujet par le Président de la Commission. Il convient de rappeler que les Douze revendiquent l'application intégrale des droits de l'homme et des libertés fondamentales aux pays baltes comme à toutes les Républiques soviétiques et régions autonomes.

La division tragique de Chypre, membre de la famille européenne, ainsi que ses conséquences dans le domaine des violations des droits de l'homme et des libertés fondamentales, continuent à inspirer de vives préoccupations à la Communauté et à ses Etats membres. Nous réitérons aussi notre appui au rétablissement de l'unité, de l'indépendance, de la souveraineté et de l'intégrité territoriale de l'île, conformément aux résolutions des Nations Unies y afférentes et sur la base de la mission de bons offices dont a été chargé le Secrétaire Général des Nations Unies.

Monsieur le Président, tout au long des douze derniers mois, le continent africain a été le témoin de certaines évolutions encourageantes en matière des droits de l'homme. En ce sens, la Communauté européenne a salué le processus de restauration démocratique engagé par plusieurs gouvernements. Nous espérons que cette tendance s'étendra dans les meilleurs délais à tous les pays du continent. En attendant, les Douze ont dû malheureusement constater que des crises graves ont eu une influence néfaste sur les droits de l'homme. A cet égard, la situation prévalant au Libéria inquiète profondément les Douze.

Monsieur le Président, la Communauté et ses Etats membres ont eu l'occasion de faire état de leur position concernant la situation des droits de l'homme en Afrique du Sud dans le cadre de leur intervention au point 5 de l'ordre du jour de la C.D.H. le 7 février 1991,<sup>1</sup> intitulé 'Violations des droits de l'homme en Afrique australe'.

Les Douze ont noté avec la plus grande attention les progrès importants qui y sont intervenus durant les 12 derniers mois. A cet égard, ils se félicitent de l'annonce faite, le 1er février 1991, par le Président De Klerk, des nouveaux changements importants.<sup>2</sup> Ils ont également exprimé leur

appréciation quant aux résultats des entretiens entre le Gouvernement et l'A.N.C. Ce rapprochement est de nature à faciliter les négociations devant conduire, avec la participation de toutes les forces représentatives du pays, à l'élaboration d'une nouvelle constitution.

Tout au long de l'année écoulée, la Communauté européenne a réaffirmé avec force son rejet total du système de l'Apartheid. Son objectif demeure l'abolition de ce système odieux de discrimination raciale, qui constitue un affront à la dignité humaine, une violation de la Charte des Nations Unies et est contraire à la Déclaration Universelle des droits de l'homme. Dans ce contexte les Douze rappellent que, dès lors que des initiatives législatives auront été prises à cet effet par le Gouvernement sud-africain, ils procéderont à un assouplissement des mesures adoptées en 1986.

L'accession de la Namibie [au] le cercle des Etats libres et indépendants a été un objectif pour lequel la Communauté et ses Etats membres se sont engagés de manière résolue et constante. La jeune démocratie namibienne poursuit son chemin dans un climat globalement encourageant, notamment en ce qui concerne le respect des droits de l'homme et des libertés fondamentales.

La situation dans la Corne de l'Afrique reste une source de préoccupations graves pour la Communauté européenne et ses Etats membres. La région est déchirée par de multiples conflits entraînant d'intolérables souffrances humaines.

Quant à l'Ethiopie, les Douze, l'année passée, ont accueilli avec satisfaction la libération d'un certain nombre de prisonniers politiques provenant des différents ethnies et groupements religieux. Néanmoins, les Douze continuent à suivre avec une vive préoccupation la situation des droits de l'homme dans ce pays. Les tentatives du Gouvernement éthiopien, visant à entamer des négociations avec les parties aux conflits internes, méritent nos encouragements. Les problèmes de l'Ethiopie, ainsi que de la région en général, ne peuvent être résolus que par des moyens politiques. La Communauté et ses Etats membres ont salué l'ouverture récente du port de Massawa pour l'acheminement de l'aide humanitaire. Ils ont [félicité] les parties en présence d'avoir mis les intérêts de la population de l'Erythrée touchée par la sécheresse, au-dessus de toute considération d'ordre politique.

La Communauté et ses Etats membres nourrissant une vive inquiétude face à l'instabilité politique et au climat de violence caractérisant la situation actuelle en Somalie. Dans leur déclaration du 15 janvier dernier,<sup>3</sup> les Douze ont réaffirmé leur attachement à un authentique processus de réconciliation nationale. Le processus de réconciliation devrait contribuer au respect des droits de l'homme et aider également la Somalie à préserver son indépendance, son unité et son intégrité territoriale.

La situation des droits de l'homme au Soudan demeure à tous égards alarmante. Elle s'est même profondément dégradée depuis la prise de pouvoir de la junte militaire, en juin 1989, et rien n'indique par ailleurs qu'un changement positif se produira dans un avenir proche. Malgré la libération d'un nombre important de prisonniers politiques, des centaines d'opposants au Gouvernement soudanais demeurent incarcérés sans perspective de procès. De nombreux rapports dénoncent le recours systématique aux mauvais traitements et le recours à la torture. Les procès sommaires, à l'issue desquels des participants au coup d'Etat de 1990 furent exécutés, soulèvent par ailleurs un certain nombre de graves questions quant au respect des droits élémentaires de la défense.

La Communauté et ses Etats membres restent gravement préoccupés par des allégations selon lesquelles, en mai dernier, à Lubumbashi, au Zaïre, plusieurs étudiants et militants politiques ont été abattus de façon sommaire par des forces gouvernementales en raison de leurs activités soutenant des réformes politiques. Les Douze lancent un appel au Gouvernement zaïrois pour qu'il fasse toute la lumière sur ces allégations. Les Douze notent avec intérêt l'invitation adressée il y a quelques jours au Rapporteur spécial, M. Amos Wako. Ils espèrent qu'il lui sera possible d'effectuer une enquête approfondie qui fera toute la lumière sur ces événements tragiques.

Quant à la situation prévalant au Rwanda, les Douze espèrent qu'une solution pacifique puisse être trouvée au conflit qui secoue actuellement ce pays. Dans ce contexte, la Communauté et ses Etats membres appuient toute initiative régionale qui, par ailleurs, devrait déboucher sur une solution définitive concernant les Rwandais réfugiés dans les pays limitrophes.

Monsieur le Président, l'année passée, un certain nombre d'Etats d'Amérique latine ont pris des mesures significatives dans la voie de la réconciliation interne, du plein exercice de la démocratie et du rétablissement des droits de l'homme et des libertés fondamentales.

La Communauté et ses Etats membres ont salué le retour du Chili à un Etat de droit et se félicitent des mesures adoptées par le Gouvernement démocratique, conformément aux engagements qu'il avait pris en vue du rétablissement complet des droits de l'homme et des libertés fondamentales.

Toutefois, Monsieur le Président, en dehors de ce contexte globalement encourageant, un certain nombre d'éléments de préoccupation demeurent, comme le soulignent d'ailleurs les rapports du Rapporteur spécial sur les exécutions sommaires et arbitraires, du Rapporteur spécial sur la torture ainsi que du groupe de travail examinant la question des disparitions forcées ou involontaires. Les Douze ont constaté avec inquiétude que le cycle de la violence dans certains pays de cette région se poursuit aux dépens essentiellement de la population civile.

Tout en encourageant et en appuyant l'engagement du Gouvernement en faveur d'une amélioration des droits de l'homme au Salvador, la Communauté et ses Etats membres notent avec préoccupation les violations persistantes dont ces valeurs fondamentales ont continué à être l'objet. Dans son rapport objectif et équilibré, le Représentant spécial a notamment constaté que des exécutions sommaires ont été perpétrées par des membres de la force armée ainsi que par les sinistres escadrons de la mort. Il a également attiré l'attention sur le climat d'intimidation qui prévaut parmi certains secteurs de la population, suite aux menaces d'assassinat, proférées à leur égard. Les Douze constatent une réduction des assassinats et exécutions ainsi que d'autres violations des droits de l'homme dans les mois qui ont suivi la signature entre le Gouvernement et la F.M.L.N. de l'Accord de San José. Les Douze demandent aux parties au conflit de continuer le dialogue devant aboutir à une situation de plein respect des droits de l'homme. La Communauté et ses Etats membres notent avec regret que le système juridique pénal au Salvador ne fonctionne toujours pas de manière satisfaisante. Une année et demie après le lâche assassinat de six pères jésuites et de deux de leurs assistants, les Douze marquent leur déception et leur inquiétude face aux lenteurs intolérables de la procédure judiciaire. Ils estiment que la prorogation du mandat du Représentant spécial devra être envisagée par cette Commission.

La Communauté et ses Etats membres restent également très préoccupés de l'aggravation continue de la situation des droits de l'homme au Guatemala. Ils sont particulièrement alarmés par le massacre perpétré, le 2 décembre 1990, à Santiago Atitlan, par les membres des forces armées, de même que par les récents rapports de l'expert indépendant faisant état de disparitions ou d'exécutions d'enfants des rues. Les Douze saluent le rapport détaillé et rigoureux de l'expert indépendant, ainsi que ses récents contacts avec le Gouvernement guatémaltèque. A cet égard, les Douze partagent l'avis de l'expert selon lequel l'un des objectifs prioritaires du nouveau Gouvernement est de continuer à affirmer son autorité sur les forces armées et de s'assurer de leur coopération en vue de mettre un terme à l'usage de la violence de la part des escadrons de la mort et de certains autres groupes paramilitaires. La Communauté et ses Etats membres encouragent vivement le Gouvernement du Guatemala à mettre à profit l'acquis démocratique dont il bénéficie, suite aux récentes élections, en vue d'engager un processus fondamental de réformes assurant de manière durable le respect des droits de l'homme et des libertés fondamentales dans ce pays. A cet égard, les Douze ont pris bonne note des déclarations et des premières décisions du nouveau Gouvernement visant à assurer la suprématie du pouvoir civil et le renforcement du système judiciaire. Cependant, ils souhaitent que la Commission des droits de l'homme continue à traiter

de la situation des droits de l'homme au Guatemala d'une manière appropriée. Les Douze espèrent que le Rapporteur spécial continuera son travail.

La Communauté et ses Etats membres expriment à nouveau leur préoccupation face à la situation des droits de l'homme à Cuba. Ils notent dans ce contexte le rapport préparé par le Secrétaire Général, suite à la résolution 1990/48 de la Commission des Droits de l'Homme. Les Douze sont particulièrement préoccupés par la pression continue et inadmissible dont font l'objet certains de ceux qui ont témoigné et coopéré avec les Nations Unies dans le domaine des droits de l'homme. En tout état de cause, les Douze poursuivront leurs efforts de dialogue avec les autorités cubaines. Ils espèrent que, comme beaucoup de pays de la région, Cuba connaîtra à l'avenir une évolution plus marquée vers un respect véritable des droits de l'homme.

Après des années de dictature, d'instabilité et de violations des droits de l'homme et des libertés fondamentales les plus graves, la République d'Haïti semble avoir retrouvé enfin les voies de la démocratie. Les élections organisées sous l'égide des Nations Unies ont pu se dérouler dans le calme, avec une participation très forte de la population. La démocratie haïtienne est encore fragile et a besoin de l'aide de la communauté internationale pour assurer pleinement le respect des droits de l'homme. Notre Commission a le devoir d'y contribuer.

Monsieur le Président, la Communauté et ses Etats membres demeurent préoccupés par la situation des droits de l'homme en Chine. Les Douze ne peuvent que manifester leur rejet des sentences sévères rendues suite aux procès sommaires, dont le dernier a eu lieu le 12 février passé, à l'encontre de citoyens chinois engagés pour la démocratie. Ils renouvellent leur appel aux autorités chinoises pour qu'elles garantissent, conformément à leurs obligations internationales, le respect des droits de l'homme dans tout le pays, y compris au Tibet. En attendant, les Douze continueront leur dialogue avec les autorités chinoises dans un esprit constructif en vue d'obtenir la libération de tous les prisonniers politiques ainsi que le respect du droit des citoyens à se rassembler pacifiquement et à exprimer librement leurs opinions.

En ce qui concerne le Népal, la Communauté et ses Etats membres ont pris note avec satisfaction de la décision de lever l'interdiction sur les partis politiques et de la réforme constitutionnelle établissant un système démocratique reposant sur le multipartisme. Ils se félicitent de l'annonce d'élections générales prévues pour le mois de mai 1991.

S'agissant de l'Afghanistan, alors qu'un conflit armé se poursuit, opposant le Gouvernement et les groupes de la résistance, la Communauté et ses Etats membres ne peuvent que réitérer leur profonde préoccupation à l'égard de la situation des droits de l'homme dans ce pays. Dans les zones contrôlées par le Gouvernement, il convient de rester vigilant [...] conditions de détention des prisonniers détenus à la prison de Kaboul qui restent insatisfaisantes. Le sort des prisonniers détenus par les forces de l'opposition ne devrait pas non plus être oublié. La situation des réfugiés n'a pas changé de manière significative. La situation au pays ne permet guère aux quelque 5 millions d'Afghans à l'étranger de réintégrer leur foyer. Il en va de même pour les centaines de milliers d'Afghans qui, tout en étant restés au pays, se sont vu obligés de quitter leur région d'origine. Les Douze restent attachés à la réalisation d'une solution politique globale à travers les procédures démocratiques en accord avec le peuple afghan, y compris des élections libres et équitables. D'ici là, la Communauté européenne estime que le mandat du Rapporteur spécial devra être prorogé.

Quant à la situation prévalant au Cambodge, la Communauté et ses Etats membres se sont félicités du plan agréé, le 28 août 1990, par les 5 membres permanents du Conseil de Sécurité, accepté dans sa totalité par toutes les parties cambodgiennes concernées. Ce plan a été endossé à l'unanimité par l'A.G.N.U. le 15 octobre 1990 et constitue la base pour le règlement du conflit cambodgien. Les clauses relatives au respect des droits de l'homme constituent un élément important de ce plan. Les Douze cherchent et appuient une solution politique négociée garantissant l'indépendance, la souveraineté, la neutralité et l'intégrité territoriale du Cambodge.

Ils se félicitent également de l'adoption par les cinq membres permanents du Conseil de Sécurité et par les co-Présidents de la Conférence, de l'avant-projet de paix préparé par la Conférence de Paris. La Communauté insiste sur le droit fondamental des Cambodgiens à choisir leur propre Gouvernement à travers des élections libres et équitables sous l'égide des Nations Unies. Les Douze se font l'avocat du plein respect des droits de l'homme au Cambodge, afin d'éviter le retour à des pratiques de génocide du passé. Il ne saurait être permis ni aux Khmers Rouges, ni à aucune autre partie cambodgienne de prendre ou de garder le pouvoir par la force des armes. Les Douze demeurent par ailleurs convaincus que la multiplication des confrontations militaires sur le terrain ne saurait que retarder une issue politique équitable.

Les Douze restent préoccupés par les violations continues des droits de l'homme au Vietnam. Un certain nombre de détenus politiques sont toujours emprisonnés contrairement aux obligations internationales auxquelles le Vietnam a souscrit. Les Douze expriment l'espoir que les autorités de ce pays prendront rapidement les mesures nécessaires en vue de leur libération. En même temps, ils notent que les autorités vietnamiennes ont respecté leurs obligations envers les citoyens rapatriés.

La Communauté et ses Etats membres sont gravement préoccupés par la détérioration de la situation des droits de l'homme dans l'Union de Myanmar [Birmanie] au cours des derniers mois et ont pris note du fait que ce pays figure dans le rapport sur la question de la torture, établi par le Rapporteur spécial, M. Kooijmans. Les autorités de ce pays, en violation notamment de l'Article 25 du Pacte sur les droits civils et politiques, n'ont tiré aucune des conséquences des élections qui se sont déroulées le 27 mai 1990 et qui ont donné la victoire à l'opposition. De très nombreux responsables politiques, notamment le Chef du principal parti d'opposition, Madame Aung San Suu Kyi, demeurent détenus ou assignés à résidence, dans des conditions souvent inacceptables. De multiples témoignages dignes de foi font état, en outre, de violations de plus en plus graves et nombreuses des droits de l'homme contre des civils privés de tout moyen de défense. C'est pourquoi les Douze lancent un appel pressant au Gouvernement de Myanmar pour qu'il tienne compte des résultats des élections de 1990 en transférant sans délai le pouvoir à ceux qui les ont emportées.

Les Douze déplorent la violence continue qui affecte le Cachemire et qui entraîne une détérioration de la situation des droits de l'homme dans cette région. Ils expriment le souhait que les Gouvernements indien et pakistanais ne fassent rien qui puisse contribuer à faire monter la tension dans la région. Ils espèrent que des conditions favorables seront créées pour que la population du Cachemire puisse, dans un climat de paix et d'harmonie, jouir de tous ses droits fondamentaux. Les Douze espèrent également que le Gouvernement indien autorisera le libre accès au Cachemire des O.N.G. œuvrant dans le domaine humanitaire.

La Communauté européenne est très préoccupée par la situation des droits de l'homme au Sri Lanka, en particulier pour ce qui est des disparitions et des exécutions extra-judiciaires. La Communauté se félicite de la décision prise par les autorités sri lankaises autorisant l'accès du groupe de travail sur les disparitions forcées ou involontaires au territoire national en septembre 1991. Nous reconnaissons les difficultés du Gouvernement du Sri Lanka face à la situation de guerre civile qui sévit dans le pays. Toutefois, nous sommes alarmés par les rapports selon lesquels les escadrons de la mort et d'autres groupes se livrent à des exactions et à des tueries. Selon certaines allégations, ces groupes seraient organisés, ou tout au moins jouiraient de l'appui tacite des autorités sri lankaises. Les Douze appellent le Gouvernement sri lankais à respecter les droits de l'homme, même lors d'opérations de maintien de la paix et de l'ordre. A cet égard, les Douze se sont inquiétés de l'obstruction dont ont été victimes des citoyens ayant eu l'intention de déposer des documents à charge et ceci en contradiction avec la résolution 1990/76 de cette Commission. Dans ce contexte, les Douze condamnent toute mesure d'intimidation ou de représailles envers les citoyens sri lankais. La Communauté se félicite de la création par le Chef de l'Etat d'un groupe spécial sur les droits de l'homme et espère que les travaux de celui-ci



produiront des résultats, concrets et objectifs. La Communauté européenne en appelle au Gouvernement du Sri Lanka de faire tout son possible afin que l'action humanitaire du C.I.C.R. et du M.S.F. se déroule dans les meilleures conditions.

Les Douze sont gravement préoccupés par la situation des droits de l'homme prévalant au Timor Oriental. Bien que l'accès à certains districts reste interdit, des rapports nous parviennent, témoignant que les arrestations de courte ou longue durée, les mauvais traitements, la torture ainsi que des tueries, le non-respect du droit de se réunir pacifiquement et de la liberté d'expression continuent à être infligés aux habitants du Timor Oriental par les forces indonésiennes.

Les Douze se félicitent de l'intention du Rapporteur spécial sur la torture de se rendre au Timor Oriental. Par ailleurs, ils expriment leur désir que les O.N.G. soient autorisées à se rendre sur le territoire.

La Communauté et ses Etats membres expriment l'espoir qu'une solution équitable, globale, internationalement acceptable soit trouvée en conformité avec les principes de la Charte des Nations Unies, y compris le respect des droits de l'homme et des libertés fondamentales et ceci en tenant pleinement compte des intérêts légitimes des Timorais orientaux. Les Douze continuent à suivre de près l'évolution de la situation dans le Timor Oriental.

Monsieur le Président, les Douze ont pris note avec le plus grand intérêt du rapport du Représentant spécial, M. Galindo Pohl sur l'Iran. Ce rapport mérite une étude approfondie par toutes les délégations présentes. Le précédent rapport témoignait de certains progrès accomplis au niveau des droits de l'homme en Iran au cours des douze derniers mois.

Néanmoins, les Douze déplorent profondément que des violations des droits de l'homme, comprenant un nombre très élevé d'exécutions, ainsi que l'absence d'un certain nombre de libertés fondamentales, aient continué à exister en Iran pendant cette période. Par ailleurs, les Douze ont pris note que le Gouvernement iranien a fait preuve d'une certaine volonté afin de faciliter les travaux du Représentant spécial. Ils encouragent le Gouvernement iranien [à] persévérer dans son attitude en vue d'améliorer la situation des droits de l'homme dans son pays. A cet égard, les Douze relèvent que la décision d'inviter le C.I.C.R. à visiter des prisons en Iran n'a pas encore été concrétisée. A ce stade de leur information, les Douze soulignent la nécessité de proroger le mandat du Rapporteur spécial et souhaitent que celui-ci, dans l'exécution de son mandat, puisse compter sur la pleine coopération des autorités iraniennes.

Concernant la situation des droits de l'homme dans les Territoires Occupés par Israël depuis 1967, la Communauté et ses Etats membres ont eu l'occasion d'exprimer leur attitude dans le cadre de leur intervention sous le Point 4 de notre ordre du jour intitulé 'Question de la violation des droits de l'homme dans les Territoires arabes occupés, y compris la Palestine'.<sup>4</sup> Les Douze déplorent les atteintes aux libertés et droits fondamentaux commises par Israël envers les populations des Territoires Occupés. Dans ce contexte, la Communauté européenne et ses Etats membres demandent instamment à Israël d'agir conformément à ses obligations aux termes de l'Art. 49 de la 4ème Convention de Genève. Les Douze sont préoccupés par le fait que la situation s'est considérablement aggravée dans les territoires arabes occupés par Israël.

A cet égard, convaincus que la violence engendre la violence, les Douze condamnent tout recours à celle-ci quel qu'en soit l'auteur.

Au Liban, la population a énormément souffert durant les dernières années des interventions des forces armées étrangères et des conflits internes qui secouent ce pays. La ratification des accords de Taef par le Parlement libanais, ainsi que la création d'un plan de sécurité pour la grande région de Beyrouth ont jeté, dans des conditions difficiles, les prémisses favorisant la réconciliation nationale devant amener à la reconstruction d'un Etat de droit respectueux des droits de l'homme et des libertés fondamentales. Ce processus jouit du plein soutien de la Communauté et de ses Etats membres. Cependant, nous aimerions saisir cette occasion pour

souligner notre profonde préoccupation quant au sort des otages qui sont malheureusement toujours détenus dans ce pays.

On ne saurait trop insister ici, Monsieur le Président, sur la gravité que revêt, aux yeux de la Communauté européenne, l'agression militaire de l'Irak contre le Koweït, son occupation illégale ainsi que les atrocités qui ont été commises par les autorités irakiennes à l'encontre des habitants du Koweït. La Commission des Droits de l'Homme, en vertu de son mandat, devra aborder la situation des droits de l'homme au Koweït, de manière à mettre en lumière, sans fard, l'ampleur des violations qui y ont été commises par le Gouvernement d'Irak. La Communauté et ses Etats membres estiment, par ailleurs, que la seule façon efficace d'y mettre un terme réside, conformément aux résolutions du Conseil de Sécurité y afférentes, dans l'évacuation immédiate et sans conditions du territoire koweïtien par les forces d'occupation de l'Irak.

Concernant ce dernier pays, la Communauté et ses Etats membres ont été obligés de constater que les violations des droits de l'homme perpétrées par le régime au pouvoir contre le peuple irakien, et notamment la minorité kurde, n'ont en rien diminué, et ceci malgré l'attention accrue que les instances compétentes des Nations Unies prêtent depuis plusieurs années à la situation des droits de l'homme en Irak. De plus, les Douze rappellent que l'usage d'armes chimiques contre la minorité kurde a constitué un acte particulièrement intolérable. C'est pourquoi la Communauté et ses Etats membres espèrent fermement qu'au cours de son actuelle session, la Commission des Droits de l'Homme pourra adopter une procédure efficace d'examen de la situation des droits de l'homme en Irak. Nous pensons que la désignation d'un Rapporteur spécial, dans le cadre d'un mandat approprié, constitue une mesure nécessaire dans ce contexte.

Monsieur le Président, le premier des devoirs de la Commission des Droits de l'Homme s'établit à l'égard des individus et non envers les Gouvernements. La Communauté et ses Etats membres estiment que la Commission des Droits de l'Homme constitue, aujourd'hui plus que jamais, l'instance la plus appropriée pour surveiller l'application effective des principes et règles universels dans le domaine des droits de l'homme et des libertés fondamentales.

Merci Monsieur le Président.

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1 *EPC Bulletin*, Doc. 91/047.

2 *EPC Bulletin*, Doc. 91/045.

3 *EPC Bulletin*, Doc. 91/013.

4 *EPC Bulletin*, Doc. 91/043.

## 91/070. Statement concerning the Gulf

Date of issue: 28 February 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States welcome the suspension of military operations in the Gulf.

The Community and its Member States are greatly satisfied that Kuwait has recovered its freedom and that international legality has been restored. They express their gratitude to all states which committed forces to the cause of ensuring respect for the resolutions of the Security Council of the United Nations.

They pay their respects to all those who have lost their lives in this conflict.

They note Iraq's acceptance of the twelve resolutions of the Security Council of the United Nations and express the hope that its Government will rapidly accept the conditions put forth by the coalition.

It is now the task of the Security Council of the United Nations to define the necessary arrangements to put an end to the conflict.

As they stated on the day on which military operations began, the Community and its Member States reaffirm their commitment to contribute to bringing about for all the peoples of the region, in dignity and security, a future of peace, stability and development in a context of social justice and regional economic solidarity.

To this end, they will make a major effort to develop an overall approach with regard to the region, bearing at one and the same time on security questions, political problems, and economic cooperation.

#### **91/071. Statement concerning the Baltic referenda**

Date of issue: 4 March 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States underline the significance of the popular consultations held in Lithuania, Latvia and Estonia which reaffirmed their legitimate aspirations. They note with satisfaction that the consultations have taken place in peace and without interference or violence. These results cannot be ignored. They urge an early opening of a serious and constructive dialogue between the central Government of the USSR and the elected Baltic authorities.

#### **91/072. Statement concerning Chile**

Date of issue: 11 March 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

On the occasion of the first anniversary, on 11 March, of the investiture of President Aylwin, which marked Chile's return to democracy, the Community and its Member States express satisfaction at the peaceful and constructive atmosphere in which this first year has passed and reiterate their full support for the re-establishment of the rule of law in Chile and for the task which faces its authorities and political parties of consolidating democratic structures in their country.

#### **91/073. Statement concerning the situation in the Gulf**

Date of issue: 13 March 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, ladies and gentlemen, I have had several opportunities of explaining to the European Parliament the position of the European Community and its Member States in the Gulf crisis. Let me, today, remind you of the broad lines of that policy.

From the outset, the prime objectives of Community policy have been to uphold international law by liberating Kuwait and restoring to it its sovereignty and legitimate government. The rapid adoption of a total embargo, the measures designed to ensure full respect for the wholly endorsed relevant resolutions of the Security Council and the aid accorded to those countries worst affected by the crisis are in line with that policy, which we have resolutely and consistently applied. It was with heavy hearts that we witnessed the military operations and the destruction and death they were bound to bring with them.

Now that we are finally able to see for ourselves the results of the intolerable oppression of Kuwait by the occupying Iraqis, the criminal persecution of the civilian population, the systematic and unjustifiable destruction of that country's resources and the local environment, we are forced to conclude that the war, a war which Saddam Hussein himself provoked on 2 August, was a just war.

Immediately the military operation began, on 17 January, the Community and its Member States therefore expressed their support for the coalition countries whose forces were in action in the Gulf.<sup>1</sup> On 28 February, welcoming the halt in the conflict and the restoration of liberty to Kuwait, we again expressed our gratitude to those countries which had fought to defend international law.<sup>2</sup> It is now our fervent hope that the end of hostilities will open the way to the establishment of security and stability in the region. If so, the war will have helped bring about a genuine and lasting peace.

The European Community was concerned from the outset at what would happen in the region once the crisis was over. The Rome European Councils in October and December gave clear indications of our positions on this. You will remember that, on 17 January, we restated our determination to work actively, once international law had been restored, to ensure for the peoples of the region peace, stability and progress within a framework of security and respect for human dignity. On 19 February, on the eve of the ground war, the Presidency proposed and the Twelve agreed to the major principles underlying our activities in the period after the crisis.<sup>3</sup> They are based on a close examination of the situation and the real needs and possibilities which have to be taken into account.

First, we must ensure that security is established, particularly in the Gulf region. That is a difficult but a priority task. While the conflict has substantially reduced Iraq's military capacity, the psychological and political scars of the aggression remain pronounced. We have to establish now a climate of confidence and, in the long term, a system capable of preventing or checking further aggression, tension or conflict.

Responsibility for that and the choices involved are primarily a matter for the countries of the region, but the international community must make a contribution, through the United Nations in particular. For our part, we must be ready to consider a European contribution to the extent required by the parties concerned. Peace and security in the region are not simply a matter of alliances and military or political guarantees, however. We must get rid of weapons of mass destruction and curb the proliferation and stock-piling of conventional weapons over and above legitimate defensive requirements. A policy of limitation and monitoring, within the framework of an appropriate international agreement, is therefore required here.

I am aware of the sensitivity of the European Parliament over this issue and it is my intention to mention here in particular the questions put by Mr Pannella, Sakellariou, Langer and others. The question of illicit trafficking is the subject of a briefing within the *ad hoc* group on Political Cooperation. Some Member States have already adopted very strict measures in this respect. Furthermore, significant results have been obtained at Community level in respect of the precursors of chemical weapons. Very recently, one of our partners put forward an interesting initiative designed to establish a Community policy on arms' exports. I believe the Commission intends submitting in the near future a proposal to the same effect. These are clearly ideas which must be

looked at closely, and the Presidency will endeavour to provide the necessary impetus for this, bearing in mind that the war has rendered this a matter of urgency. By so doing, we shall be acting in accordance with the Conclusions of the December European Council which, when setting the guidelines for negotiation on political union, included among the responsibilities of the inter-governmental conference coordination of policies on arms' exports and non-proliferation<sup>4</sup> I should add that broad agreement is already emerging within the inter-governmental conference on this point.

But, moving beyond the issues directly related to security, it is vital that the basic reasons for instability and tension in the region be eliminated: the political problems, of course, but also economic and social inadequacies and imbalances which are no longer acceptable.

Of the political problems the most serious and urgent is probably the conflict between Israel and the Arabs and the Palestinian question, not of course forgetting Lebanon which must be given the attention it deserves.

On the Palestinian question, the Community and its Member States have maintained a clear and consistent position since the Venice declaration. This is based on Security Council Resolutions 242 and 338, which provide for Israel's withdrawal from the Occupied Territories but also for its right to live in peace and security as well as the right of the Palestinian people to self-determination. Those principles offer a balanced and constructive basis on which to found our action. Questions may none the less arise as to the methods of their application. The Community continues to support the organization under the auspices of the United Nations of a peace conference which remains, in our view, the appropriate framework within which to resolve, overall and with the requisite international guarantees, the various problems of the region. For a conference of this kind to be feasible and useful, dialogue between the parties concerned would, however, be desirable. The Community will therefore lend its active support to efforts to secure that dialogue and establish the confidence-building measures able to encourage it. In that connection, the Community is urging the Israeli Government to take up its peace plan under the conditions listed in our Madrid Declaration. The organization of free elections in the Occupied Territories in accordance with a fixed time-scale and with every guarantee of objectivity would have the advantage of constituting a tangible step triggering a negotiated peace process.

We also invite the parties involved on the Arab side, including the PLO, to maintain or adopt a constructive attitude towards Israel. It is clear that the United States has a role to play in providing impetus and encouragement, above all where the Israeli authorities and people are concerned. We are therefore urging them to continue their efforts in accordance with the wise and balanced guidelines outlined by President Bush in his recent speech to Congress. More active United Nations involvement would also seem to be needed. In that connection, we welcome the decision of Mr Perez de Cuellar to appoint a new special envoy to the Middle East.

But the political stability of the region would remain very fragile unless accompanied by resolute and specific action designed to reduce the economic and social tensions affecting its peoples. This is not merely a matter of rebuilding what has been destroyed, although that is clearly a priority task. We must also work towards guaranteeing all peoples of the region a future marked by progress with respect for their dignity and the fundamental rights of all human beings. That requires not only a fairer redistribution of resources among the countries concerned, but also large-scale mobilization of all countries and bodies capable of making a contribution. The Community is prepared to play an active and significant role in that collective action. The resources of the Mediterranean policy constitute, in our view, a starting point which will have to be adapted and extended in the light of the policy guidelines adopted.

Moving beyond the sectors that I have just looked at separately, an overall approach would seem needed for the various problems of geographic zones clearly linked by bonds of interdependence. Those considerations have, moreover, led some Member States to propose a conference on security and cooperation in the region – a CSCM – which, modelled on the CSCE

and profiting from experience gained within that forum, would offer the countries of the region a set of principles and rules for coexistence. That conference would have to cover the three traditional areas of security, cooperation and human rights as well as cultural cooperation. The CSCM should not be a substitute for efforts to identify solutions to the main problems of the region within other forums. It would rather be an instrument acting in parallel and additionally to help bring about solutions.

Mr President, I wanted to summarize for you the lines along which we intend moving in close consultation with the countries directly affected as well as the United States and other vital parties to the discussions such as the Soviet Union, Turkey and Iran. We are not in any way seeking to impose preconceived solutions or to act in isolation, but to test and adapt our ideas in line with the real situation and the expectations of our main partners. That was why the Ministerial Troika wanted to travel to the region, immediately after the conflict, for a series of meetings with the countries or groups of countries which have a vital role to play there.

In the course of that mission we first met in Damascus with the Foreign Ministers of the Gulf Cooperation Council, Egypt and Syria, who had just held their second meeting there. We then went on to Israel where we met Prime Minister Shamir, Foreign Minister Levy and defence Minister Arens and, in addition, a delegation of Palestinian representatives led by Mr Faisal Husseini. In Amman, we spoke at length with King Hussein. In Tripoli, finally, we held lengthy talks with the Foreign Ministers of the five countries of the Arab Maghreb Union. During our trip, we remained in close contact with American Secretary of State, James Baker.

That series of talks enables us to draw up a fairly complete picture of the situation – a situation, I hasten to add, that is evolving, and which we must therefore help shape and channel in the right direction.

It is not possible for me to provide you here with a detailed account of the discussions we had, but let me give you just some of the main points.

As far as security in the Gulf is concerned, I have first of all to say that our visit coincided with a declaration by the eight Arab states in the coalition. Our Arab colleagues naturally referred to this, deeming it and asking us to deem it the expression of their basic positions. Basically, that document provides, as you will know, for the setting up of an inter-Arab force to guarantee security in the region. Our partners in discussion stressed, however, that this was a nucleus and that other contributions, both Arab and non-Arab, were not ruled out. In that connection, some Ministers mentioned the possibility of Iran or Turkey taking part. Others, notably Kuwait, reserved the right to have recourse to resources from outside the region on the basis of Article 51 of the UN Charter. I should add that the declaration refers also in clear terms to the need to eliminate from the region all weapons of mass destruction. It also refers to principles such as respect for frontiers, non-interference and the peaceful settlement of disputes.

This is a first and encouraging basis from which it may be possible to develop a process comparable to that which has proved itself in Europe. The Damascus Declaration also contains a major section on economic cooperation which seems already to have found practical application in the setting up of a solidarity fund.

All our Arab partners conveyed to us the need to tackle without delay the political problems which represent a fundamental source of insecurity and instability throughout the region. In that context, the need to apply to the Palestinian problem the principle of respect for the relevant Security Council resolutions was emphasized to us. There is genuine unanimity on that.

Following the strict application of the UN resolutions to Iraq, a double standard would be quite unacceptable. But our Arab partners also stressed to us their desire for peace with Israel. That peace would, let me add, be possible if, from the Israeli side, there came a gesture apt to create a climate of confidence, most particularly a statement of principle on the acceptance of Resolutions

242 and 338. That is a constructive element which must be explored with caution but in a spirit of open-mindedness.

In our talks with the Israeli authorities we of course discussed those ideas and stressed, in general, the need to seize the current historic opportunity to pursue courageously and with magnanimity a just and lasting solution to the Israeli-Arab conflict. I have to tell you that the Israelis showed the same desire for and interest in peace. It is, however, perhaps natural that the Israeli leadership should measure its words and not be won over by overtures which it seems for the moment to deem premature.

Mr Shamir therefore insisted on the need for a gradual and staged policy, pointing to the possibility of adopting a twofold approach involving, on the one hand, a dialogue between Israel and its neighbours and, on the other, dialogue with the Palestinians. In that context, he reaffirmed the validity of his 1989 peace plan which provides, as you know, for the holding of elections in the Occupied Territories with a view to the establishment of independent local administrations and, subsequently, negotiations on the definitive status of the territories, the peace plan – the Shamir plan – that the Israeli Government had just officially confirmed.

The Israeli Prime Minister did not rule out, furthermore, Israeli acceptance of Resolutions 242 and 338 but as a result of and not a starting point for the negotiations. He also seemed to envisage a central role for Jordan in finally resolving the status of the territories, and King Hussein did not appear to rule this out, provided it was clearly accepted and actually desired by the Palestinians themselves.

As you will understand, we remain faced with a more than complex situation. There are, however, some signs of movement and we shall be continuing tirelessly with our contacts and our endeavours.

Our discussion with the countries of the Arab Maghreb Union focused principally on cooperation between the two shores of the Mediterranean, such cooperation being both natural and indispensable. We sensed that our partners in discussion from the Arab Maghreb Union felt real bitterness at the tragic events in the Gulf, their analysis of which did not always exactly mirror our own. But we also sensed a desire to resume the dialogue with Europe to build together a future of peace, security and progress. We therefore parted from each other with the promise to pursue and develop that dialogue.

Mr President, I have sought to give you an initial picture of the situation, of our desires and the prospects as we see them and as we intend developing and consolidating them in the weeks and months to come. It is true that many problems remain open and that there are many reasons for uncertainty and concern. Of those, the situation in Iraq perhaps represents the most immediate cause for concern. That country is going through a very serious internal crisis to which the regime in place is able to respond only by brutal repression. We have to hope that this new tragedy will be able to be overcome with at least the minimum of respect for fundamental human rights and, finally, the establishment of the principles of freedom, self-determination and democracy to which the Iraqi people, too long oppressed by the Iraqi leadership, is entitled in the same way as any other people. But we must not be discouraged by these fresh difficulties and must, on the contrary, work with the optimism born of firm intent. In the Gulf crisis, the international community has shown itself capable of facing up to aggression and defending and re-establishing violated international law. We must strengthen the principles and bodies which enabled that result to be achieved, foremost among them the United Nations, and construct around them with patience, resolution and determination a new order of peace, justice and progress.

Encouraged by public opinion, the Community and its Member States will spare no effort, no resource in contributing to this vital task.

The extraordinary European Summit which we are proposing to hold in the coming weeks will give us an opportunity of evaluating the situation, the prospects and our future action at the highest level. It will, we hope, provide above all in-depth consideration of the role of the Community in this new phase, the resources available to it and the structures needed for it to be able to play its part with dignity. We know that we shall be able to rely in this historic phase on the support of the European Parliament.

[...]

[After the ensuing debate, Mr Poos stated:]

Mr President, ladies and gentlemen, I wish to make three brief comments in response to the debate which has just taken place. Allow me to begin by thanking all those who have spoken. I wish in particular to thank them for their positive assessment of the action of the Commission and Council during the post-war phase.

I have gained the impression, during the debate, that the European Parliament was becoming more positive and dispassionate in its view of the role of the Community during the crisis. As President-in-Office of the Council, I welcome that.

As has been said by Mr Cheysson – a former colleague and a friend – the Community was able to make its presence felt where it had the capacity to do so. It was absent where it still lacks the necessary means of action. We must draw the appropriate conclusions and lessons, and this must be done within the framework of the inter-governmental conference on political union.

Second, I have noted during this morning's discussion a broad similarity of views between, on the one hand, the members of the European Parliament and, on the other, the Council and Commission, first as regards the analysis of the post-war situation and, second, on the role that Europe should play in constructing a future of peace, stability and economic development in the Middle East.

Third, the main themes of future Community action, which the forthcoming extraordinary European summit will have to attempt to define and crystallize could take as their basis the following principles stressed by many speakers: strengthening the role and power of the United Nations in connection with the prevention and resolution of regional conflicts, respect for international law by all countries, the elimination of weapons of mass destruction from the Middle East, an international system for monitoring the sale and export of arms – and I have already informed you, Mr President, of the willingness of the Presidency to have the Council consider, as a matter of urgency, any proposals the Commission wishes to make to us – , the definitive resolution of the Palestinian question on the basis of the relevant UN resolutions and, finally, support from the European Community for experiments in economic development and integration in the Arab world. I fully endorse the ideas expounded on this subject by Commissioner Matutes and Mr Cheysson and share the wishes expressed in this connection.

Mr President, the general feeling to emerge from this debate is that the Gulf crisis and the end of the war have increased the opportunities to act for peace in the Middle East, but the period of grace is likely to be a short one. Europe must be present and active. It must seize a historic opportunity which may perhaps never recur.

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<sup>1</sup> EPC Bulletin, Doc. 91/017.

<sup>2</sup> EPC Bulletin, Doc. 91/070.

<sup>3</sup> EPC Bulletin, Doc. 91/049.

<sup>4</sup> EPC Bulletin, Doc. 90/468.



**91/074. Question No H-1310/90 by Mr Arbeloa Muru concerning supply of arms to developing countries**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What steps does EPC plan to take to ensure that, following the successful outcome of the CSCE Summit in Paris, the arms reduction process in Europe is accompanied by agreements limiting the transfer of conventional weapons to developing countries?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* I would give the following reply to Mr Arbeloa Muru on arms shipments to developing countries: the Community and its Member States share the honourable Member's positive view of last November's CSCE Summit which produced the Paris Charter. They also welcomed the agreement on conventional disarmament signed in Paris on 19 November before the summit opened. They noted the provisions of this agreement relating to the destruction of military material in excess of the agreed ceilings, and the necessary verification measures.

The Presidency would like to assure the honourable Member that the Community and its Member States share his concern to put a stop to arms proliferation, particularly for weapons of mass destruction. They have set up a monitoring system for chemical weapons precursors and are holding consultations on their arms exports policies. The Conclusions of the European Council of 14 and 15 December 1990 on political union, and particularly on common external and security policies, imply a gradual extension of the role of political union in the field of common security, which would cover in particular the coordination of arms exports policies and non-proliferation<sup>1</sup>

It is incumbent upon representatives of Member States' governments to continue examining all these questions in the framework of the inter-governmental conference on political union, which is already of course under way.

*Mr Arbeloa Muru (S):* Thank you very much, Mr President-in-Office, for such a positive reply. I have put questions before on arms transfers after the success of the CSCE Summit. I should also like to ask the President-in-Office following the failure caused by the massive shipments of arms from European countries to Iraq, for example, which was largely responsible for the war we have just suffered, whether the Council intends in the framework of Political Cooperation to give serious thought to the effects of arms shipments by European countries to countries like Iran and then Iraq, which made possible the conflict the world has just suffered.

*Mr Wohlfart:* You will be aware that arms exporting countries are now publicizing their wish to restrict sales of sensitive material to the Third World. Debate is going on in many countries, which is a positive sign when the arms sellers, drawing strength from the conflict in the Middle East, are running a trade and advertising campaign on a world scale, which is in extremely bad taste.

We can only regret the fact that the war against Iraq, legitimate as it was, also served as an arms sales fair. It is therefore encouraging to hear statements of intent, which are always of course to be understood in the conditional, and to note the tightening of national legislation on arms sales. Following a number of dangerous shipments by German private companies, the Bonn Government has adopted a bill severely restricting exports. The United States has announced a package of measures shortly to come into force which will tighten conditions of sale of missiles and chemical and bacteriological products which could have a military use. China has said it no longer intends to

pursue only its own interests with regard to arms sales. Other countries have also tightened their own legislation.

*Mr Habsburg (PPE):* It is a well-known fact that more than 80% of Iraq's weaponry comes from the Soviet Union. News reports tell us that North Korea has now offered to supply arms – specifically a new category of Scud missiles – in an approach to Syria.

Surely it is most important that the European Community should try to get something done here through the UN? If we cut back on our arms sales, whilst others continue supplying them, the fundamental world situation won't change at all. What is needed is an international decision which the Community could support.

*Mr Wohlfart:* I shall try to give the honourable Member some kind of answer, although I do not deal particularly with percentages for arms supplies from different countries. A large number of countries were involved, some to a greater and some to a lesser extent. I agree with the honourable Member and I think he is right. Multilateral monitoring must now be at the centre of discussion.

The Community and its Member States are aware of the pressing need to eliminate weapons of mass destruction and to prevent the proliferation and accumulation of conventional weapons in excess of purely defensive needs. I think I can state here that a restriction and monitoring policy in these areas in the framework of an appropriate international agreement is needed – and I see no problem in doing this within the framework of the United Nations – to bring about a genuine policy worthy of the name.

*Mr Blaney (ARC):* While the President-in-Office has been both most forthcoming on a series of questions, as he has been on other occasions with regard to foreign policy, defence, security, arms control, WEU and NATO, might I ask him – and I do not want an answer tonight, unlike the other Members who have asked questions – to remember during his Presidency that, while all these matters – Kuwait, Cyprus and so on – are extremely important, we have within our Community a war situation in my little island, that will not go away and that this forum is the last hope we have of attaining peace in our land and within the Community.

Might I recommend to the President-in-Office that he consider this and perhaps resolve during the Presidency to try to do something really worthwhile about it, because nobody else is.

*Mr Wohlfart:* I can assure the honourable Member that the Presidency and this representative of it are well aware of the problems to which he refers, which cause great pain in his country.

I can only express the wish that a rapid solution is found to this painful conflict which has now lasted far too long, and I think the different parties involved will have to bring a great deal of goodwill to bear.

I cannot, unfortunately, say more at present as President-in-Office of the Council, except to hope that dialogue and mutual understanding will take the place of confrontation.

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<sup>1</sup> EPC Bulletin, Doc. 90/468.

**91/075. Questions No H-151/91 by Mr McMillan-Scott and H-192/91 by Mr Zeller concerning the communities relations with Romania and the situation of minorities in Transylvania**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-151/91:*

Following the statement by the Luxembourg Presidency, during Question Time on 23 January 1991<sup>1</sup> that the Foreign Ministers believed that there was a general trend towards pluralism in Romania, would the Presidency give Parliament an example of the good faith of the National Salvation Front Government in the form of implementing legislation?

*Question No H-192/91:*

The basic rights of the Hungarian and gypsy minorities in Transylvania are no longer being recognized. They are not only being totally denied freedom of expression, but are also being subjected to other unacceptable oppressive measures depriving them of any guarantee of personal safety or individual rights, such as unjustified and sometimes excessive detention, in addition to the permanent climate of insecurity, harassment and violence in which they have to live.

What representations does the Community intend to make to the Romanian Government in order to ensure that it respects the rights of these peoples?

*Answer:*

The two questions on Romania are hereby answered together.

Members were informed in the answer to the questions on human rights and the rights of minorities in Romania raised at question time in the January and February 1991 part-sessions<sup>2</sup> that the Community and the Member States are continuing to use the mechanisms of political dialogue and the traditional diplomatic channels to express their commitment to the principles of the CSCE as defined in the Paris Charter for a new Europe, including protection of the rights of minorities.

The Community and the Member States have based their contacts with the Romanian authorities on the conviction that the problems of minorities can only be resolved within a democratic political framework and that the personal rights of members of national minorities must be fully respected, falling as they do within the category of universal human rights. Members may rest assured that the message transmitted on the subject to the Romanian authorities by the Community and the Member States has been and remains clear and unequivocal, and that this is understood by Bucharest.

Although the democratization process is still recent and fragile, it has been possible to submit a cautious but positive evaluation of certain trends in Romania. In this context, the recent assent of Parliament to the conclusion of a trade and economic cooperation agreement between the EC and Romania represents a significant endorsement of the political reforms under way in Romania.

A similar interpretation may be placed on the decision by the Council of Europe to grant Romania special guest status and on the decision by the Community to include it among the beneficiaries of the PHARE programme; both actions constitute important gestures of support for the democratization process in Romania.

<sup>1</sup> *EPC Bulletin*, Doc. 91/031.

<sup>2</sup> *EPC Bulletin*, Docs 91/031 and 91/055.

**91/076. Questions No H-156/91 by Mr Romeos, H-161/91 by Mr Alavanos, and H-186/91 by Mr Dessylas concerning initiatives by the Presidency of the Council to settle the Cyprus problem**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-156/91:*

The President-in-Office of EPC has announced his intention of studying 'a plan to end the impasse in the situation in Cyprus'.

What is the aim of this plan, what is meant by 'ending the impasse in the situation in Cyprus', what framework does the Community envisage in this connection, what is the timetable for the plan and what means will be employed?

*Question No H-161/91:*

The Presidency of the Community has expressed its intention to intervene to settle the Cyprus question in accordance with the UN's resolutions. What specific steps have been taken by EPC since this resolution was passed? What has been the response of the Governments of Turkey, Cyprus and Greece to this initiative? How does it intend to deal with the Cyprus question in the context of the regional negotiations to settle the outstanding problems in the region as a whole?

*Question No H-186/91:*

The Presidency of the Council of Foreign Ministers recently announced its intention to unveil an EC initiative to bring about a settlement to the problem of Cyprus, an island which has suffered military invasion, sixteen years of illegal occupation and brutal violations of international law and UN resolutions.

When does the Presidency of the Council intend to spell out its proposal? Does it intend to support the UN resolutions on the immediate withdrawal of the Turkish occupying forces and an equitable solution to the problem of Cyprus through an international conference under the aegis of the UN (and not a regional conference following the end of the Gulf War)?

*Answer:*

The Community and its Member States have frequently reaffirmed their support for the unity, independence, sovereignty and territorial integrity of Cyprus, thereby supporting the action of the Secretary-General of the United Nations.

Without wishing in any way to supersede the action of Mr Perez de Cuellar or to depart from the relevant resolutions of the United Nations Security Council, the Community is seeking ways of helping to restart negotiations between the parties concerned. It has already made the initial contacts for this purpose. These and other contacts should provide the means for identifying more clearly the priority requirements for setting in motion a process which would make it possible, through dialogue, to bring to an end the conflict which has lasted too long.

The Secretary-General is finalizing a new interim report on the contacts he has had – particularly through his special envoy – with the parties concerned. The identification of these problems – which will be set out in the document – will be central to the continuation of the diplomatic action in which the Community and its Member States are prepared to participate, as they have done in the past.

Any solution to the Cyprus question must clearly be based on the relevant United Nations Resolutions particularly Security Council Resolution 649 which lays down what we consider to be the inviolable principle of a Republic of Cyprus which would be

bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects and would safeguard its unity, independence, sovereignty, territorial integrity and non-alignment, and exclude union in whole or in part with any other country and any form of partition or secession.

**91/077. Question No H-167/91 by Mr Spencer concerning refugees from Eastern Europe and the Soviet Union**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Czechoslovakia, Hungary and Poland are reportedly preparing for increasing numbers of refugees from Romania, Bulgaria, Albania and the Soviet Union, with the likelihood of many refugees reaching the Twelve.

How do the Foreign Ministers propose to address this problem?

*Answer:*

The question raised by Mr Spencer does not fall within the framework of Political Cooperation and is currently the responsibility of other European bodies.

**91/078. Question No H-174/91 by Sir James Scott-Hopkins concerning defence in the EC**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Does EPC share the view expressed by Mr Neil Kinnock in his recent speech to the Royal United Services Institute that 'the EC should really have no competence in defence matters.'?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* The honourable Member will be aware that the Rome European Council of 14 and 15 December last year, noting the preparatory work which was taken as a basis for the inter-governmental conference on political union, asked the conference to devote particular attention to the conference mandate.

The conclusions of the European Council<sup>1</sup> contain a number of specifications of common security and defence questions. With regard to common security, there has been a gradual extension of the role of political union in that area: debates in international organizations, arms control, disarmament and related questions, CSCE questions, a number of debates in the United Nations, including the operation and maintenance of peace, economic and technological cooperation in the arms sector, and policy coordination on arms exports and non-proliferation. The European Council has stressed, moreover, that it would in future be appropriate to envisage a role for political union on defence questions. Without prejudice to the current obligations of Member States, and in view of the importance of maintaining and strengthening existing links in the framework of the Atlantic Alliance, and without prejudice to the traditional positions of other Member States, there will have to be an examination of a mutual assistance commitment among Member States, and of proposals made by some Member States on the future of the Western European Union. All these questions are being looked at in depth by the inter-governmental conference.

*Scott-Hopkins, Sir James (ED):* I must say to you that I have been a Member of Parliament for something like thirty years and in Question Time normally one does not hear speeches. That is

what we have been hearing tonight. But with regard to this question would the President-in-Office agree with Mr Delors that there is a defence role, or there should be a defence role for the Community to play? And would he not agree to bring out a green paper or a white paper, perhaps using WEU as the base, for consideration not only by the Council but by this House here, as to whether there is a role that should be properly played in the defence field by the European Community?

*Mr Wohlfart:* I shall try to answer the honourable Member's supplementary question, which I hope will not take too long.

On political union proper, the House is aware of the framework established by Member States at the last Rome Council on 14 and 15 December. There seems to be a degree of consensus emerging on the objective, in terms of a common external and security policy. But it would be premature to judge at this stage the final outcome of the discussions under way within the inter-governmental conference. We must not delude ourselves. Though all the partners may agree with the aim of a common external and security policy, the idea means different things to each one, ranging from the maximalist view of a form of communized external policy, to a strengthening of European political cooperation so as to make it more effective, which is of course the minimalist view.

Some very important points still need to be defined such as the scope of common policy, methods of decision-making, and the scope and extent of security commitments.

Another security matter which arises is the question of the institutional link or approximation between political union and the Western European Union.

Let me be clear. This is not a list of the differences, but rather of the difficulties. I can say that the approach of all partners is positive. Given what is at stake, it is clearly also cautious. The view of the Parliament is obviously an important factor, and it is essential in the opinion of the Presidency, in the light of the role the European Parliament will play in this common external policy. The Presidency is confident that satisfactory results acceptable to all of us will be achieved within the deadlines we have laid down.

*Mr Crampton (S):* The President-in-Office would perhaps not be as impolite as I might be, but this question does talk about Mr Neil Kinnock, so let us refer to him, and let me ask Sir James Scott-Hopkins to read the rest of the sentence his quotation comes from. He should also remember, as I am sure the President-in-Office remembers, that Mr Major was in the Government headed by Ms Thatcher and that very many Members of that Government are still in office and have the same attitude towards this Parliament as Ms Thatcher had. We have yet to see where Mr Major stands. We know where Mr Kinnock stands. I agree with the President-in-Office: the problems will be many on the road to a common defence policy. We have to get there. We will certainly have to make a great effort. One of the difficulties that the President-in-Office did not mention is that we have to develop foreign and defence policies that are independent of the United States of America.

*Mr Wohlfart:* I would not like to comment on internal discussions in the European Parliament, but just to say briefly on the final aim of our common policy, our external policy, our security policy, and perhaps in the longer term our common defence policy, that I think we are quite able to decide for ourselves what directions to follow. We do not need other nations to tell us how to act.

*Mr Balfe (S):* I am sorry that, as Sir James Scott-Hopkins has disappeared, there are no Tories here now. The question I wish to put to the Presidency is this: in the light of the recent events in the Gulf, it must surely be self-evident now that there is a need for closer coordination, particularly with regard to arms exports and for the merging of WEU's powers with the European Community's. In particular, I have in mind the COCOM powers, and I would ask the President-in-

Office whether, whilst realizing that full Community competence in defence matters, which many of us, including myself, would welcome, is not on the agenda for the next six months, though it might be for the period after that, the Council can address itself urgently to the need for better co-ordination with WEU and for a COCOM policy on arms exports not only to Iraq but also to other sensitive areas in the world.

*Mr Wohlfart:* I did not quite follow the honourable Member's last sentence.

*Mr Balfe (S):* All he need do is say yes to my question, agree with me.

*Mr Wohlfart:* Let me tell you something in confidence. I have been married for eighteen years, and my wife tells me always to say yes. Even if she has a good argument, you cannot always be content merely to say yes.

I shall therefore try to be polite and not to say no to you. But I do not know whether I can give you complete satisfaction.

You know that the question of Community competence has arisen again with regard to arms exports. According to our information, the Commission seems to intend shortly to make a proposal to set up an arms exports monitoring system. We clearly have to look carefully at the proposal, and the Presidency will do so in the light of the urgency the question warrants following the Gulf war.

On Community disarmament initiatives, I have just referred to the conclusions of the second Rome European Council. I shall not take up more time by repetition. I should also like to comment on the WEU. You well know that this is a very sensitive question, as three of our Member States are not at present members of the WEU. That being so, you will understand that it is difficult for the Presidency to give a complete answer to the last part of your question.

<sup>1</sup> *EPC Bulletin*, Doc. 90/468.

**91/079. Question No H-182/91 by Mr Tsimas concerning the strengthening of the Western European Union (WEU) and its role in the Gulf war**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

In view of the inability of the Community so far to act in a collective and united manner to bring about a peaceful settlement to the Gulf crisis how do the Foreign Ministers meeting in EPC view the idea of activating and upgrading the WEU and admitting new member States, as a means of bringing about a solution to the crisis in the Gulf and the Middle East in general as soon as possible?

Why has the WEU so far remained inactive? In view of the process of political union in which the Community is engaged, what kind of role do the Foreign Ministers meeting in EPC now see for the WEU in relation to NATO in finding a solution to the crucial problem of security and co-operation now facing the world?

Why has Greece which has applied for membership not yet been admitted to the WEU?

*Answer:*

The honourable Member is undoubtedly aware that the activities of the Western European Union and participation of the Member States in that organization do not fall within the framework of European political cooperation.

All matters relating to the formulation and implementation of a common foreign and security policy are currently being discussed within the inter-governmental conference on political union.

**91/080. Question No H-212/91 by Mr Crampton concerning the sovereignty of Walvis Bay**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

In the newly independent Namibia, Walvis Bay stands out as an anachronistic relic of colonialism.

Are the Foreign Ministers seeking to end this situation by furthering the incorporation of Walvis Bay into Namibia?

*Answer:*

The Presidency draws the honourable Member's attention to the fact that talks on Walvis Bay are due to be held between the two main parties involved – South Africa and Namibia. In a joint declaration published on 28 February 1991, the two governments announced that they had agreed to meet in Cape Town on 14 March to open negotiations on Walvis Bay and the islands off the coast of Namibia.

In the light of this announcement and regardless of the fact that both the European Parliament and the ACP countries have called on several occasions for Political Cooperation in support of independent Namibia over the Walvis Bay issue, the Community and its Member States believe that, at present, it is a matter for two independent and sovereign neighbouring States to negotiate on their territorial differences. The Community and its Member States can only encourage such negotiations and will follow them attentively.

**91/081. Question No H-217/91 by Mr Cushnahan concerning Community foreign policy**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The Gulf crisis has highlighted the inadequacy of the Community's foreign policy provisions, due to the differences in emphasis of Member States. Do the Foreign Ministers have any proposals aimed at achieving better coordination of Community foreign policy?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* [...] To [...] the first question on Community external policy, I should like first to say this: throughout the Gulf crisis, the



Community and its Member States have shown a remarkable degree of cohesion in the light of their different individual sensitivities. They have acted coherently within the framework of European political cooperation, and have clearly and effectively supported the twelve resolutions of the United Nations Security Council, making a direct contribution to their application. The Presidency considers that the cohesion of the Twelve and their solidarity with the international Community as a whole were an important factor in the success of the United Nations action. Having said that, it is clear that there are lessons to learn for the definition of a common external and security policy. The honourable Member is aware that this is one of the priority aims of the current inter-governmental conference.

*Mr Cushnahan (PPE):* Mr President-in-Office, I could not disagree with you more about the embarrassment that the Community and certainly we of this Parliament showed over the Community's response to the Gulf crisis. I firmly believe we have the choice as a Community either to develop as a strong, united political, economic and defence union and become a major world power or to continue the present cosy little commercial arrangements under the great pretence that we play a major role in world events. Unfortunately, the latter was clearly exposed in the recent Gulf crisis. The Community response, as I have already said, was an embarrassment. We were deeply divided and, more importantly, impotent. Had it not been for the United States, Saddam Hussein's ambitions would not have been thwarted. Let me praise the United States, but let me equally say I do not believe that we should let it set the agenda and that the Community should meekly follow. We can be friendly, but we can also be independent. If we are serious about political union, there has to be a common foreign policy and, indeed, a common defence approach to it.

I would like to ask the President-in-Office whether he and his colleagues are going to give this issue serious consideration and convince the Member States to accept all the implications of political union. If this is not the case, then let us be honest about it and go back to being an economic European Community. If it is political union we are interested in, then let us face facts and the responsibility they entail.

*Mr Wohlfart:* I should like again to emphasize that the Gulf war and the long crisis which preceded it were certainly revealing of the state of cooperation in European politics. In the light of what has been said, not only in my initial reply but also in the supplementary question, it is true that the Community does not at present have a real external policy. That has obviously affected the actions of the Twelve. However, Mr President, ladies and gentlemen, there may be no call to put out flags, but neither is self-flagellation appropriate. As a representative of the Presidency, I can assure you that the Gulf crisis has not left me powerless. It is the view of the Presidency that the Community and its Member States should play a part in the post-war period, and this is not for reasons deriving solely from their presence on the political scene, but because recent events have clearly shown that the stability or instability of the region is of vital interest to our Community.

With regard to the allegations that we have again merely followed the American lead, I should like to recall that the European Troika visited the Gulf States and talked to numerous people before the United States Minister of Foreign Affairs went there. That must be pointed out here. That is surely a powerful argument which does not exclude the vital interest of our Community.

During this morning's statement on the Gulf from the Presidency, the Minister of Foreign Affairs, Jacques Poos, spoke to you about the activity of the Twelve, and referred in particular to the results of the European Troika. I shall not go back over that. I need not point out that the task of political union was begun well before the Gulf crisis started. The reasons for this new will to make a qualitative leap in the construction of Europe were very different from those motivating us today, which public opinion believes make an external policy a necessity.

I should also like to point out in this context that there is a plan for an extraordinary summit of Heads of State or Government at the beginning of April in Luxembourg, to discuss the post-crisis scenario and future political union.

*Mr Maher (LDR):* There is now a new, young Prime Minister in the United Kingdom who appears to be following a radically different approach to Europe than the previous Prime Minister, Ms Thatcher. The present Prime Minister appears to favour a more integrated approach and I would like to ask the President-in-Office: will this not lead ultimately to a greater degree of conformity and, therefore, to a more integrated policy as regards relations with outside countries or, in other words, foreign policy? For a long time it appeared that the previous British Prime Minister tended to prevent the European countries from cooperating more closely together, which led to the situation which we found ourselves in at the start of the Gulf Crisis.

*Mr Wohlfart:* I would remind the honourable Member that football matches often take place with eleven players per side on the field. Here there are twelve of us. Frequently, though, a player is on the field for only five or ten minutes, and the papers then say that he came into the game too late to be assessed. You will see that the Council President cannot involve himself in comparing the policies of Ms Thatcher, Prime Minister for eleven years, with those of Mr Major, who has been in office only a few months. I will only say that I hope it will be possible for twelve of us rather than eleven to make progress and make concessions to bring about a real political union of which the ultimate goal is a common external and security policy.

*Mr Habsburg (PPE):* The practice has evolved recently, in connection with various areas of crisis, of having the ambassadors of the twelve Community Member States hold weekly meetings chaired by the ambassador of the country which holds the Council Presidency, in order to determine the Community's policy.

That has worked very well. Do you not feel, Mr President, that it would be a good thing to institutionalize this practice and increase the influence of the Political Cooperation secretariat here, specifically as regards non-diplomatic services and with a view to a future Community diplomatic service?

*Mr Wohlfart:* If I have properly understood the thrust of the honourable Member's question, that already exists, and has done so since the Single Act.

**91/082. Question No H-224/91 by Mr Gangoiti Llaguno concerning ecological disaster in Kuwait**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

In view of the serious ecological consequences for the region and other areas of the world which may result from the ruthless burning by Saddam Hussein of over five hundred oil wells in Kuwait:

Is the EEC prepared to take the initiative to convene a meeting of the Environment Ministers of the EEC and of the other States of the multinational coalition in order to assess this disaster and decide on the appropriate measures to be taken to halt this environmental barbarity?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* The Community and its member states are seriously concerned by the so-called 'ecological' disaster caused by Iraq in the Gulf. They support the principle of a possible initiative of the states involved in the region to protect the environment, and note with satisfaction that an international effort to assist neighbouring countries is currently under way. I referred to it during the last question time. The Community and a number of Member states are taking an active part in this effort; I should like to point out that the specific question raised by the honourable Member is not discussed in the Political Cooperation framework.

*Mr Gangoiti Llaguno (PPE):* Mr President, I note with satisfaction the reply from the President-in-Office of the Council to the effect that a number of governments in the region, as I understand from the reply, are taking steps. I was though more concerned with the role which we may not perhaps ascribe to ourselves but which the people of Europe and public opinion ascribe to us, and the absence of leadership from the European Economic Community in the Gulf conflict; on a subject as important as the environmental effects of the war, I wonder whether the European Economic Community, rather than making a statement, could lead a process involving the other multinational forces to stop this conflict.

*Mr Wohlfart:* I answered the question earlier during an assessment of the role of the European Community in the conflict and then in the Gulf war<sup>1</sup> I said that there was no room for illusion or self-satisfaction, but neither was there for self-flagellation, that we had to keep our feet on the ground, and that the Community had been present as such. This is an international problem.

The same is true of that aspect of the Gulf conflict the honourable Member raises, which is the ecological disaster caused by Iraq in Kuwait. This is not only a problem for the Community, but the Community is present. The working group on this is already in the area. This group is collaborating with other international bodies in an attempt to check the ecological effects of the disaster caused by Iraq during the war.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/073.

**91/083. Question No H-225/91 by Mr Blot concerning threats to the Croatsians and Slovenes from the Yugoslav army**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

On 23 December 1990 the Slovenes declared themselves in favour of independence. The Croatian Government expressed the wish for Yugoslavia to be transformed into a confederation of sovereign states. On 17 February 1991 former Chief of Staff Mirkovic announced that the Soviet Union had sufficient forces available to guarantee the continued existence of the Communist Yugoslav State. This menacing statement must be viewed in the light of efforts by the Yugoslav Federal Government and the Serbian Communist dictator Milosevic to maintain Communist ascendancy over the Croatsians and Slovenes.

What measures will European political cooperation take in response to these threats to the Croatsians and Slovenes?

*Answer:*

Since the outbreak of the recent troubles, the Community and its Member States have confirmed their commitment to the unity and integrity of the Yugoslav Republic within a fully democratic framework. On 4 February 1991, representations were made to the Federal Authorities in Yugoslavia on behalf of the Community and its Member States stressing their commitment to the evolution of Yugoslav society towards a democratic settlement acceptable to the whole of Yugoslavia, in line with the Paris Charter. The importance of a peaceful and democratic solution of the present crisis involving full respect for human rights and fundamental freedoms was therefore emphasized. When making these representations, the representatives of the Community and its Member States expressed the hope that the current dialogue between the Republics and the Federal authorities would lead to constitutional arrangements which would ensure the establishment of a new Yugoslavia based on the principles of freedom and democracy.

I would also stress that the authorities of the Republics were informed of the content of these representations. Moreover, the Community and its Member States will continue to follow developments in Yugoslavia closely.

**91/084. Question No H-228/91 by Mr Papayannakis concerning human rights violations in Turkey**

Date of issue: 13 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The TAYAD (an association to support the families of political prisoners in Turkey) was founded on 6 February 1986 with the aim of improving the living conditions of the thousands of political prisoners in Turkey and Kurdistan and combating torture in prisons. In 1987 the authorities began arbitrarily arresting and detaining TAYAD members and supporters.

On 13 December 1990 the Istanbul police ordered the closure of the TAYAD offices and even banned the organization's social and political activities without, however, bringing any specific charges. These actions constitute a flagrant violation of human and democratic rights in a country which is linked to the European Community by an association agreement and has already applied for full membership. Is European political cooperation aware of these human rights violations taking place in Turkey and, if so, what measures does it intend to take?

*Answer:*

As it has pointed out on several occasions, particularly in its answer to Question H-1286/90 by Mr Kostopoulos,<sup>1</sup> the Community and its Member States are closely monitoring the human rights situation in Turkey, including the rights and protection of minorities.

The authorities in Ankara are aware of the importance the Community and its Member States attach to the strict respect for the principles of constitutionality, and for all the commitments which Turkey freely entered into by acceding to the international conventions on human rights.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/029.

**91/085. Question No 542/90 by Mr Melandri (V) concerning the war in the Horn of Africa**

Date of issue: 18 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 16 March 1990)

For more than 25 years the Horn of Africa has been the scene of a bloody war fought by the Ethiopian army against the people of Eritrea and the Ethiopian Government often prohibits access to some regions controlled by the Eritrean liberation movements, including access for international humanitarian aid intended for people suffering from shortages and hunger. In view of these considerations and in the light of the various motions of condemnation and censure directed against the Mengistu Government in recent year[s] by the United Nations, the European Parliament and other influential international bodies.

1. What steps do the Foreign Ministers intend to take to compel the Ethiopian Government to recognize the Eritrean people's right to self-determination?
2. What action do the Ministers intend to take *vis-à-vis* Mengistu to obtain assurances regarding the ultimate destination of aid for Eritrea?
3. What action do the Ministers intend to take to ensure that human rights in Ethiopia are respected and no longer ignored, as is the case today?
4. Do the Ministers not consider that aid to the Ethiopian Government should be stopped, at least temporarily, because of its contempt for human rights and its complete indifference to the resolutions of the UN and the European Parliament?
5. Do the Ministers not consider that pressure should be put on the Italian Government, in view of its historical and cultural links with the area, to prompt it to raise the 'Eritrean Question' in the UN, since, by its silence, it legitimizes the oppression of the Eritreans?

*Answer:*

The Community and its Member States are doing all they can to ensure the cooperation of all the parties to the conflict. Since the Ministerial Statement of 20 February 1990 on the Horn of Africa<sup>1</sup>, they have repeatedly stressed their conviction that just and lasting solutions can only be achieved by peaceful means and through negotiated political settlements, based on the respect for territorial integrity, independence and the principles of the UN Charter and the need to take into account distinct regional identities and aspirations. In this connection, the Community and its Member States are gravely preoccupied by the plight of the population affected by famine and deprivation and are continuing to provide extensive food and other emergency aid where possible.

On 24 April 1990, the Community and its Member States, together with other Western donors, made a strong appeal to all the parties in Ethiopia to suspend hostilities immediately, to facilitate relief operations and to guarantee the safe passage of humanitarian relief supplies.

The considerable difficulties arising in the forwarding of goods and medications are unfortunately well illustrated by the tragic question of the opening of the port of Massawa, and notably the refusal, in late spring, to grant permission to dock to a ship carrying a UN World Food Programme technical team to survey Massawa port. The Community and its Member States ac-

cordingly urged the Eritrean People's Liberation Front (EPLF) to cooperate in the utilisation of that port for the supply of aid to the people of Northern Ethiopia. On 18 June 1990, Ministers issued a statement on Ethiopia which was brought to the attention of both the Mengistu Government and the EPLF. A second statement on this issue was released on 2 August 1990 and two *démarches* have been made by the Twelve, in July, to the representative of the EPLF in Washington, and in November to the UN Under-Secretary General, Farah, urging the Ethiopian Government and the EPLF to reach early agreement for the re-opening of the port.

As concerns the human rights situation in Ethiopia, the Community and its Member States are of the view that it cannot be seen in isolation from humanitarian and food relief efforts. They therefore do not consider that a suspension of aid to the Ethiopian authorities would contribute in bringing about a satisfactory solution; such a measure would, to the contrary, only harm an already severely affected population and would thus prove counter-productive.

The last volet of the honourable Member's question has not been discussed within EPC.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/097.

**91/086. Question No 1267/90 by Mr Vandemeulebroucke (ARC)  
concerning Community initiatives concerning the implications of agreements  
on conventional arms reductions for arms sales to the Third World**

Date of issue: 18 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 22 May 1990)

This year it is expected that a treaty will be concluded on conventional arms reduction in Europe and that both sides will agree to drastic reductions in five categories of arms: tanks, other armoured vehicles, artillery, aircraft and helicopters. Both Superpowers and the European States are faced with the choice of destroying their surplus weapons or selling them to Third World countries. The results of disarmament in Europe could therefore lead to a considerable escalation of arms in the Third World and a shift in the problem of security.

What initiatives will the Twelve take under Article 30 (6) of the Single European Act to ensure that disarmament negotiations include an assessment of additional arms sales in the Third World and that the agreement on reduction of conventional weapons includes a provision prohibiting the parties thereto from dumping their surplus weapons from Europe into the Third World?

*Answer:*

The question raised by the honourable Member has not been discussed in European political cooperation.

The Commission and its Member States welcome the agreement on conventional arms reduction signed in Paris on 19 November 1990. They have taken note of the provisions of the agreement calling for the destruction of military equipment in excess of the approved ceilings and the verification measures provided for.

**91/087. Question No 1914/90 by Arbeloa Muru (S) concerning human rights in South Africa**

Date of issue: 18 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 2 August 1990)

What response has the Community received from the Government of South Africa to its various recent representations on the matter of human rights in that country?

*Answer:*

The Community and its Member States have, as the honourable Member observes, been actively pursuing their policy of persuasion with South Africa with a view to helping to bring about the total abolition of the system of apartheid in that country by peaceful means. Indeed, they have never ceased to denounce this unacceptable system of racial discrimination, which is an affront to human dignity and a violation of the United Nations Charter and the Universal Declaration of Human Rights.

Notwithstanding the continuation of the apartheid system, the Community and its Member States have not failed to note certain major political moves in the direction of the changes called for by both the great majority of the local population and the international community.

In line with their thinking on the situation in South Africa and on ways and means of hastening a peaceful solution, the Community and its Member States are continuing to call for the creation of a unified, non-racial and democratic State which would offer the entire population the benefits of common and equal citizenship and guaranteed respect for universally recognized human rights.

If any government is well aware of the position of the Community and its Member States on the issue of human rights and fundamental freedoms, then it is the Pretoria Government. Nevertheless, that has not prevented the Community and its Member States from continuing the critical dialogue with South African authorities in recent months, particularly through direct representations. While they recognize that some progress has been achieved in the human rights field, they have, therefore, made certain specific representations to the South African Government regarding the 'Conference on a Democratic Future', the death squads, the law on the disclosure of foreign investments and the violence in South Africa. The Community and its Member States have also encouraged the Government in Pretoria and all other interested parties in the direction of dialogue and democracy in the form of statements on the reform announced by President De Klerk on 2 February 1990<sup>1</sup>, the release of Nelson Mandela<sup>2</sup>, the lifting of the state of emergency on 8 June<sup>3</sup> and the results of the pre-negotiations between the South African Government and the ANC<sup>4</sup>.

Finally, the Community and its Member States entertain the hope that, at its next meeting, the South African Parliament will, as announced in September by President De Klerk, take steps to abolish the legal bases of apartheid, viz., in particular, the Group Areas Act and the Land Act. They also hope that the Population Registration Act will be repealed before long.

<sup>1</sup> *EPC Bulletin*, Doc. 90/051 of 5 February 1990.

<sup>2</sup> *EPC Bulletin*, Doc. 90/073 of 13 February 1990.

<sup>3</sup> *EPC Bulletin*, Doc. 90/224 of 9 June 1990.

<sup>4</sup> *EPC Bulletin*, Doc. 90/306 of 9 August 1990.

**91/088. Questions No 2218/90 by Mr Arbeloa Muru (S) concerning the imprisonment of a student in Central Java, 2220/90 by Mr Arbeloa Muru (S) concerning the imprisonment in Turkey of Ilker Demit, and 2222/90 by Mr Arbeloa Muru (S) concerning prisoners of conscience in Buthan**

Date of issue: 18 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 8 October 1990)

*Question No 2218/90:*

Have the Foreign Ministers meeting in European political cooperation been able to do anything to help the members of the Usroh in Central Java (Indonesia) – young Muslim activists who have been sentenced to prison terms ranging from 4 to 15 years? One of them is Agil Riyanto bin Darmowiyoto, a law student from Brebes, who was sentenced in April 1987 to 15 years imprisonment, having been mistreated, coerced and deprived of legal representation during the trial.

*Question No 2220/90:*

In view of the Turkish Government's favourable attitude at present regarding human rights, can the Foreign Ministers meeting in European political cooperation do anything to help the TSIP journalist Ilker Demir, who, in 1984, was sentenced to 36 years imprisonment and is currently held in the top-security prison at Nazili, where he has apparently been mistreated several times by the wardens?

*Question No 2222/90:*

Can the Foreign Ministers meeting in European political cooperation do anything to help three Bhutanese subjects who have been accused of 'anti-national' activities: Ratan Gazmere, Tek Nath Rizal (a former adviser to the king and the current chairman of the People's Forum for Human Rights), and Jogen Gazmene (the Secretary of this organization)? The last two were extradited from Nepal and are currently held in an unknown goal.

*Answer:*

As the honourable Member will know, the Community's often stated position of human rights is clear and unequivocal. In the opinion of the Community and its Member States, the protection of human rights is a matter of international concern and States have the responsibility, both individually and collectively, to uphold them. Member States believe that the international community has a right and a duty to scrutinize the performance of governments in the field of human rights. The Community and its Member States have stuck firmly to this principle as the Indonesian and Turkish authorities will recall. Human rights are an important factor in Community relations with other countries. The Community and its Member States will continue to pursue this policy vigorously in the future.

**91/089. Question No 2345/90 by Mr Gutierrez Diaz (GUE) concerning the murder in El Salvador of Dr Begoña García Arandigoyen**

Date of issue: 18 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 18 October 1990)



Dr Begonia García Arandigoyen, of Spanish nationality, was murdered in El Salvador on 10 September 1990. According to the authorities in that country, she was killed during an attack carried out by the army of El Salvador against the Farabundo Martí National Liberation Front.

However, the autopsy carried out at the hospital in Navarra (Spain) at the request of the Spanish Foreign Minister not only revealed six bullet holes in the temple, the nape of the neck, both elbows, the breastbone and one thigh, but also proved that she had been brutally tortured.

The face was disfigured, and the uterus and kidneys had been removed.

What steps do the Ministers meeting in European political cooperation intend to take in order to obtain full details of the case from the Government of El Salvador and, if appropriate, to oblige the latter to accept its responsibilities in the matter?

*Answer:*

As the honourable Member is aware, the Community's position on human rights in El Salvador, has been expressed on several occasions and is well known by the authorities of that country. In this context, the honourable Member is referred to the answer to Written Question No 225/90.

As far as the case of Dr Begonia García Arandigoyen, partners are aware of, and support, the steps which have been taken by Spain in this case.

**91/090. Joint Political Declaration of the Managua Ministerial Conference on Political Dialogue and Economic Cooperation between the European Community and its Member States, the countries of Central America and Panama, and Colombia, Mexico and Venezuela as cooperating countries, held on 18 and 19 March 1991**

Date of issue: 19 March 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Joint Declaration

1. The seventh Ministerial Conference between the European Community and its Member States, the countries of Central America and Panama, and Colombia, Mexico and Venezuela as cooperating countries, on political dialogue and economic cooperation between the European Community and the countries of the Central American isthmus, begun in Costa Rica in 1984 and continued at annual meetings since, took place at Managua on 18 and 19 March 1991.

2. The Conference was attended by the following representatives:

For Central America and Panama

Costa Rica  
H.E. Mr Bernd H. Niehaus Quesada  
Minister for Foreign Relations and Religious Affairs

El Salvador  
H.E. Dr José Manuel Pacas Castro  
Minister for Foreign Relations

Guatemala  
H.E. Mr Alvaro Arzu Irigoyen  
Minister for Foreign Relations

**Honduras**

**H.E. Dr Mario Carias Zapata  
Minister for Foreign Relations**

**Nicaragua**

**H.E. Mr Enrique Dreyfus  
Minister for Foreign Relations**

**Panama**

**H.E. Mr Julio E. Linares  
Minister for Foreign Relations**

**For the European Community**

**Luxembourg**

**H.E. Mr Jacques F. Poos  
Deputy Prime Minister and  
Minister for Foreign Affairs**

**Kingdom of the Netherlands**

**H.E. Mr P. Dankert  
State Secretary, Ministry for Foreign Affairs**

**Portugal**

**H.E. Mr José H. Durão Barroso  
State Secretary, Ministry for Foreign Affairs and Cooperation**

**United Kingdom**

**H.E. Mr Tristan Garel-Jones, MP  
Minister of State, Foreign and Commonwealth Office**

**Belgium**

**H.E. Mr Mark Eyskens  
Minister for Foreign Affairs**

**Denmark**

**H.E. Mr M.C.U. Haxthausen  
Ambassador  
Personal Representative of the Minister for Foreign Affairs**

**Germany**

**H.E. Ms Ursula Seiler-Albring  
Minister of State**

**Spain**

**H.E. Mr Francisco Fernández Ordóñez  
Minister for Foreign Affairs**

**France**

**H.E. Mr Roland Dumas  
Ministre d'Etat  
Minister for Foreign Affairs**

**Greece**

H.E. Mr Andonis C. Samaras  
Minister for Foreign Affairs

**Ireland**

H.E. Mr Gerard Collins, TD  
Minister for Foreign Affairs

**Italy**

H.E. Mr Ivo Butini  
State Secretary, Ministry of Foreign Affairs

**Commission**

Mr Abel Matutes  
Member of the Commission

For Colombia, Mexico and Venezuela as cooperating countries

**Colombia**

H.E. Mr Rodrigo Pardo Garcia Peña  
Deputy Minister for Foreign Relations

**Mexico**

H.E. Mr Fernando Solana Morales  
Minister for Foreign Relations

**Venezuela**

H.E. Mr Reynaldo Figueredo  
Minister for Foreign Relations

For the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA)

Mr Gilberto Rodriguez Valdez  
Acting Secretary-General

3. The participants examined matters of mutual interest in the context of the dialogue and cooperation established in accordance with the principles enshrined in the San José Declaration of 29 September 1984 and placed on a formal footing by the Final Act of the Luxembourg Conference of 12 November 1985. They emphasized that this seventh meeting marked an important step towards the strengthening of dialogue and cooperation in a regional and international context which had undergone far-reaching political and economic change.

They welcomed the positive developments in the regional peace process since the Dublin Conference of 9 and 10 April 1990, during which period the Central American States had made substantial progress towards peace, the establishment of democracy, a reduction in arms and military forces, and regional security. Progress had been made towards dialogue and reconciliation in some of these States.

The Ministers emphasized that political and economic dialogue between the European Community and its Member States and the countries of Central America and Panama, together with Colombia, Mexico and Venezuela as cooperating countries, was an effective instrument for

promoting and strengthening the Central American negotiating process with a view to securing firm and lasting peace, genuine pluralism, democratic and participatory political processes, respect for human rights and international law, as well as stability and social and economic development in Central America.

Aware of the need for renewed commitment and sustained assistance in order to consolidate the progress made to date and bring about a comprehensive peace, and resolved to build on the Esquipulas and San José processes, the Ministers affirmed their resolve to intensify and deepen this direct dialogue still further.

They thanked the United Nations Organization for its major contributions to the peace process and encouraged the United Nations Secretary-General to continue his untiring efforts to foster national reconciliation in the States of the region. They also welcomed the active role played by the Organization of American States in areas which are vitally important for peace and democracy in Central America.

The Ministers underlined the need for full compliance with the norms and principles of international law, including the United Nations Charter and the Organization of American States Charter, and promised to support those organizations in their efforts to ensure respect for international legality. In the same spirit they agreed to make joint efforts in support of the United Nations Decade of International Law approved by the UN General Assembly in Resolution 44/23 of 17 November 1989.

4. The Ministers of the European Community reaffirmed the importance of growth in economic cooperation between the European Community and Central America, so as to strengthen the economic integration of the region and underpin economic development and social progress in the interests of greater political stability. To this end, they asked the European Commission to assess as quickly as possible the effect the arrangements granted to the Andean countries could have on Central American exports to the Community market and, on the basis of this assessment, rapidly propose transitional trade or any other measures to avoid unfavourable consequences for trade between the two regions, thereby reflecting the Community's resolve to maintain its declared support for the peace and development processes in Central America.

The Ministers of the Community will examine the European Commission's proposals in a constructive spirit and in the light of the note of urgency sounded by the Central American Ministers.

They welcomed the first Economic Summit of Central American Presidents held at Antigua from 15 to 17 June 1990 and warmly welcomed the Declaration and the Economic Action Plan for Central America (PAECA) and likewise expressed their support for the plans to create an Economic Community of the Central American isthmus. Those initiatives showed the determination of the Central American countries to put an end to armed conflict and violence and focus their efforts on the development and integration of the Central American isthmus.

In this context, the Ministers also welcomed the declaration issued at the summit of Central American Presidents held at Puntarenas (Costa Rica) on 15, 16 and 17 December 1990, which represented an important step towards stable and lasting peace, integration and the improvement of democratic institutions. This process could not be sustained without international support.

The Ministers supported the proclamation of Central America as a region of peace, liberty, democracy and development, in the Declaration of Puntarenas, (Costa Rica), stressing the deep-seated determination and principles which guide it. In this context they emphasized that regional peace and the objective of full establishment of democratic systems, the commitment to human rights and national reconciliation, and the introduction of a new pattern of regional security were of their nature inseparable. The European Community expressed its interest in supporting Central American efforts to promote education for peace.

5. The Ministers recalled that full implementation of the agreements in the Esquipulas process was the best way to achieve a lasting solution to the problems of Central America.

They reaffirmed their support for the principle of full participation by the people in genuinely democratic and pluralistic political processes and stressed the necessity for all countries in the region to respect the democratic process, human rights, including civil and political liberties, the rule of law, the separation of institutional powers and, in particular, the independence and impartiality of the judiciary, and to promote economic, social and cultural rights and social justice.

The Ministers likewise emphasized the importance of the democratic principle of the subordination of the army and security forces to the civil authorities.

The Ministers considered that internal dialogue should be actively encouraged and referred to the important role played by the National Reconciliation Committees in this context.

The Ministers of the European Community appealed once again to all parties to reach a peace agreement in those States in the region which were at present facing action from irregular groups, by taking specific measures to bring about a complete end to hostilities. They reiterated their unwavering resolve to support the overall peace process in Central America.

The participants also appealed again to the irregular forces active in the region to take their place in the political process and in the peaceful life of their respective countries.

The Ministers of the European Community appealed to the governments of the region to promote and develop the economic, social and security conditions necessary to foster this integration.

The Ministers of the Community appealed for an end to any armed action against the civilian population.

6. On the situation in El Salvador, the Ministers expressed satisfaction at the continuation of the negotiations decided on at Geneva on 4 April 1990, which led to the meetings in Venezuela, Mexico and Costa Rica designed to step up the process of dialogue and thus produce an agreement which would put an end to the conflict in El Salvador and thereby lead to members of the Farabundo Marti National Liberation Front (FMLN) becoming part of the peaceful community in the country, in a climate of mutual security and respect for human rights. In this connection the Ministers welcomed the conclusion of the Human Rights Agreement between the Salvadorean Government and the FMLN at San José, Costa Rica, on 26 July 1990.

Concerned that human rights should be respected, and further to their declaration of 16 November 1990, the Ministers of the Community noted the commitment made by the Government of El Salvador to step up its efforts to conclude its investigations and bring to justice those responsible for the deplorable murder of the six Jesuit priests and two of their helpers. This would make a vital contribution towards strengthening the independence of the judiciary in that country and showing genuine respect for human rights, which are key elements in any democracy.

The Ministers expressed their full support for the efforts of the United Nations Secretary-General directly and through his personal representative. They recognized the importance of the support given to these efforts by the countries of the Group of Friends of the Secretary-General. They stated their willingness to support the action taken by the United Nations in order to ensure and monitor the cessation of hostilities, respect for human rights and the democratic nature of elections.

They recalled the importance of implementing all the provisions of Chapter III of the Joint Tela Programme entitled: 'Assistance in the voluntary demobilization of the members of the Farabundo Marti National Liberation Front (FMLN)' as well as of the agreements reached in Geneva on 4 April 1990 and in San José on 26 July 1990.

With this in mind, the Ministers stressed that the integration into national life of those FMLN members who seek it voluntarily was important for strengthening peace and democracy in El

Salvador. In this context, the Ministers thought it important to give full backing to all actions and projects undertaken to reincorporate such persons into working life and into the socio-economic and political process of that country. The two parties stressed the importance of paragraph 7 of the Joint Economic Communiqué adopted in Dublin in April 1990 whereby the Community would consider the possibility of assisting Nicaragua and El Salvador in projects facilitating job creation to support the resettlement of demobilized irregular groups and to this end decided to take, as far as possible, measures towards achieving this objective, in addition to the action already undertaken in Nicaragua. At the same time they called upon the international community to make a constructive contribution to these actions which fall under the Esquipulas process and under the reconciliation and democratization process.

They lent encouragement to the Salvadorean Government's efforts to repatriate refugees emphasizing that repatriation must take place in accordance with the relevant international agreements on the subject.

7. The Ministers expressed their satisfaction at the peaceful demobilization of the Nicaraguan resistance and at the encouragement given to this process by the Nicaraguan Government in accordance with the agreements reached between the Nicaraguan Government and the resistance, and at the fact that the process had been concluded satisfactorily. They considered this to be a milestone on the way to full implementation of the objectives adopted at the Summit of Central American Presidents at Puerto de Tela (Honduras) on 7 August 1989.

In this connection, the Ministers expressed satisfaction at the exemplary manner in which the International Commission for Support and Verification (CIAV) set up by the Secretary-General of the United Nations and the Secretary-General of the Organization for American States had discharged its duties and also emphasized the major contribution made by the United Nations Observer Group (ONUCA) towards demobilizing the Nicaraguan resistance.

They stressed that it is important that all political and social forces in Nicaragua help to bring about stability in the democratic process and national reconciliation through productive dialogue. Accordingly they emphasized the efforts which had led to the Concertation Agreements of 26 October 1990 to consolidate democracy and foster the stability and economic and social development of the country. They likewise praised the efforts of the Nicaraguan Government undertaken in compliance with the objectives of the Central American Security Commission which had already achieved a significant reduction in army strength.

The Ministers supported the appeal made to the international community at the Puntarenas Summit (Costa Rica) for an emergency plan commensurate with the exceptional situation in Nicaragua, which would provide immediate solutions to the problems posed by the economic and social reconstruction of the country.

The Ministers also welcomed the success of the conference of donor countries to Nicaragua, held in Rome on 6 and 7 June 1990 and for the first meeting under the aegis of the World Bank held in Paris in December 1990, which is to be followed by a second meeting in Washington in March 1991. They confirmed that they would continue to support economic development in that country along the lines already pursued by the Community.

8. The Ministers welcomed the progress made in Guatemala towards direct talks between the government and the Guatemalan National Revolutionary Union (URNG) since the Oslo agreement between the National Reconciliation Commission and the URNG. They encouraged the internal dialogue and national reconciliation process initiated by the talks held in Spain, Canada, Ecuador and Mexico and particularly welcomed the conclusion of the signing of the El Escorial Agreement by the representatives of the Guatemalan political parties and the URNG on 1 June 1990.

The Ministers stated that dialogue in Guatemala should be aimed at establishing a stable and lasting peace, consolidating the democratic system, bringing about full social justice and ensuring respect for human rights.

The Ministers paid particular tribute to the Guatemalan National Reconciliation Commission for its unstinting efforts to bring about peace through dialogue and negotiation, and exhorted it to continue its invaluable task in the hope that it will lead to achieving early direct talks between the Government and the URNG.

9. The Ministers emphasized the need for human rights to be effectively upheld. They expressed their common concern at the continuing unsatisfactory human rights situation in certain countries in the region. They recognized the value of the efforts already made to redress the situation and emphasized that they would continue to make every effort to re-establish full and universal respect for human dignity.

The Ministers of the European Community supported the decision taken by the Central American Presidents at their meeting in Puntarenas (Costa Rica) to set up a Committee to monitor the political commitments undertaken in the Esquipulas process; this would be made up of Central American citizens of known independence and ability, appointed by the National Reconciliation Commissions.

The Ministers of the European Community also emphasized the importance of increasing and reinforcing cooperation to improve the operation of the machinery of government and in particular to improve the administrative and legal machinery designed to ensure that human rights are fully guaranteed. They drew attention to the importance of the decision of the Central American Presidents aimed at introducing regional information and education programmes on human rights.

In support of this decision and in order to get such programmes underway, the Ministers of the European Communities agreed to introduce, in close cooperation with other existing competent bodies, multiannual programmes for the promotion of human rights in Central America.

A Committee of European and Central American experts is to be entrusted with the task of working out how these programmes are implemented.

These programmes will be aimed especially at persons holding public office in the Central American States and primarily at members of their services responsible for law and order and security and the staff of their legal administrations. They will involve *inter alia* training and education courses and the establishment of practical information back-up on human rights.

The Central American Ministers expressed their determination to contribute fully to the success of these programmes, in particular those involving their law and order and security forces and their legal apparatus.

10. The Ministers reiterated their firm support for the work carried out by the United Nations Observer Group for Central America (ONUCA) and welcomed the Security Council decision to extend the Group's mandate to 7 May 1991. The Ministers of the European Community noted the Central American countries' wish to see the ONUCA's mandate extended if necessary.

They emphasized the importance of the Observer Group's mandate, which involves verifying the cessation of aid to irregular forces and ensuring that the territory of any one State is not used to attack other States.

In this connection, they recalled the undertaking by the Presidents of the Central American countries to prohibit the use of their territories by persons, organizations or groups whose aim is to destabilize the governments of the Central American countries. They also reiterated the principles of the sovereignty and territorial integrity of States and the right of all peoples to determine their political, economic and social models freely and without external interference.

11. The Ministers welcomed the re-establishment of the Security Commission of Central America and the significant progress made at its meetings.

They particularly welcomed the agreement reached on confidence-building measures and the decision to present lists of arms and military personnel at the next meeting in Managua. They noted with interest the Security Commission recommendations adopted at the meeting on 23 and 24 November 1990 in Tegucigalpa and aimed at strengthening the operational capacity and organizational structure of the ONUCA.

The Ministers of the European Community noted with interest the objectives and procedures drawn up by the Security Commission and declared themselves fully prepared to support the UN and the Organization of American States in their cooperation with the Central American States, with a view to bringing about a reasonable balance of forces and increasing confidence and security. They thought this balance of forces should be at the lowest possible level.

The Ministers of the European Community expressed their willingness to support the appeal in the Antigua Declaration of 17 June 1990 for support for social and development projects for persons returning to civilian life following any reductions in military personnel in the Central American countries.

12. The Ministers reaffirmed the importance of the establishment of the Central American Parliament, in which representatives democratically elected by the peoples of the region could put forward proposals on the political, economic, social and cultural problems of Central America. Such a permanent forum would mark a major step towards the integration of the region. They expressed satisfaction at the entry into force on 1 May 1990 of the Treaty establishing the Central American Parliament and welcomed the fact that Guatemala, Honduras and El Salvador had already elected their representatives to the Central American Parliament.

The Ministers of the European Community repeated their undertaking to provide technical and financial assistance for the process of establishing the Central American Parliament and organizing the electoral process in close collaboration with the European Parliament. The Ministers noted with satisfaction in this connection that, in line with its earlier undertakings, the Community had already begun to contribute towards the funding of certain actions in preparation for the Parliament's operation.

The Ministers of the European Community appealed to all the States in the region to ratify the Treaty of Establishment and enable the Central American Parliament to commence work in the near future.

The Ministers welcomed the technical and financial support which the Community has been able to provide, from funds voted by the European Parliament, for the organization of democratic elections in certain countries of the Isthmus and for other measures helping to implement the democratic process in the region.

13. The Ministers welcomed the decisions taken on 20 December 1990 by the Rome Conference between the European Community and the Member States of the Permanent Mechanism for Political Consultation and Coordination (Rio Group) on strengthening their relations and placing their dialogue on a formal basis.

They expressed satisfaction at the constructive influence of conferences of the San José type since 1984 on the genesis of this new dialogue and stated their firm determination to strengthen this irreplaceable model for cooperation between the Economic Community and Central America.

Recalling the importance of regional integration processes, the Ministers welcomed the decision taken by the Member States of the Rio Group at the Caracas Summit on 11 and 12 October 1990 to invite the Central American States to participate in the Group through the country disig-



nated by them and the positive reply by the Central American States in the form of the Declaration adopted at Puntarenas (Costa Rica). They considered that this decision was an important step towards closer integration of the Latin American countries.

14. The Ministers reaffirmed their concern at the serious social and economic problems facing Central America. They acknowledged that servicing the external debt severely inhibits the region's economic, political and social development. They stated that all parties should contribute towards a solution to the problem, in particular the creditor countries, the debtor countries, the multilateral financial institutions and international private banks, taking into account the need to ensure economic growth, peace and social harmony in the Central American isthmus. Both sides agreed to continue their efforts to find solutions.

The Member States of the European Community recognized the encouraging efforts the Central American countries have made in adopting economic adjustment and stabilization policies. The Ministers of the Community expressed their interest in contributing, within the framework of the instruments at the Community's disposal, to the implementation of programmes aimed at alleviating the social effects of the adjustment which the Central American countries are undertaking.

They welcomed the implementation of the regional payments system introduced at the San José VI meeting in Dublin.

The Ministers of the European Community reaffirmed their intention to contribute towards the achievement of the goals and objectives of the Special Plan for Economic Cooperation with Central America (PEC) as a way of assisting the efforts being made under the Esquipulas II Agreement. They accordingly affirmed the Plan's importance for the development of the region and welcomed the adoption of the Resolution by the United Nations General Assembly extending the PEC for a further three years, noting the decision by the Governing Council of the United Nations Development Programme to approve the funds necessary for its implementation. The Ministers took note of the cooperation programme for education in the Central American isthmus proposed by the United Nations Development Programme.

The Ministers expressed the hope that other countries, in particular industrialized countries, would increase their involvement in Central America.

The Ministers of the Community noted with interest the new agreements and proposals for aid for and cooperation with Central America, such as the Initiative for the Americas, the Partnership for Democracy and Development in Central America and the Tuxtla Gutiérrez (Mexico) agreements.

The Ministers of the Community noted the importance that the countries of Central America attached to the role that might be played by the Partnership for Democracy and Development in Central America in intensifying cooperation with Central America and to the key role that should be played by the countries of the region in identifying their priorities and interests.

The Ministers recognized that the joint action by the Group of Three – Colombia, Mexico and Venezuela – aimed at reinforcing and increasing the efficiency of cooperation between these three countries and Central America was being carried forward successfully. The Ministers also welcomed recent actions in this context, such as the agreements of Tuxtla Gutiérrez (Mexico) in January 1991.

15. The Ministers welcomed the success of the first international meeting of the Follow-up Committee of the International Conference on Central American Refugees, held in New York on 27 and 28 June 1990, and stated that they were in favour of the full and rapid integration of all returnees and displaced persons in their respective communities.

The Central American Ministers thanked the Community for its valuable contribution in this context.

The Ministers of the European Community gave an assurance that they would continue to provide substantial support for the 'Concerted Plan of Action in favour of Central American refugees, returnees and displaced persons'.

The Ministers stressed the importance of the health priority plan for Central America and Panama, the second phase of which would be presented at the third Conference on Health and Peace for Development and Democracy in Central America and Panama to be held in Madrid on 2 and 3 May 1991.

16. The Ministers reiterated their interest in appropriate support for the objectives of the Central American Environment and Development Committee. They affirmed their intention to work together to combat abuse of the environment and to restore and safeguard natural ecological balance.

They welcomed the resolve of the Central American countries, as affirmed in the Antigua Declaration of 17 June 1990, to accord priority to the protection of ecosystems in the region and agreed that the economic development of the region should proceed with due regard for such ecosystems.

The Ministers declared their willingness to share the aims set out in the declaration entitled 'Towards a New International Ecological Order' issued on 14 December 1990 by the President of Costa Rica and to support the efforts to establish a new regional ecological order.

In this connection the Ministers of the European Community welcomed with interest the importance that the countries of Central America attached to the development of cleaner sources of energy, such as geothermal energy.

17. The Ministers emphasized that the campaign against production, processing, consumption and trafficking in drugs and psychotropic substances is one of the most serious challenges facing developing and developed countries alike.

They welcomed the holding in Managua on 30 and 31 August and in San Pedro Sula on 29 and 30 November 1990 of meetings to coordinate measures to facilitate implementation of the regional cooperation agreement for the eradication of illicit drug trafficking, signed at the Montelimar Summit on 3 April 1990, and the setting up of the Central American Commission for the suppression of illicit drug trafficking.

They reaffirmed their governments' desire to cooperate in the fight against the drug scourge and to implement the Global Plan of Action adopted by the United Nations Special Session in New York from 20 to 23 February 1990, emphasizing the need to monitor and confiscate money and assets derived from drugs and to punish drug-related financial offences, including money laundering. They also repeated their determination to foster cooperation between the European Community and its Member States and the countries of the Central American isthmus in this field. The Community declared its willingness to support cooperation projects geared to drug problems in Central America.

18. The European Community expressed its determination to examine the possibility of working closely with the Central American countries on programmes to harmonize their legislation and modernize their rules on migration.

19. The Ministers expressed their satisfaction at the participation of Colombia, Mexico and Venezuela in the dialogue between Central America and the European Community, as cooperating countries having traditionally close links with the countries of the Isthmus.

20. The delegations decided to meet in Europe next year, in accordance with the practice of alternance.

21. The participants in the Managua Conference expressed their deep gratitude to the Nicaraguan Government, at whose invitation the Conference had been held. They also thanked the people of Managua for their warm welcome and the splendid organization which had enabled the Conference to proceed smoothly.

**91/091. Question No 2219/90 by Mr Arbeloa Muru (S) concerning the condition of Hiram Abi Cobas, imprisoned in Cuban gaol**

Date of issue: 19 March 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Written Question in European Parliament (from 8 October 1990)

Have the Foreign Ministers meeting in European political cooperation received any news regarding Hiram Abi Cobas Núñez, the acting Secretary-General of the Party for Human Rights (PPDHC) who was arrested on 6 August 1989 and sentenced to 18 months imprisonment in the Combinado del Este prison, Havana? His condition is of particular concern in view of the heart attack which he suffered in April 1990.

*Answer:*

The European Community and its Member States continue to monitor very closely the human rights situation in Cuba, where the authorities are well aware of the importance which the Community attaches to full respect for human rights.

The case of Hiram Abi Cobas Núñez, which as the question states, has a particular humanitarian dimension, is known to the Twelve and has been raised with the Cuban authorities. According to recent reports, Mr Cobas Núñez was released from prison on 27 November 1990 for health reasons. He is said to be at home.

**91/092. Statement concerning the investiture of the President-elect of the Republic of Cape Vert**

Date of issue: 22 March 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

On the occasion of his investiture in the highest office of the Republic of Cape Vert, the Community and its Member States convey to the President-elect, Mr Antonio Mascarenhas Monteiro, their congratulations on his election and their good wishes for his success in the high task which will be his.

The Community and its Member States warmly welcome the fact that the recent elections have allowed for an exemplary democratic alternation in Cape Vert and address a message of solidarity to the Government and the people of that country.

**91/093. Statement by an informal Ministerial Meeting concerning Yugoslavia**

Date of issue: 26 March 1991  
Place of issue: Chateau de Senningen  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States follow with the greatest concern the situation in Yugoslavia. They encourage the efforts underway to resolve the constitutional crisis in the country by way of dialogue and appeal to all parties concerned to refrain from the use of force and to respect fully human rights and democratic principles in conformity with the Charter of Paris on the new Europe.

The Community and its Member States, recalling their previous declarations, are convinced that the process of moving Yugoslav society in the direction of democratic reforms satisfactory to all Yugoslavia should be based on the results of a political dialogue between all parties concerned. Such a process will enable the full development of the cooperation which already exists between the Community and the Federal authorities. In the view of the Twelve, a united and democratic Yugoslavia stands the best chance to integrate itself in the new Europe.

**91/094. Statement on the occasion of the signature of the Treaty on the Creation of a Common Market in the Southern Cone of the South American Continent**

Date of issue: 26 March 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States follow with close attention the renewed efforts in Latin America to achieve a more effective integration. They welcome the signature of the treaty on the establishment of a common market in the southern cone of the South American continent by the Presidents of Argentina, Brazil, Paraguay and Uruguay at their meeting on 26 and 27 March in Asuncion. They are convinced that the revival of the various processes of integration underway in Latin America will contribute to the consolidation of democracy in the countries of the region, to their economic development and to the strengthening of their role in the world.

**91/095. Statement concerning the investiture of the President-elect of São Tomé e Príncipe**

Date of issue: 3 April 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

On the occasion of his investiture in the highest office of the Republic of São Tomé e Príncipe, the Community and its Member States convey to the President-elect, Mr Miguel Trovoada, their congratulations on his election and their good wishes for his success in the high task which is now his.

The Community and its Member States warmly welcome the exemplary process of democratization which led to the recent presidential elections and address a message of solidarity to the authorities and the people of São Tomé e Príncipe.

**91/096. Statement concerning the situation in Iraq**

Date of issue: 3 April 1991  
 Place of issue: Brussels, Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Declaration

The Community and its Member States are very deeply concerned at the situation of the civilian population in Iraq, notably the Kurds and the Shi'ites.

They firmly condemn the brutal repression being imposed upon these population groups, bringing about a flow of refugees towards the neighbouring countries.

They call on the Iraqi authorities to put an end without delay to this repression, which has already, in the past, severely afflicted the Kurdish people. Only the path of dialogue with all the parties concerned will allow the shaping of a renewed Iraq, united and respectful of the legitimate aspirations of the population groups of which the country is made up.

**91/097. Statement concerning Mali**

Date of issue: 4 April 1991  
 Place of issue: Brussels, Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Declaration

The Community and its Member States have followed with concern events in Mali since 22 March. They deplore the repression of demonstrations which caused victims among the civilian population, in particular among the young.

The Community and its Member States note with hope the will of the new leaders to set up a stable framework of freedom and democracy in conformity with the aspirations of the people of Mali. They encourage all the parties to pursue dialogue with a view to achieving this objective.

**91/098. Statement concerning the extraordinary European Council Meeting in Luxembourg, held on 8 April 1991**

Date of issue: 8 April 1991  
 Place of issue: Brussels, Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Press statement

Le Conseil Européen extraordinaire réuni le 8 avril devait traiter de trois sujets par ordre d'urgence:

- Il devait faire, en faveur des populations irakiennes déplacées et, particulièrement en faveur des Kurdes, un geste politiquement fort et économiquement efficace.
- Il devait ensuite faire un exercice d'Union politique grandeur nature et montrer qu'ils avaient une même analyse et une même orientation sur les grands problèmes du Golfe (contentieux locaux, sécurité et surarmement, coopération économique).
- Il devait enfin discuter de la rencontre de M. Santer et de M. Delors avec le président Bush, jeudi 10 avril, à Washington, et faire une évaluation – donc donner une impulsion – aux deux conférences intergouvernementales.

Sur les Kurdes, M. Delors – qui a ouvert le tour de table – a rappelé que, depuis plus de 20 ans, la Commission avait une expérience dans la coordination de l'aide d'urgence (elle a coordonné par exemple l'aide à 150.000 réfugiés d'Irak au début de la crise en septembre dernier).

Aussi, a-t-il proposé d'assurer la survie des réfugiés kurdes en installant les camps nécessaires (en coordination du haut commissariat des Nations Unies pour les réfugiés) et en assurant le ravitaillement. Une opération estimée à 400 Mécus dont la Communauté prendrait à sa charge plus du tiers (150 Mécus) dont 50 Mécus des Etats membres et 100 Mécus sur le budget communautaire dont la ligne budgétaire serait abondée [sic.]. Le Conseil Européen a suivi cette proposition de la Commission.

Mais il a aussi jugé nécessaire d'assurer la protection des populations du nord-est de l'Irak et soumettra donc aux Nations Unies – M. Delors rencontrera M. Perez de Cuellar mercredi à New York – un projet d'enclave de protection sous surveillance des Nations Unies (ce sera au Conseil de sécurité de déterminer le territoire de cette enclave).

Dans l'exercice Union politique grandeur nature, les Douze ont traité du volet politique, de la sécurité et, sur proposition de la Commission, de la coopération économique. Volet politique – Les Douze ont salué le rôle irremplaçable joué par les Nations Unies depuis l'agression du Koweït par l'Irak et se sont félicités de l'adoption, par le Conseil de sécurité, de la résolution 687.

- Ils ont condamné fermement la répression qui frappe les populations civiles irakiennes.
- Ils ont rappelé les trois conditions de la paix dans la région (la solution au conflit israélo-arabe et à la question palestinienne, une plus grande légitimité démocratique des gouvernements, le développement économique).

Sur le conflit israélo-arabe, les Douze rappellent les résolutions 242 et 338 du Conseil de sécurité et prônent 'un dialogue sans a priori' entre toutes les parties prenantes sur la base du droit d'Israël à des frontières sûres et reconnues et du droit du peuple palestinien à l'autodétermination, aucune solution ne devant être écartée a priori, y compris la création d'un Etat palestinien. Interrogé sur les contacts avec l'O.L.P., M. Santer a précisé: 'Il faut d'abord se mettre d'accord sur une solution; ensuite on verra quels sont les interlocuteurs'.

Les Douze ont insisté, d'autre part, sur l'association nécessaire de la Communauté – en tant qu'acteur important en Méditerranée – à la (ou aux) conférence de paix qui pourrait intervenir une fois adoptées des mesures réciproques et équilibrées de nature à dégager des principes communs acceptés par les parties au conflit.

La Communauté a aussi réitéré – sur le Liban – son soutien à la mise en œuvre de l'accord de Taef et au départ de toutes les forces étrangères et apporte sur Chypre son soutien aux efforts renouvelés du secrétaire général des Nations Unies.

Sur le volet sécurité, qui appartient prioritairement aux Etats de la région, les Douze ont surtout souligné la nécessité d'enrayer la prolifération des armements. Le chancelier Kohl a demandé que la Commission fasse des propositions sur les exportations d'armes et les ministres des affaires étrangères formuleront des propositions en vue de l'ouverture d'un dialogue multilatéral, destiné à prévenir l'accumulation des armements conventionnels et à renforcer la non prolifération des armes de destruction massive.

Sur la coopération économique, la Commission a proposé une série d'initiatives qui s'articulent autour de trois axes:

1) les mesures d'urgence:

- renforcement de l'aide d'urgence et de l'aide humanitaire;
- participation à la reconstruction;
- lutte contre la pollution dans le Golfe.

2) la mise en œuvre de politiques déjà convenues:

- la politique méditerranéenne rénovée (4,4 milliards d'Ecus en cinq ans, soit une multiplication par trois);
- la négociation d'un accord de libre échange avec les pays du Golfe (C.C.G.);
- progrès dans les relations C.E.E./Turquie.

3) de nouvelles actions à explorer:

- de nouvelles formes de coopération régionale sur les grandes infrastructures (eau, énergie, environnement, ressources humaines);
- échanges scientifiques et culturels;
- approfondissement des relations avec Israël;
- exploration de nouveaux modes de coopération avec l'Iran.

Enfin, au dîner, les Douze ont traité des relations transatlantiques (avant la visite de MM. Santer et Delors à Washington, jeudi), de la Yougoslavie (avec une forte pression au maintien de l'unité) et des conférences intergouvernementales [...].

A noter aussi, qu'en marge de ce Conseil, la France avait convoqué une réunion informelle de l'U.E.O. à laquelle a participé – pour la première fois – un commissaire européen, M. Andriessen. Dans le Communiqué final de ce texte, les ministres 'sont convenus que l'U.E.O. devrait jouer un rôle important dans l'après-guerre pour la stabilité et la paix dans la région' et, dans l'immédiat, ils ont décidé de mettre en œuvre la coordination des aides humanitaires apportées, en liaison avec la Commission, aux populations civiles irakiennes, notamment kurdes, victimes de la répression en Irak.

**91/099. Statement concerning the European Council Meeting in Luxembourg, held on 8 April 1991**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Report on European Council

*Mr Santer, President-in-Office of the Council:* Mr President, ladies and gentlemen, the meeting of our 12 Heads of State or Government in Luxembourg on 8 April was arranged in order to hold a discussion, in the light of the lessons of the recent war in the Gulf, on the direction of future European Community action in that region and the Near East generally.

In the event, as was to be expected, international developments, with the unfolding tragedy of the Iraqi Kurdish refugees under relentless harassment and bombing by Saddam Hussein's army, dominated the discussions. It would have been unthinkable for the Heads of State or Government not to address this painful issue together, and I am sure Parliament approves both the initiative taken and the timing.

We subsequently talked about the three interrelated themes that are of key importance to all the regions' problems: peace; security; and economic cooperation and humanitarian aid. As indicated earlier, it was therefore from the standpoint of the cease-fire terms intended to lead eventually to peace with Iraq that the European Council examined all aspects of the brutal repression that the Kurdish and Shia populations are suffering at the hands of Saddam Hussein's troops. Firmly condemning this appalling repression, it issued an urgent appeal to the Iraqi authorities to put an immediate end to it, complying with UN Security Council Resolution 688. This persecution is without a shadow of doubt a further flagrant violation of the fundamental rights of the Kurdish section of the Iraqi population. The perpetrators bear direct personal responsibility for this. The Baghdad regime may be talking about an amnesty. But should it come as any surprise that the Kurds no longer attach any credence to Saddam Hussein's promises?

Along with many of my colleagues, I am convinced that internal peace and stability will not be restored to Iraq as long as Saddam Hussein remains in power.

It is naturally for the Iraqis themselves to decide their destiny. From the viewpoint of the Community, only the establishment of a pluralistic democratic system in which human rights are

respected can guarantee the rights of all the component elements of the Iraqi people. Similarly, only the establishment of genuinely democratic institutions can bring a realistic prospect of the rebuilding of an Iraqi State that will be able to play a full part in regional and international political and economic life.

The immediate priority for the European Council was to set up a large-scale operation to help the thousands of Kurds who had fled to the borders with neighbouring Turkey and Iran. It therefore took the decision in Luxembourg to organize additional humanitarian aid amounting in total to ECU 150 million. The task now is to make sure that this aid reaches its destination as swiftly as possible. However, emergency aid cannot provide a definitive answer. Clearly, a way is going to have to be found to resettle these refugees inside Iraq. The Kurdish Iraqis have the right to live on their own soil, which is their ancestral home, and so of course have the Shiites from the south.

The very next day after this meeting in my country's capital, President Jacques Delors and I travelled to United Nations Headquarters with a crystal-clear brief. You will agree with me that this was something without precedent or parallel in the history of the Community. It involved making plans, on the basis of Resolutions 687 and 688 adopted by the UN Security Council, for creating one or more safe havens to enable the Kurdish and other Iraqi refugees to return to their country and protecting them from attack by Saddam Hussein's army. Jacques Delors and I explained to Mr Perez de Cuellar that if the Iraqi Government persisted in its policy and its disdainful attitude, the European Community and its Member States would vote in favour of maintaining economic sanctions against Iraq. I must mention in this context that the European Council had paid tribute to the consistent and indeed irreplaceable role played by the United Nations throughout the Gulf crisis. It also welcomed the Security Council's adoption of Resolution 688 which, in endorsing the principle of a duty to step in on humanitarian grounds, opens up unprecedented prospects for action by the United Nations and it was that unexpected diplomatic breakthrough that enabled us to open our talks on the basis of the proposals made by the British Prime Minister, John Major, for the establishment of safe havens on Iraqi territory.

This idea, which we also discussed the following day with President Bush, faces legal obstacles that might prove insurmountable. Jacques Delors and I put the case to both the UN Secretary-General and President Bush for the establishment of one or more safe havens from which the Iraqi army would keep out. This approach, which favours a *de facto* solution corroborated by the American commitment to prevent any Iraqi military intervention beyond the 36th parallel, now seems to be taking firmer shape. The Community also gave its support to the Secretary-General's decision to send a mission headed by the Belgian diplomat Mr Sael to the region, in our view, this mission must be sufficiently substantial and continuous to create and maintain a United Nations presence on Iraqi territory.

As you have learnt since, the Foreign Ministers, to whom we reported on return from our mission, took up the issue of the Kurdish refugees, which it enlarged by taking additional elements into consideration. At its meeting in Luxembourg on Monday, the General Affairs Council mandated the Presidency to make contact in Strasbourg with the Secretary-General to discuss with him ways and means of bringing the Iraqi authorities and Saddam Hussein in particular before an international court of justice.

There is certainly no lack of grounds for charges. First there are the crimes committed by the Iraqi army as the occupying power in Kuwait. Then there is the scandalous treatment meted out to prisoners of war, notably allied pilots. Finally, the main count, to which I have just been alluding, is the genocide committed against an integral section of the Iraqi population. The UN Secretary-General received this proposition with interest when it was put to him yesterday by my colleague Mr Poos.

Needless to say, Parliament will be kept informed of all fresh developments on this matter. Simultaneously, the Foreign Ministers lent their support to a French proposal for setting up mili-



tarily protected monitoring and supply stations in Iraq to assist refugees' gradual return to their towns and villages. These would in fact be humanitarian relay stations on Iraqi territory and they would have to be defended, if necessary, by the coalition forces. Also simultaneously, our ministers announced a considerable increase in action being carried out nationally, both by the member governments and by non-governmental organizations.

Finally, it was established during these past few days' discussions that a special effort is going to have to be made to help Iran, where there are more Kurdish refugees than in Turkey.

Ladies and gentlemen, an innovation that will not have escaped the attention of alert observers was the convening, immediately after the European Council meeting, of an extraordinary ministerial meeting of the WEU, to which the other non-Member States, plus Turkey, were invited. The purpose of this short meeting was to achieve the best possible coordination of aid to the Kurds. Following this meeting, at which the Presidency also brought in the Commission, my country directly chartered a large transport aircraft which flew not only food and medicines but Luxembourg army trucks to Turkey. As you see, the tragedy that is being acted out at the moment has potential – and this, unfortunately, is perhaps the only positive aspect – for generating new thinking that can enhance the quality of international law by making breakthroughs into areas that have hitherto been barred to it in the name of the sacrosanct principle of total respect for the territorial integrity of a state.

The European Council then turned its attention to the efforts currently being made to bring just and lasting peace to the Near East. The European Council considers that there can be no stability in the region without greater legitimacy of government, economic development and elimination of the great inequalities of income. One of the basic causes of instability in the region remains the persistence of the Israeli-Arab conflict and the Palestinian problem. In this post-crisis phase we are seeing a sort of momentum pushing the door half-open at last to a dialogue that has been cruelly lacking for so long. With the elimination of the Iraqi threat comes hope that all the conflicts and problems can be tackled in a new spirit. Any peace settlement must be founded on Security Council Resolutions 242 and 338, according to the 'land for peace' principle. A dialogue without preconditions needs to be set up among all the parties on the basis of the principles constantly reiterated by the Europeans, such as Israel's right to exist within secure and recognized frontiers and the Palestinian peoples' right to self-determination. No solution, including the creation of a Palestinian state, can be excluded from the agenda.

In this context, the European Council gave its full support to what the United States is trying to do, and in particular to the efforts being made by Mr James Baker. The Heads of State or Government are convinced that Europe, as a power that has part of its territory in the Mediterranean region, should not be excluded from the peace process. In common with European Council colleagues, we believe that the Community, which is in constant dialogue with all the interested parties, is able to make a very useful contribution during this phase. Since it was apparent from certain proposals for conference arrangements brought forward in recent days that Europe's presence at the negotiating table was not considered desirable, our availability to take part in the peace process has been unequivocally reiterated, by Jacques Delors and myself to President Bush and by the ministerial Troika to James Baker. And last Monday, while attending the EBRD inauguration ceremony in London, we also took the opportunity to tell Prime Minister Shamir himself that the Twelve are ready to play a full part in the peace process.

As regards the situation in the occupied territories, the European Council called for greater respect of human rights and improvement of living conditions on the West Bank and the Gaza strip. The plight of these people is something we cannot ignore. Referring to the action of the Security Council throughout the past eight months, and in particular to the cohesion shown by the five permanent members of the Security Council, the 12 Heads of State or Government reaffirmed the principle of the indivisibility of international legality. Following on from the contacts established by the ministerial Troika as soon as the military operations were over, the European

Council invited the foreign ministers to continue their consultations with all the parties directly concerned and with other interested states, the United States and the Soviet Union in particular. And this evening Mr James Baker will be meeting the Twelve in Luxembourg, before setting out on his third tour of the Near East and the Gulf.

We are also hoping for discussions, at an early date, with the Soviet Union.

The European Council also briefly discussed the situations in Lebanon and Cyprus. It reaffirmed its support for implementation of the Ta'if agreement, for the initiation of a democratic process, therefore, accompanied by withdrawal of all foreign troops from the country. It renewed its support for the UN Secretary-General's efforts to enable Cyprus to recover its unity and sovereignty over the months ahead. The Presidency pledged its help to Mr Perez de Cuellar in these negotiations, which now seem to be entering a decisive phase.

Security was the second theme discussed by the European Council, which took the view that the states in the region themselves must naturally be the first to decide on their own security arrangements. While supporting the efforts of the eight Arab countries in the coalition, Egypt, Syria and the Gulf Cooperation Council, to create an initial security structure in the region, the European Council is of the view that this circle ought to remain open to other states in the region.

We know that Iran is very interested in being associated with a regional security system.

In the eyes of the European Council the Gulf crisis has demonstrated the urgent need to stop the proliferation of arms, of weapons of mass destruction and conventional weapons. To this end the Heads of State or Government agreed to work energetically towards strengthening the systems to prevent the proliferation of weapons of mass destruction, with chemical weapons at the top of the list, to promote prevention of the stockpiling of conventional weapons, although of course taking due account of the legitimate, reasonable defence needs of the various countries in the region, and to invite the Foreign Ministers to draw up proposals for opening up a multilateral dialogue on this subject and to define what specific action the Twelve could take to make the non-proliferation systems more effective. The keeping of a register at the UN Secretariat to record all arms sales to countries in this region is a possibility that is going to be looked into very closely over the coming weeks under the auspices of European political cooperation.

On the third and last theme discussed at the meeting, economic cooperation and humanitarian assistance, the European Council was concerned to mark the Community's involvement and the specific ways in which it is able to help resolve the region's major socio-economic problems, which are causing tension in the Near East and in the Maghreb. It agreed on the need to develop relations with states in the Mediterranean and Middle East on new lines by launching innovative ventures on the basis of projects initiated in the region itself. I am sure President Jacques Delors, who launched the initiative of an overall cooperation programme, will be giving you more details in a moment.

I must, however, draw your attention to our shared wish to develop deeper relations between the Community and Israel, which is anxious to tie its economy more closely to Europe. On Monday the Foreign Ministers, on the strength of the mandate they had received, agreed to enlarge our cooperation with Israel. They also agreed on Israel's immediate inclusion in the Economic Commission for Europe.

Turning to Iran, the Heads of State or Government are prepared to explore new forms of cooperation with that country, to which an urgent appeal was addressed for help in settling the problem of the foreign hostages currently held in Lebanon.

Mr President, ladies and gentlemen, as you will appreciate from these conclusions and the developments that have taken place since, the Council, in all its various forms and compositions, has not been idle. Its action has been in line with the pledge given on the first day of military opera-

tions, 17 January this year<sup>1</sup>. The Gulf crisis certainly exposed the inherent limitations in European political cooperation as regards action by the Community and its Member States on the international stage. Europe does not have a single rifle, it has no army, it does not yet have a common foreign and security policy. It should nevertheless be borne in mind – and I venture to draw this to your attention – that during the phase preceding the start of military operations and during that following their cessation, the Twelve worked with exceptional intensity, and I would also point out that keeping Parliament informed has been a constant concern for us. The European Council accordingly decided that the time had come to draw the appropriate conclusions from this state of affairs, in terms of definition of our future political union. It agreed that the main options in this sphere could be identified in time for the June meeting of the European Council. This forecast is based, in particular, on the outcome of the inter-governmental conference meeting held at ministerial level on Monday last week in Luxembourg, an account of which you have just received from my colleague Jacques Poos.

Mr President, ladies and gentlemen, that is what I had to say to you today. Rest assured, we are determined to keep busy over the weeks ahead.

*[After the ensuing debate, Mr Wohlfart stated:]*

Madam President, ladies and gentlemen, I should like to congratulate Parliament on the quality of its debate and thank the speakers for the constructive criticism and suggestions which have been made with regard to the tragic situation of the Kurdish people.

Mr Howell's moving testimony entirely confirms the findings of the first convoy from Luxembourg, which arrived in the region a week ago. We must have no illusions about the urgent measures which the Community has decided to take. Huge amounts of additional funding will be necessary. The cost of sheltering one and a half million refugees for three to four months is put at ECU 400 million.

I hope too that bilateral aid from Member States will be adjusted accordingly. The Council and the Commission plan to visit the region to see how aid can be made more effective. The Council intends to fulfil its responsibilities, in conjunction with the Commission and the European Parliament. There are, of course, various stages in our approach. We are at the first stage, which is emergency aid implemented by the Commission, with logistical backing from the UN. I would also mention the idea of creating enclaves or protected zones, which has been submitted to the Secretary-General of the United Nations, and should now quickly take shape.

The adoption by the United Nations Security Council of Resolution 668, laying down the principle of intervention on humanitarian grounds, should also open up new prospects for United Nations action. This brings me to the second stage, which is no less important, namely the establishment of peace in the region. I should like to quote the President of the European Council, who said here yesterday: 'Emergency aid cannot take the place of a permanent solution. A solution must clearly be found to resettle these refugees within the Iraqi state. The Iraqi Kurds, like the Shiites in the south, have a right to live in their ancestral homeland.'

I would say finally that we must not give up because of the size of the task facing us. The Community and its Member States have a heavy burden of responsibility, which we must shoulder at all costs. The credibility of the Twelve is at stake.

<sup>1</sup> EPC Bulletin, Doc. 91/017.

**91/100. Statement concerning the Inter-governmental Conference on Political Union**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, Mr President of the Commission, ladies and gentlemen, it is at an important stage in the inter-governmental conference that I address the House to report on the negotiations. I would just point out that the cooperation rules laid down at the time of the Rome European Council meeting do not make provision for a statement of this kind in plenary. The inter-governmental conferences were set up to organize discussions among the governments, the Commission and Parliament on the progress of the conference. I nevertheless thought it right, as a private initiative on the part of the Luxembourg Presidency, to come to the House and tell you about the essential matters discussed so far in the conference in the interests of a well-informed debate. You will therefore appreciate that I am unable to take part in your parliamentary debate while the negotiations are still going on. I shall nevertheless be taking careful note of your comments and proposals, which I shall pass on to the conference.

Mr President, following on from the preparatory work carried out under the Italian Presidency, the Luxembourg Presidency has spent these three and a half months on the drafting of a multitude of working documents in line with the mandate given by the European Council at Rome II, and it has been doing so in the light of contributions from many sources, including the European Parliament. This task has been made possible by good cooperation on the part of all delegations and, above all, a high work-rate. The ministers have been able to meet on four occasions to exchange views on the two subjects that are among the most important of the whole conference: the strengthening of democratic legitimacy, and the common foreign and security policy.

The Presidency was thus able, yesterday, to submit to the conference a document containing draft articles on all the main points enumerated in the Rome II conclusions. This document will provide a basis for taking the negotiations into a new phase. It was drawn up on the basis of the prevailing trends that emerged during the first reading made by the personal representatives. Granted, it is a working document, not something that can be regarded as a text approaching its final form. The Presidency wanted it to be both ambitious and realistic. Ambitious because it brings forward all the important innovations, both internal and external, that the construction of Europe really needs at this decisive time. It marks a qualitative step forward towards a union endowed with the necessary means of action and democratic and efficient institutions. It is also realistic in that it is designed to pave the way towards compromises acceptable to all Member States. In negotiations such as those opened on the basis of Article 236, the aim is to find agreement among the Twelve on the future course of the Community.

Many ideas and proposals put forward by Parliament have been incorporated in one form or another in this document, which also draws on the exemplary work that Parliament did seven years ago now, in response to the lead given by the late Altiero Spinelli. Most of the components needed to make up the union are in the draft treaty of union that we have submitted to the conference. We are proposing, as Parliament has done, to introduce European citizenship into the Treaty of Rome, whose hitherto primarily economic scope will be extended to many other areas. If we have chosen not to include a common foreign and security policy or cooperation on internal and judicial affairs in the treaty of European union, the reason is that we want to keep the Community decision-making machinery intact. Transferring all areas of policy to the Community is not an option at the moment. Rather than take the risk of diluting the *acquis communautaire*, which must be developed further, we have brought such key areas as foreign and security policy or judicial co-

operation closer to the Community ambit. This is reflected, in particular, in the unity of decision-making structures, which will lend coherence and dynamism to the whole integration process.

There is no need for me to remind the House that the enterprise we are embarked upon is an ambitious one, perhaps the most ambitious since the creation of the European Community, given that we have set out not only to create a political union founded on solidarity among its Member States but also to achieve full realization of its citizens' aspirations, a strengthening of democratic legitimacy, overall coherence of external action and, finally, the establishment of an economic and monetary union, which should lead to the creation of a single European currency by the end of this decade. That we have incorporated the provisions on economic and monetary union into the Treaty of Rome is an earnest of our resolve to make decisive, irreversible progress towards European integration.

I now wish to run through the main headings in the working document. First, enlargement of the Community's areas of competence, to develop it from an economic community into a European community. The areas already included in the Treaty, such as the environment, social policy, economic and social coherence, have been redefined and underpinned. New areas of Community competence – health, education, culture, consumer protection, development cooperation, energy – are being brought in. The Presidency has also taken over the Commission's proposal on trans-european networks, the very purpose of which is to develop the full economic dimension of the area without internal frontiers.

The Presidency has also made the point of writing in the principle of subsidiarity whereby action is taken by the Community only when and in so far as aims assigned to it can be better achieved at Community level than by the Member States in isolation, this by reason of the dimensions or effects of the action envisaged.

Democratic legitimacy is not just a subject that is particularly close to your hearts; it is of central importance in the revision process that has been started. The Presidency's proposals include a number of innovations aimed at strengthening the powers of your Parliament. First, Parliament would in future be formally consulted before the appointment of the President of the Commission, which would be subject to Parliament's vote of approval. Secondly, the introduction of a right of petition and the appointment by Parliament of a mediator or *ombudsman* will give it a stronger role *vis-à-vis* European citizens. Thirdly, the right of inquiry and greater powers of control for Parliament in financial matters will give it a stronger hand in relation to execution of Community policies. Fourthly, wider use of the parliamentary assent procedure for international agreements and Parliament's role on the common foreign and security policy will involve it more closely in the implementation of a common policy in the sphere of external relations. Fifthly, we are also proposing the introduction of the parliamentary assent procedure where Articles 235 and 236 are being applied. Sixthly, these proposals give Parliament the right to call upon the Commission to submit appropriate proposals on matters on which, in its view, Community acts need to be drawn up. It would therefore share this right with the Council, which already enjoys it under Article 152. The cooperation procedure must be kept and its use perhaps needs to be extended, but I have to point out that this aspect has not yet been discussed by the conference. The introduction of a co-decision procedure called for by Parliament is without question the most important innovation in terms of strengthening democratic legitimacy. At Monday's meeting in Luxembourg the ministers held a thorough discussion on the Presidency's proposal on this, which is very close to what was recently suggested by Foreign Ministers Genscher and De Michelis in their joint statement. In fact, the broad thrust of the Presidency's proposal is not so different from the one put forward at the time by Mr Spinelli or the one that Parliament approved in its resolution of 22 November.

I merely mention the conciliation procedure in the context of the committee made up of equal numbers of Members of Parliament and the Council, in whose deliberations – and I stress this vital aspect – the Commission has an important role to play, according to the Presidency's proposal, in bringing about a convergence between the two sides' views.

Like Mr Spinelli, we are proposing the introduction of a new instrument, the law, as part of a new hierarchy of Community acts. The conference has not yet decided what scope the law should have. This is something on which we do not as yet have the agreement of all Member States, and the same applies to the actual principle of co-decision. These matters are going to have to be pursued in the negotiations to come. At all events, it is established in our proposal that legislative power will be exercised jointly by Parliament and the Council, with the active involvement of the Commission, and here I am quoting words used at the time by the late Mr Spinelli.

The various standpoints that I have outlined here demonstrate that the Presidency has been attaching all due importance to the strengthening of democratic legitimacy. Some people might think that this is not enough. I would remind them that we are going to have to get the 12 Member States' unanimous agreement on this. The eventual compromise solution has to be acceptable to all and must give the European Parliament real additional powers. I sincerely believe that our proposal meets both those requirements, failing which there can be no progress.

I turn now to the chapter on the common external and security policy. This crucial chapter has been discussed by the ministers on several occasions. We also discussed this matter with the European Parliament at our interinstitutional conference on 5 March. I therefore do not propose to go back over the debate, which is familiar ground to you.

The wording proposed to the conference by the Presidency is, in my view, a major advance for the Twelve, in several respects. First, it set up a single institutional framework which will get rid of the artificial separation between the Political Committee and Community affairs. Secondly, it makes for substantially closer cooperation. Thirdly, it introduces the concept of common actions that bind the Member States. Fourthly, it introduces the field of security into the Treaty, setting a common defence system as the ultimate objective. Clearly, the Commission is going to be fully involved in all the deliberations conducted in the framework of the common external and security policy. Together with the Council, it will ensure that this policy is consistent with action taken by the Community in its external economic relations and under its development cooperation policy. The European Parliament for its part will be kept regularly informed of the basic choices. It will be consulted by the Presidency on strategy and will be able to make recommendations.

In the more general area of the European Community's external relations – and I just mention this for the record – the European Parliament will in future be consulted on all agreements concluded by the Council. In addition, the Presidency's draft requires the parliamentary assent procedure for important instruments. I therefore believe that the democratic legitimacy of the Union and the Community will emerge all the stronger from this exercise. The delegations' reaction to the Presidency's wording on the common foreign and security policy can be described as very encouraging. Of course, there are a number of points – security and defence in particular – that are going to require further detailed work, but I am confident in the inter-governmental conference's ability to reach agreement on them as well.

Allow me lastly to say a word about cooperation on internal and judicial affairs. These are matters that have hitherto been jealously confined to inter-governmental cooperation, and their inclusion in the treaty of union is a major innovation. The Presidency's proposal sets up a flexible framework that will give a choice of various instruments: cooperation, including the conclusions of conventions, common actions and Community actions.

As in the case of the common foreign and security policy, I draw your attention to the importance of the single institutional framework in this area. I am convinced that this unity of structures for discussion and decision-making is going to be conducive to real momentum in the best interests of the Union and all its Member States.

Mr President, ladies and gentlemen, the Presidency gave a commitment at the outset to conduct a constructive dialogue with Parliament on this enterprise, which we too want to succeed. Today I have given you an all too brief review of the salient features in the Presidency's document. While

this document reflects majority views in the conference on the various points, in fact the views of a very large majority in most cases, the conference has not yet reached any agreement on its contents. It is a working document that ought to help us in the discussions ahead and enable the conference to make positive progress in the near future, really telling progress matching the hopes and expectations of our countries and the challenges we are being presented with by history.

I hope your debate is going to be a contribution to a constructive dialogue and that it is going to help us to make progress together towards ever closer union.

**91/101. Statement concerning consultation of the European Parliament on the lifting of sanctions against South Africa**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

*Mr Poos, President-in-Office of the Council:* Mr President, I had the honour yesterday evening to hand you a letter setting out the Council's reply to the letter on the subject of sanctions against South Africa that you had written to me a few days previously. I presented your letter and even read it out to the Council at its restricted session in Luxembourg on Monday, during the discussion on lifting the two 1986 sanctions that the Community had promised to lift as soon as the two bills, concerned with the Lands Act and the Group Areas Act, were tabled by the South African Government.

According to the brief given to them by the European Council in Rome, the only thing the Foreign Ministers had to verify was that these two bills had in fact been tabled. This was a pure formality, and the Council of Ministers, I must stress to the House, was unanimous that it was unnecessary in this instance to consult the European Parliament. The Council of Ministers also concluded that in the circumstances the conditions laid down by the European Council had been met and the two 1986 sanctions should therefore be lifted.

**91/102. Questions No O-26/91 by Mr Sakellariou and others, O-48/91 by Mr Langer and others, O-76/91 by Mr Piquet and others, O-81/91 by Mr Porazzini and others, O-83/91 by Mr Poettering and others, O-86/91 by Mr Vandemeulebroucke, O-92/91 by Mr de la Malene, O-93/91 by Mr Pannella and others, O-94/91 by Mr Antony and others concerning the Gulf crisis, arms export, arms trade, disarmament, and restrictions on the international arms trade in the Middle East and world-wide**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No O-26/91:*

The scale of the Gulf crisis is due in part to the supply over many years of arms, munitions, military equipment and expertise and the sending of experts to Iraq. Member States of the EC have contributed in no small measure to equipping Iraq's armed forces by means of legal and illegal arms exports.

Against this background,

1. Do the Foreign Ministers share the view that inadequate legislation and ineffective arms controls have contributed substantially to an escalation of the Gulf crisis?
2. Do the Foreign Ministers recognize the need not only to tighten up national arms export regulations and controls but also to establish Community-wide criteria for an EC arms export policy and to agree on what constitutes a crisis area?
3. Is the Luxembourg Presidency of the Council prepared, in view of the effects of the Gulf crisis, to ensure that the Member States agree immediately – and not after waiting for the outcome of an inter-governmental conference – that Article 223 of the EEC Treaty should no longer be applied to armaments and military technologies but that the latter should be regarded as normal commercial goods?

More specifically, is it prepared to ensure that decisions in this area are taken by a qualified majority as called for by the EP in the Martin report?<sup>1</sup>

*Question No 0-48/91:*

The occupation of Kuwait by Iraq and Iraq's threats against other countries in the region (especially Israel), the subsequent war of the US-led coalition against Iraq, the preceding war between Iraq and Iran, and the continued existence of other heavily-armed countries in the Middle and Near East, with the consequent climate of insecurity, have all brought to light, *inter alia*, the major responsibility of a number of European countries which have helped arm the powers which have been party to the various conflicts or which are threatening further conflicts.

Can the Foreign Ministers meeting in European political cooperation therefore state, in the context of their area of competence:

1. what verifying measures they have taken to ascertain the legality and correctness (on the basis of the existing rules) of the arms sales to the region over the last 20 years, and what conclusions they have thus been able to draw;
2. whether they consider that the sanctions against Iraq were observed in practice (and, if not, whether they can identify the sanctions-breakers and those who allowed this to happen), and how they evaluate the effects of the sanctions while they were given time to work;
3. what effect the above-mentioned events are likely to have on the prospects for systematic arms control, the banning of arms exports and the conversion of the armaments industry, and on Community-level cooperation in this area;
4. what contributions they believe the Community can make to facilitating significant arms reductions in the entire region and by all the countries concerned, without exception, and, in particular, to bringing about the outlawing of all types of nuclear, bacteriological and chemical weapons in the region;
5. what initiatives they intend to take or consider should be taken by other authorities to ensure that the above objectives are achieved?

*Question No 0-76/91:*

The European Parliament has expressed its views on a number of occasions on matters relating to disarmament, and notably the production, marketing and exportation of arms as well as arms controls.



Immediate and practical measures are required following the defeat of Iraq by a US led coalition, the end of the Gulf war and the Iraqi occupation of Kuwait and the excessive stockpiles of arms in the countries of this region as well as the great responsibility of European countries which have supplied arms to the region.

Will EPC say what lessons it has drawn from recent events and what measures it intends to take at Community and international level as regards:

- controls on a reduction or suppression of arms exports,
- Community sanctions against Member States which failed to respect arms export embargoes,
- a reduction in military research and development expenditure,
- aid for the conversion of arms industries to non-military production and
- the recycling of professional training for workers employed in the arms industry as well as guaranteed jobs for them?

*Question No 0-81/91:*

Following the Gulf war, the encouraging trends towards conventional disarmament in the first half of 1990 could be called into question by a new trend towards rearmament and by new military requirements or strategies, particularly in the Middle East.

1. Does the EPC consider it should take immediate initiatives to achieve the complete and controlled elimination of weapons of mass destruction, in particular bacteriological and chemical weapons?
2. Will the EPC not consider looking into the possibility of implementing technical cooperation programmes linked to civilian development with countries which refrain from building up arsenals of high-technology offensive weapons?
3. Does the EPC, in cooperation with the Member States, consider it may make any sale of arms to third countries conditional upon the participation of these countries in development cooperation programmes funded by the EEC, verification of respect for human rights and the development of democracy by the respective political regimes?
4. Is the Luxembourg Presidency prepared to support, with the other governments of the EEC, the positions expressed by the European Parliament on a majority vote in the Council on questions concerning military technology and arms, under Community procedures and no longer under Article 223 of the EEC Treaty?

*Question No 0-83/91:*

Before the Gulf war broke out Iraq's arms supplies were built up by extensive deliveries of munitions. Many countries, including some in the European Community, were involved.

1. What steps are the Foreign Ministers taking to reach agreement on a common export policy for arms supplies?
2. What are the principles for arms exports by which they are being guided in this task?
3. Do they agree that Article 223 of the EEC Treaty, which permits the Member States to refuse to disclose information on the arms industry to the Community, is out of date and should therefore be deleted?
4. What steps are they taking to reach agreement at the Inter-governmental Conference on Political Union on a common arms export policy?

*Question No 0-86/91:*

On 14 March 1989 the European Parliament adopted Resolution A2-398/881, which sets out its position on European arms exports. The current Parliament took up a standpoint on this issue on 13 July 1990.

The Gulf crisis has illustrated the need for prompt and effective action on this matter.

What measures are the Foreign Ministers meeting in EPC considering taking both in a European context and in a wider international context as regards:

- monitoring, restricting and putting a stop to the international arms trade,
- enforcing arms embargoes against certain countries,
- special industrial conversion programmes to support arms manufacturers who wish to switch to the production of civilian goods in their efforts to achieve maximum industrial efficiency,
- retraining and vocational training for workers employed in the arms industry,
- limiting military expenditure to a strict minimum, thereby releasing financial resources which can be used in socio-economic development and in the environmental field?

*Question No 0-92/91:*

Do the Foreign Ministers meeting in EPC intend to draw the necessary conclusions from the Gulf crisis and urge the governments of the Member States to ban all sales and exports of nuclear, biological and chemical weapons to the Gulf region and impose restrictions on their exports of conventional weapons to countries in the Middle East and other international flashpoints?

Do the Foreign Ministers meeting in EPC not agree that the Community should cooperate as a matter of urgency with a view to restricting arms exports to the regions in question?

*Question No 0-93/91:*

What measures has European political cooperation adopted to effectively monitor, and possibly authorize, direct or indirect exports of military equipment outside the Community to the Middle East, and whether it intends to establish the relevant monitoring procedures if need be.

Have any European companies violated the embargo against Iraq after 2 August 1990?

Does it possess a list of all Community companies that either legally or illegally exported military equipment or equipment that could be made into weapons?

*Question No 0-94/91:*

The Gulf War was accompanied by numerous statements on the need, once hostilities ceased, to reduce the military capability of one of the aggressor nations, Iraq, and in particular to prevent it from having nuclear weapons at its disposal.

There are officially six countries in the world possessing the atomic bomb. Two of these countries, China and the Soviet Union, are not countries where rule of law and the values of democracy and peace are automatically upheld. Other countries, such as Pakistan, Israel and South Africa, may soon possess nuclear weapons. In the Middle East, Iraq is not the only country to possess a massive stock of weapons.

1. Can European political cooperation say according to what principle certain countries do not have the right to acquire weapons already possessed by other countries?
2. If the principle is that of democracy, does European political cooperation intend to take steps to eliminate the stocks of nuclear and chemical weapons possessed by China and the Soviet Union?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* Mr President, ladies and gentlemen, I propose, with your leave, to give a collective answer to the ten questions, which are all on very much the same subject. Some people here have expressed disappointment that the rate of progress at Community level is not as fast as was hoped in certain quarters. This is a complex matter, and I shall therefore attempt to give you a satisfactory answer, while at the same time stressing that discussions are in progress among the Twelve. As regards the last part of the question, I hope to be able to tell you that the Inter-governmental Conference on Political Union is going to reach a successful outcome. Be that as it may, we are all giving our active attention to this subject. Let me now get down to the serious business of answering your questions.

When he addressed the House on 13 March<sup>2</sup>, Mr Jacques Poos stressed the importance of restoring a climate of confidence in the Middle East and setting up a security system capable, as he said, of preventing or avoiding future outbreaks of tension or conflict. The Community and its Member States have repeatedly stated their readiness to examine the various ways and means in which they can help to achieve this end. However, I agree with you that it is patently the case that the issue of peace and security in the region involves more than military or political alliances or guarantees, let alone economic cooperation. I fully appreciate the depth of concern among parliamentarians, both European and national, over the very real problems of controlling arms exports. There is evidence enough of that in the fact that you have tabled no fewer than ten questions on the subject.

I shall therefore try to answer in as much detail as is possible at this stage. An EPC *ad hoc* working group has discussed these questions, paying particular attention to illicit arms dealing. I should also mention the very important results achieved at both Community and Member State levels in relation to chemical precursors. Some countries have already adopted very strict rules on the matter, or are about to do so. One, as you know, recently brought forward an interesting initiative aimed at establishing a common policy on arms exports. This initiative is currently under examination by the appropriate bodies. The Community and its Member States are anxious for the states in the Gulf region to engage in a dialogue aimed at defining confidence-building and security measures, limiting conventional weapons and creating a zone free of all weapons of mass destruction in the Middle East, in the context of a political settlement of the problems in the region. They are prepared to lend their support to this dialogue and to implementation of any measures that result from it. That would be fully in line with the conclusions of last December's European Council meeting in Rome which, in sketching out guide-lines for the negotiations on political union, mentioned coordination of policy on arms exports and non-proliferation among the aspects of common security on which gradual extension of our union ought to be envisaged.

I would add that a broad consensus on this subject is already taking shape in the inter-governmental conference.

I really must follow up what I have just said by stressing that, at its informal meeting on 8 April in Luxembourg, the European Council recognized that it was first and foremost for the states in the Gulf region to decide on their own security arrangements. It declared its support for the eight Arab countries in the coalition, while stressing that this circle ought to remain open to other states in the region, and noted the readiness of certain Member States to take a hand in security arrangements.

Responding to the particularly grave circumstances and events it was discussing, the European Council committed itself resolutely to stronger action to prevent the proliferation of weapons of mass destruction and to put an end to the stockpiling of conventional weapons. It accordingly asked the Foreign Ministers to draw up proposals for the opening of a multilateral dialogue and to detail the specific ways in which the Community and its Member States could help to strengthen non-proliferation systems. It also confirmed the importance of contributions aimed at encouraging

transparency in military activities in the region. I can assure you that the Presidency will be doing everything necessary to set this in train and will keep the European Parliament informed of further developments on this.

As to the matter of a revision of Article 223 of the Treaty, which is considered desirable by the majority of honourable Members who asked me about this in connection with the Inter-governmental Conference on Political Union, a proposal has been made to this end by one of the Member States. The Presidency will, I assure you, examine this proposal with all due attention and will not fail to take it into consideration in the negotiations among Member States.

Turning to the question I have been asked about switching arms manufacturers to non-military production, I should point out that it is open to them to avail themselves of the Community's industrial policy, the various key features of which I do not need to enumerate since they are familiar to all of you. In its November 1990 communication to the Council and the European Parliament, the Commission pointed out that the aim of this industrial policy was to provide an open and competitive environment for industry.

The first application of this open, horizontal and positive approach was in the electronics and informatics industries, on which the Commission forwarded a further communication to the Council and the European Parliament on 5 April. This communication is on the agenda for the meeting of the Council of Ministers for Industry on 29 April. The fact is that the changes seen in defence industry market conditions are adding to the complex set of factors that determine the overall environment in which Community industry has to operate.

There is no doubt that the primary responsibility for adapting our industry and making it more competitive lies with firms themselves – and they are responding positively to the new circumstances. The Community for its part is advocating the pursuit of positive adjustment policies and in particular the application of a technological development policy that will keep European businesses in their rightful place in the world. These processes are being helped along by the increasingly tangible prospect, in the background, of completion of the single market and, on the external front, by the Community's determination to gain access to world markets for its businesses and their products. Of a piece with this determination is the legitimate defence of our own interests by the use of the instruments of our common commercial policy and our participation in all negotiations aimed at reducing obstacles to trade.

Elsewhere, still at Community level, the range of research and technological development programmes, the facilities of the structural funds, within their respective spheres, and the encouragement of continuing vocational training add to the support that the Community lends to its employers and their work-forces. Since firms in the defence industry are very often high-tech organizations, these various measures should assist them with the development and adaptations that they have to undertake.

On the social side, which is also giving cause for concern, the Community offers a wide range of facilities in support of redeployment and vocational training, on which Member States could also call in the cases with which honourable Members are concerned here. First there is the European Social Fund, in addition to which the Community has a number of other instruments more specifically concerned with vocational training, and these are available regardless of the European Social Fund eligibility criteria.

On the question of embargoes, the Council has no competence to control exports of arms, munitions or war material, which are covered by Article 223 of the Treaty of Rome. I would add that the purpose of the Council Regulation of 8 August last year prohibiting trade involving Iraq and Kuwait was to give effect to all the non-military aspects of the sanctions imposed by the United Nations; it was not concerned with the embargo on arms exports, enforcement of which is a matter for the Member States. The informal exchanges of information that the Commission regularly holds with experts from the Member States have not brought to light any information

about possible infringements of the embargo. Moreover, responsibility for monitoring application of the embargo lies with the United Nations committee set up under Security Council Resolution 661. In the circumstances, it is not for the Community to assess the effectiveness of the embargo against Iraq in terms of the aims set out in the relevant United Nations Resolutions.

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<sup>1</sup> European Parliament, Session Documents, Doc. A3-0270/90 of 22 November 1990.

<sup>2</sup> *EPC Bulletin*, Doc. 91/073.

**91/103. Question No H-62/91 by Mr Arbeloa Muru concerning emergency aid to Cambodia**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What do the Foreign Ministers meeting in European political cooperation believe would be the most effective means of replacing the aid which Cambodia used to receive from the European Communist countries, which has left the Cambodia people destitute?

*Answer:*

I refer the honourable Member to the answer to Question H-1329/90 by Ms Banotti.

The Community and its Member States are continuing to supply humanitarian aid to the people of Cambodia and reaffirm their resolve to help in the rebuilding and development of Cambodia once an overall political solution has been found to the conflict there.

**91/104. Question No H-183/91 by Mr de Domea concerning moves to place Nazi concentration camps under UNESCO protection**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What steps will the Council take with a view to enabling the concentration camp sites to be placed under UNESCO protection and thus remain preserved for posterity to bear witness to Nazi crimes against humanity?

*Answer:*

The question put by the honourable Member has not been raised in EPC.

I share the honourable Member's views on preserving concentration camp sites for future generations to bear witness to Nazi crimes against humanity. I believe that several of these camps have already been placed under the permanent protection of the competent national and local authorities for the purpose referred to by the honourable Member. In this context I should like to

point out that the Auschwitz concentration camp has already been included in the world heritage list by the UNESCO World Heritage Committee.

If UNESCO undertakes further initiatives of this sort, the Community and its Member States will reserve the right to examine the matter in detail.

**91/105. Question No H-211/91 by Mr Bowe concerning conscientious objectors**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers call upon the Greek Government to terminate the imprisonment of the conscientious objectors detained in the Avlona military prison?

*Answer:*

The honourable Member's question does not fall within the framework of European political co-operation.

**91/106. Questions No H-239/91 by Mr Falconer, H-240/91 by Mr Hughes and H-245/91 by Mr Newens concerning human rights, the UN Commission on human rights and executions in Iran**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-239/91:*

On 22 September 1990 Salari Hajiabadi Hassan was executed in Mashad, Iran. He was arrested in 1981 for political support of the Mojahedin. After torture and a trial, which ignored due process, he was sentenced to 10 years imprisonment. He was executed without retrial on false charges of being a drug dealer. Will the Foreign Ministers meeting in Political Cooperation contact the Iranian Regime to condemn this execution?

*Question No H-240/91:*

During February 1991 the UN Commission on Human Rights held its 47th Session in Geneva and considered the human rights situation in Iran. Did the Foreign Ministers meeting in Political Cooperation take the opportunity to impress upon the Commission the need to strongly condemn continuing large-scale human rights abuses in Iran?

*Question No H-245/91:*

During January and February 1991 alone over 130 executions have been carried out in Iran.

Have the Foreign Ministers taken any action to oppose this wholesale slaughter?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* We have prepared a joint reply to the three oral questions put by Mr Falconer, Mr Hughes and Mr Newens on the executions in Iran and human rights.

On the international scene the Community and its Member States have continually supported the resolutions adopted by the General Assembly of the United Nations and the Commission on Human Rights on the situation of human rights in Iran. In this context the Member States recently coordinated their positions during a debate on this issue in these two bodies. All the Member States jointly tabled the resolutions adopted by consensus in December in New York and in March in Geneva. These resolutions note with concern the report by the special representative of the United Nations, Mr Garlandi, who paid a second visit to Iran in October 1990 to study the situation of human rights on the spot. They invite the Iranian Government to investigate immediately and put an end to the violations reported by the special representative.

Mr Garlandi's brief was extended at the request particularly of the Twelve. He will report back at the next session to the Commission on Human Rights. I would also remind you that the Community and its Member States have frequently made an urgent appeal to the Iranian authorities to respect the rules generally recognized by the international community and expressed the hope that the Iranian leader would prove through specific action their willingness to develop constructive relations and contribute to international peace so that Iran may take its rightful place in the international community. The question of respect of human rights in Iran was also a very important subject of discussion in the meetings of the Troika with the Iranian authorities, especially during the recent visit of the Troika to the ministerial authorities in Teheran.

Although still concerned about the situation of human rights in Iran, the Twelve note that their efforts and those of other countries have produced certain results. They note the willingness of the Iranian authorities to collaborate with the Commission on Human Rights.

*Mr Hughes:* I would like to thank the President-in-Office for that detailed reply. He mentioned specifically the Troika and we know that within the last few weeks President Poos and the two other members of the Troika have been in Teheran. May I ask the President-in-Office whether the Troika took that opportunity to call for a halt to executions – we have had over 300 from 1 January to 1 April this year – and an end to violations of human rights in Iran? If that was not called for then, will the Foreign Ministers meeting in Political Cooperation make that call? Will the Community use its trading muscle to enforce that call rather than simply urge it?

*Mr Wohlfart:* I can assure Mr Hughes that that was the case in the two instances he mentioned, because otherwise there would have been no point in the Troika going to Iran. I would reiterate that Iran's willingness to collaborate with the Commission on Human Rights is a good sign for the future. Everyone agrees that on human rights even the smallest step is important.

*Mr Newens:* I would like to say how glad I am to hear that this matter was raised. But is the President-in-Office aware that not only have some 300 executions taken place, but that most of these have taken place in public? And while the majority of the victims have in fact been convicted of drug offences, many are said to be political offenders. Whatever the case, executions carried out in such a way, on such a scale, are surely horrific. What I want to ask particularly is this: can we be assured that there will be no resumption on any terms of arms supplies to Iran as long as this situation prevails, and that we will seek to prevent the international community from supplying arms to this country?

*Mr Wohlfart:* In the light of the horrific executions in Iran to which Mr Newens has just referred, it was the duty of the Twelve, in my opinion, to ensure that the 47th Commission on Human

Rights in Geneva insisted absolutely on the condemnation of the continued serious violations of human rights in Iran and on the unconditional extension of the mandate of the special envoy. A compromise text was produced at the eleventh hour incorporating the essential points of the Twelve's position which was finally adopted, and the Twelve insisted that instead of the special envoy presenting an interim report at the next General Assembly of the United Nations a guarantee was given that Mr Garlandi's mandate would be extended and he would present his report in Geneva at the 48th Commission of Human Rights.

I can assure the honourable Member that the Community will continue action such as I have described both in Geneva and in the United Nations.

**91/107. Question No H-247/91 by Ms Dury concerning the requirement to inform and consult in the framework of European political cooperation**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Appearing before the plenary sitting of Parliament and its Political Affairs Committee, the President-in-Office of European political cooperation stated that EPC did not imply that the Member States were required to inform and consult each other.

However, a reading of Article 30 of the SEA, and, in particular, paragraph 2 thereof, reveals that the High Contracting Parties 'undertake' to inform and consult each other, even in respect of national positions and measures.

How does the President-in-Office of European political cooperation justify his interpretation of a text which seems perfectly clear in letter and spirit?

*Answer:*

Contrary to what Ms Dury contends in her question, the President-in-Office of the Council never claimed that European political cooperation does not involve any real obligation for the Member States to inform and consult one another.

The Presidency fully share the honourable Member's interpretation of Article 30 of the Single European Act.

The President-in-Office was in fact referring to security matters and to the responsibilities and actions of certain Member States in their capacity as members of the United Nations Security Council.

**91/108. Question No H-252/91 by Mr Pagoropoulos concerning the human rights of the Kurdish people**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The international press has carried reports accusing the Governments of Turkey, Iraq etc. of constantly violating the fundamental human rights of the entire Kurdish people numbering some 26



million persons in the most brutal and flagrant manner. Using the Gulf War as a pretext, these governments have recently stepped up these violations and have arrested, imprisoned and murdered many Kurds.

Will the Foreign Ministers meeting in EPC say what steps they intend to take to ensure that the human rights and cultural traditions of the Kurdish People are recognized and safeguarded when the 'New Order' comes into being in the Middle East?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* As you have just indicated the question calls for a reply to the second part.

The position of the Community and of its Member States on the protection of minorities' rights is well known. It has been forcefully repeated to the authorities of the countries concerned each time the Community and the Member States considered appropriate.

Mr Pagoropoulos will bear with me if I recall here the appeal made on 2 April<sup>1</sup> by the Community and its Member States to the Iraqi authorities to stop immediately their brutal repression of a people sorely tried in the past.

Similarly the European Council of Luxembourg of 8 April<sup>2</sup> recalled the declaration of the Twelve of 2 April and condemned the brutal repression of the civilian Iraqi population, especially the Kurds, which constitutes a threat to peace under chapter 7 of the United Nations Charter. It called on the Iraqi authorities to respect Resolution 688 which makes them personally responsible and stressed the provisions of the Security Council Resolution 687 which states explicitly that sanctions will be maintained against Iraq if the Iraqi Government persists in its policies and attitude. The European Council welcomed the appeal from the Secretary-General of the United Nations and indicated it would cooperate fully with him to ensure a speedy response and effective provision of humanitarian aid. For this purpose it agreed on Community aid of ECU 150 million from the Community budget and ECU 50 million from the budget of the Member States, on a bilateral basis.

Furthermore it welcomed the role of the WEU in channelling humanitarian aid to the Iraqi refugees and the future contribution to promoting security in the region, as well as the intervention of non-member countries of the WEU to make civilian planes available.

*Mr Pagoropoulos (S):* I should like to thank the EPC representative very much for his answer which tells us all we have known for some time from reading the press. I should like to ask him if European Parliament resolutions are taken into account – after all, we did vote at the last Plenary, on 14 March 1991, to adopt a resolution in which, in point 2, the Council is called upon to take initiatives on the Kurdish problem, a permanent source of instability in the sensitive region of the Middle East, leading to future peace settlements for the whole area. I have heard nothing about that or about these initiatives. We are in the rear-guard in recognizing this or that, and so be it, but so does the Council take any notice? If it does take notice of our resolutions, what has it done about it so far?

*Mr Wohlfart:* It is sometimes worthwhile recalling certain facts even if Mr Pagoropoulos has read them in the press. I think that the Community has shouldered its responsibilities. I should like to draw his attention to a press conference given by the President-in-Office of the European Council, Mr Jacques Santer, after the Luxembourg summit in which he listed eleven points which I believe represent the various questions and concerns of Mr Pagoropoulos. I can give you this list if you wish because it would take up far too much time to start to read it out here, as it fills a whole page.

I would also like to say that on humanitarian aid the European Community will collaborate effectively, I hope, with the United States to come to the aid of the peoples suffering in that region because the humanitarian aid needed to help 1.5 million refugees has been put at ECU 400 million over three months. I am glad that even if we have been unable to prevent the slaughter of the Kurdish peoples by the Iraqi regime we have nonetheless managed internationally to aid them in their hour of need and then find a solution to their problems.

I would also like to raise in this forum the idea proposed during the Luxembourg Council to create safe havens, an idea shared and accepted by the United States. It is a first step, I admit. Emergency measures are a first step, but we must start with basics, in other words help those destitute refugees to stay alive. I also agree with the honourable Member that we must join forces with an international negotiation team on the problem of the Kurds – it will be an important role for the European Community because I believe its credibility is at stake. It has been said often enough in this House that in the Middle East we must not just tackle one single problem but all the problems of the region, including the problem of the Kurds.

*Mr Hughes:* I wonder whether the President-in-Office would share my concern not only over the appalling treatment of the Kurds in Iraq but also over the violation of the human rights of Kurds in Iran? Is he aware, for example, of the recent official Iranian press agency announcement of the execution of seven Kurds on grounds of spying? Would he agree with me that in fact President Rafsanjani of Iran has been no angel in terms of his handling of the Kurds in Iran? One final point: in the event of Community aid going to assist Kurds in Iran, will the President-in-Office give an assurance that he will seek UN administration of such aid bearing in mind that Community aid given to the earthquake victims in Iran through the Iranian Government appeared on the black market there?

*Mr Wohlfart:* I am fully aware that the treatment of the Kurdish population in Iran is not without its problems. The Kurds have not just suffered in one single country over the last few years, over the last few decades, but in five countries. We must not lose sight of that. I know full well that the Iranians are far from angels in the present dramatic situation, but we must not forget that they have opened up their frontiers to refugees, unlike other countries in the region.

I don't want to enter into an argument. As President-in-Office of the Council my concern is that the European Community which has shouldered its responsibilities, should continue to accept them and come to the aid of both the Kurdish refugees in Iran and the Kurdish refugees in Turkey and at the second stage be involved in finding a viable solution to the painful problem of the Kurdish people.

*Mr Arbeloa Muru (S):* Bearing in mind the Treaty of Sevres of 1920, between the Ottoman Empire and the allies, which actually floated the idea of an independent Kurdistan, and the countless abortive conferences in Iran, Iraq and Turkey between 1920 and 1946, have the Ministers in EPC not thought of holding a conference involving those states with Kurdish minorities, namely Iraq, Iran, Turkey and Syria? We have heard a lot about the International Peace Conference on the Middle East and the regional conference on the Middle East, but why is no mention made of calling a conference in keeping with an old tradition – involving countries with something to say on the cultural, political or other autonomy of Kurdish minorities?

Humanitarian aid is all well and good, but I think that the best humanitarian aid would be to solve the problems at the grassroots so that we will not have to give humanitarian aid again in the future in the way we are at the moment.

*Mr Wohlfart:* Mr Arbeloa Muru has just confirmed what I have been saying, that the rights of the Kurdish people have been trampled on right, left and centre since the famous agreement of 1920. I

personally have no objection to an international conference being called. The honourable Member agrees with me that the United Nations would be the ideal forum for such a conference and it would, I believe, have the support of the Community.

<sup>1</sup> *EPC Bulletin*, Doc. 91/096.

<sup>2</sup> *EPC Bulletin*, Doc. 91/098.

**91/109. Question No H-263/91 by Mr Pierros concerning the redefinition of the aims of the Coordinating Committee on Export Controls (COCOM)**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The recent crisis in the Gulf demonstrated with the utmost clarity the enormous risks involved in the sale and distribution of advanced weapons systems to dictatorial regimes in the Third World. Can the Ministers meeting in European political cooperation state what measures they are taking to deal with this problem and, above all, whether they intend to use the COCOM mechanisms effectively – as they should – to achieve the desired results, namely reducing the scope for regimes posing a threat to international peace to acquire technology with military potential.

*Answer:*

Although the specific question of COCOM does not fall within the terms of reference of EPC, the wider question of armaments is a matter of keen interest to the Community and its Member States. The honourable Member is obviously aware that questions concerning arms control, disarmament, economic and technological cooperation and non-proliferation are included in the discussions taking place within the framework of the inter-governmental conference on political union.

The Member States of the Community have for some time been taking an active part in the work of the disarmaments commission in New York, the disarmaments conference in Geneva and the work of the CSCE. The Member States are moreover parties to several treaties on disarmament and non-proliferation. More recently, following the Gulf crisis, the question of exports of conventional weapons was discussed within Political Cooperation. Its importance was referred to at the informal European Council of 8 April 1991.<sup>1</sup>

<sup>1</sup> *EPC Bulletin*, Doc. 91/098.

**91/110. Question No H-283/91 by Ms Ewing concerning the 1990-2000 international decade for the abolition of colonialism**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What actions, if any, has EPC taken to support and implement the United Nations General Assembly's decision to dedicate the decade 1990 to 2000 to the abolition of colonialism?

*Answer:*

The specific question put by the honourable Member has not been discussed within European political cooperation.

The fact that an international decade for the abolition of colonialism has been declared is proof of the importance with which the member States of the United Nations view the subject. The honourable Member is clearly aware that traditionally a decision of this sort cannot be taken by consensus.

It should be stressed that these General Assembly initiatives are supported by the governments who frequently encourage the NGOs to implement them.

**91/111. Questions No H-293/91 by Ms Rawlings and H-274/91 by Mr McMillan-Scott concerning the Community's relations with Romania and concerning chemical weapons manufacture in Romania**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-293/91:*

What conclusions for the development of the Community's relations with Romania do the Foreign Ministers draw from the Second Report on Human Rights in Romania, submitted to the United Nations by Ambassador Dumitru Mazilu?

*Question No H-274/91:*

On 2 October 1990, the Spanish newspaper, *El Universal*, listed the following locations of factories manufacturing chemical weapons: Giurgu, Brasov and Tirgu Mures.

Will European political cooperation request their ambassadors in Bucharest to establish whether there is any truth in this report?

*Answer:*

Mr President, I shall answer Questions H-274 and H-293 on Romania together.

At Question Time in January, February and March 1991,<sup>1</sup> I informed the House of the positive and cautious assessment of certain aspects of the developments in Romania and of the position of the Community and its Member States on the human rights situation and the democratization process in that country. The Presidency believes that the current situation does not call for urgent re-evaluation.

With regard to Mr McMillan Scott's question, the Presidency believes that Members are acquainted with the clear and unequivocal position of the Community and its Member States on the subject of chemical weapons. They will not fail to refer to this highly sensitive matter in their contacts with the Romanian authorities whenever circumstances call for it. Moreover, contacts and relations with the countries of Central and Eastern Europe in the area of chemical weapons are regu-

larly examined within EPC and the Australian Group under the heading of chemical weapons precursors.

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<sup>1</sup> EPC Bulletin, Docs 91/031, 91/055 and 91/075.

**91/112. Question No H-303/91 by Mr Cushnahan concerning the rights and aspirations of the Palestinian people**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers (meeting in Political Cooperation), in their proposals for lasting peace in the Gulf region, take account of the rights and aspirations of the Palestinian people?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* By way of reply to Mr Cushnahan's oral question I would say that the position of the Community and its Member States on the Israeli-Arab conflict and the Palestinian question is well known and is based on Resolutions 242 and 338 of the Security Council, on the principle 'territories versus peace'. There are two equally important and complementary fundamental elements of this position, namely the right of Israel and any other country in the region to live in peace and security and the right of the Palestinian people to self-determination. We are convinced that these principles, which were confirmed during the informal meeting of the European Council on 8 April,<sup>1</sup> constitute a fair and constructive basis for a solution to the Palestinian question.

*Mr Cooney (PPE):* Would the Ministers meeting in Political Cooperation agree with me that having regard to the fact that the Palestinians are a dispossessed and oppressed people and that the Israelis have shown nothing but contempt for UN resolutions up to now, in negotiations these factors will have to be kept uppermost in the minds of the Foreign Ministers and the other negotiators if peace is to be achieved in that region?

*Mr Wohlfart:* May I give the honourable Member some further information. First of all in my main reply I talked about certain principles. There are two principles and three conditions for peace in the region, I would remind you. There can be no real peace in the region as long as one of the basic sources of instability, namely the Israeli-Arab conflict and the Palestinian question, persist. That is quite clear. There can be no stability without a greater democratic legitimacy of the governments. There can be no lasting peace without economic development and without ending the major inequalities in the region in broader terms.

As regards the peace process you mentioned and the Palestinian question, a dialogue must be started without any prior conditions between all the parties involved on the basis of the principles recalled by the Europeans, namely Israel's right to safe and recognized borders and the right of the Palestinian people to self-determination. Each party must be allowed to decide on its representation. No solution should be rejected out of hand, including the creation of a Palestinian state.

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<sup>1</sup> EPC Bulletin, Doc. 91/098.

**91/113. Questions No H-315/91 by Ms Banotti and H-340/91 by Mr De Rossa concerning Western hostages in Lebanon**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-315/91:*

Could the Foreign Ministers inform the House whether following the Gulf War they are prepared to use all available diplomatic channels in seeking the release of 11 Western hostages in Lebanon and whether they have discussed the situation of these hostages recently, in EPC?

*Question No H-340/91:*

What efforts have been made through EPC in the recent past, and what further efforts are intended, to secure the release of the Western hostages held captive in Lebanon?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* I would reply that the Community and its Member States have not spared any efforts to achieve the release of all who are being detained against their will, especially in Lebanon. The Community and its Member States have taken every opportunity in their contacts with all the parties concerned in the region to raise the issue of the hostages and to call on all who have influence there to use it to help bring about their immediate and unconditional release. They have taken steps to this end *vis-à-vis* the Iranian authorities both during bilateral contacts and the meetings of the Troika from the European Community. They hope that the new situation arising from the end of hostilities in the Gulf will contribute to solving this question.

*Ms Banotti (PPE):* Thank you, Mr President-in-Office. That is very encouraging news. You are probably aware that today is the sixth anniversary of the day on which John McCarthy was taken hostage. I am encouraged to hear you say that the efforts are Community-wide. I would hate to feel that the fate of each hostage simply rested on the goodwill or otherwise of their governments to negotiate for their release. That would possibly have tragic consequences. I would simply ask you to be perhaps a little more explicit. Has the Council responded to Parliament's call in the urgency debate last month to make direct contact with the Iranian, Syrian and Lebanese Governments to ensure the release of these eleven hostages, and specifically John McCarthy?

*Mr Wohlfart:* As I have just said, the Council shares your hopes of the hostages' release in the light of the role the Community proposes to play in the post-war settlement in the Gulf. The Community was in fact intensely active both before the outbreak of the conflict and after the end of hostilities, and the recent high-level meetings and positions adopted show the determination of Europe to be whole-heartedly and unconditionally involved. I share the concerns expressed about the hostages. And as I have just said, the ministerial Troika very recently stressed the urgency in Iran of solving the problem of the hostages held in Lebanon. It calls on the authorities of that country to use all its influence to that end.

I should also like to inform the European Parliament that the Troika handed over a list of all the names of the 12 Western hostages still being held in Lebanon.

*Mr Newens (S):* The strain imposed on the relatives and friends of the hostages – and we have heard a great deal in Britain of course of John McCarthy and Terry Waite – is absolutely terrible. I wonder if any new information has been obtained about their well-being, even apart from the all-important question of their release?

*Mr Wohlfart:* Unfortunately I have nothing more to add at this stage of the discussion to what I said in my reply to the first supplementary question.

**91/114. Question No H-318/91 by Mr Roumellotis concerning Community response to developments in the Balkans**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The rapid recent developments in the Balkans, and in particular in Yugoslavia and Albania, have brought instability to that area, which can soon be expected to have a direct effect on the Community, especially on Greece which has borders with both these countries. Is there or is there likely to be a united Community attitude and response to the existing problems and those that may arise in the Member States and the Community as a whole?

*Answer:*

At the February and March part-sessions I set out the position of the Community Member States and the situations in Albania and Yugoslavia.

With regard to Albania, in the statement of 26 February 1991,<sup>1</sup> the Community and its Member States recalled their keen interest in the evolution of the democratization process in these countries and reiterated their support for any developments leading to democratization in line with the principles of constitutionality. In this statement they called on the Albanian authorities to avoid anything which could compromise the reform movement. The Community and its Member States will continue to follow closely developments in Albania, particularly in view of the fresh disturbances which occurred after the 31 March elections.

In the case of Yugoslavia, at the informal ministerial meeting of 31 March the Community and its Member States recalled the positions they had adopted earlier and expressed their firm conviction that the evolution of Yugoslav society towards acceptable democratic reforms for the country as a whole should be based on political dialogue between all the parties concerned, without resorting to force. In the opinions of the Twelve, a united and democratic Yugoslavia would be better able to integrate harmoniously in the new Europe.

The ministerial Troika reiterated this position at its meetings of 4 April with Yugoslav federal representatives. The Yugoslav spokesmen recognized the grave difficulties of the situation and expressed their resolve to solve them through dialogue and without resorting to force. They confirmed the country's determination to pursue political and economic reform and stressed their commitment to Europe and democracy. The Yugoslav authorities stated clearly that the Community and its Member States could play a vital role in encouraging the parties concerned to continue along the path of unity, dialogue and democracy.

<sup>1</sup> EPC Bulletin, Doc. 91/068.

**91/115. Question No H-321/91 by Mr Livanos concerning unacceptable comments by a Turkish Government representative calling into question the European Parliament's authority**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

On 15 March, one day after the European Parliament's unanimous adoption of the resolution on Cyprus, an official Turkish Government representative stated on an Ankara radio station that the European Parliament's resolution had no *de facto* legal validity and the European Parliament could not play any role while following this line.

How does EPC view Turkey's reaction and does it not intend to respond to these unacceptable comments questioning the authority of the European Parliament by the representative of a country which is staking a claim to Community membership?

*Answer:*

The Turkish authorities are fully aware of the position of the Community and its Member States on the Cyprus question, which they have repeated on many occasions.

The United Nations General Secretariat has just presented a new interim report on the contacts it has succeeded in establishing with the parties concerned, particularly through its special representative. By identifying the problems involved in the question the document could play a central role in the diplomatic initiatives in which the Community and its Member States are prepared to cooperate, as they have done in the past.

Political Cooperation will continue to take account of the European Parliament's position on this question.

**91/116. Question No H-348/91 by Mr Alavanos concerning cooperation projects between the Balkan countries**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The Foreign Ministers of the Balkan countries meeting in Balkan cooperation in Tirana have agreed *inter alia* on the establishment of a Development Bank to finance joint infrastructure projects, and to set up a Balkan Economic Cooperation Research Institute.

Does EPC think that these projects might be given political and economic support by the Community?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* First of all I would say that the specific question put by Mr Alavanos only partly comes within the competence of EPC; it concerns political support and has not yet been discussed. The financial and economic aspects in-



volved in giving this support come within the relevant competence of the Council and the Commission.

*Mr Alvanos (CG):* This answer has only confused me all the more. My question to the Council received a reply in writing to the effect that this matter should be referred to the EPC. Now the President-in-Office has said that I should refer the matter to the Council. Bewildered as I am, I should like to ask this supplementary, repeating my original question which I think he should be able to answer as President-in-Office. Does he believe that such an important initiative involving an EEC Member State and other Balkan countries as the establishment of an Institute and a Bank in an agreement reached by all Balkan countries merits Community backing?

*Mr Wohlfart:* I am rather surprised at a supplementary question being put in view of what I have just said. I have just said that EPC is only partly competent and I am taken aback that suddenly the financial institutions and banks should come within EPC. That is quite an innovation.

Out of courtesy I am willing to say in reply to your question that the point you raised, which is undoubtedly very important to the countries in question, has not yet been discussed at this stage. I apologize for having to say that for the time being that is all the information I can give you, even if it is far from satisfactory, I know.

**91/117. Question No H-352/91 by Mr Ephremidis concerning the occupation by Israeli settlers of property belonging to the Orthodox Patriarchate of Jerusalem**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

On 17 May 1990, in the presence of His Holiness Archbishop Diodoros of Jerusalem, the European Parliament unanimously adopted a resolution outrightly condemning the occupation by Israeli settlers of property belonging to the Orthodox Patriarchate of Jerusalem and calling for the removal of the settlers, respect for the rights of the Greek Orthodox Church and repair of the damage. The resolution also called on the Foreign Ministers meeting in EPC to take appropriate measures.

What measures were taken? Have the settlers been removed? What action do the Ministers intend to take through EPC?

*Answer:*

The Community and its Member States have frequently expressed their concern and regret at the occupation of the Saint [...] John of Jerusalem Hospital by Jewish settlers and have called on the Israeli authorities to ensure that the settlers completely evacuate the Hospital without delay. At the May and July 1990 part-sessions the Presidency informed the European Parliament of the steps taken by the Twelve.

The Community and its Member States noted the partial evacuation by the settlers on 1 May 1990. However, they note with deep concern that some of the settlers are still occupying the premises.

They are calling on Israel to stop any attempt to change the physical characteristics, demographic composition or institutional structure of the Occupied Territories. They are therefore earnestly repeating their call to the Israeli authorities not to permit or encourage settlements in

their occupied territories. In this context the Community and its Member States are closely monitoring the situation and the status of Christian religious communities in Jerusalem.

**91/118. Question No H-355/91 by Mr Lemas concerning Namibia – Walvis Bay**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Given that the South African and Namibian Governments began negotiations over the illegal South African occupation of Walvis Bay on 14 March, what pressures have EPC brought to bear on the South African Government to relinquish its control of Namibia's only deporter port as required by the United Nations Security Council Resolution 432 (1978)?

*Answer:*

The Presidency wishes to remind the honourable Member that in March 1991 it made a statement on the sovereignty of Walvis Bay in reply to Question No 212/91 by Mr Crampton.<sup>1</sup>

The Community and its Member States welcomed the statement contained in the joint declaration of 28 February by the South African and Namibian Governments that they would meet on or after 14 March to discuss the question of Walvis Bay and the islands off the Namibian coast and that negotiations proper would take place between the two parties as announced earlier.

The Community and its Member States are aware of the importance of the Walvis Bay enclave for Namibia. As the Country's only deep water port and the only viable alternative to rail transport, Walvis Bay is a key factor in the Namibian economy. Its recovery would be a major asset for Namibia's fishing industry.

The Community and its Member States regard the undertaking by both parties to begin negotiations as an encouraging sign. They believe that the two independent and sovereign neighbouring States should negotiate on their territorial differences thereby implementing United Nations Security Council Resolution No 432 to which the honourable Member referred in his question.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/080.

**91/119. Question No H-366/91 by Sir James Scott-Hopkins concerning South Africa**

Date of issue: 17 April 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

When will recognition be given to the massive steps that have been taken over the last year by South Africa to remove apartheid? Is not the best way for the Council to do this to indicate its belief that sanctions against South Africa should be removed immediately?

*Answer:*

In view of the important changes which have already occurred in South Africa and to which the honourable Member refers in his question, the Rome European Council adopted, on 15 December

1990, a series of decisions aimed at giving practical encouragement to pursuing a process of irreversible change in the direction envisaged by the Strasbourg European Council. These decisions are based on the willingness expressed by the Heads of State or Government in Dublin in June 1990 gradually to relax pressures in response to the reforms called for by the Community and its Member States.

In December 1990 the European Council therefore decided that once legislative steps had been taken by the South African Government to repeal the laws on separate living areas (Group Areas Act) and on land ownership (Lands Acts) the Community and its Member States would relax the measures adopted in 1986.

With the same end in view and to help combat unemployment and improve the economic and social situation in South Africa, the Rome European Council decided meanwhile to lift the ban on new investments.

On 4 February<sup>1</sup> the Community and its Member States welcomed Mr De Klerk's announcement at the opening session of the South African Parliament on 1 February of new important changes in South Africa. On that occasion they reiterated their position on the legislative initiatives referred to by the Pretoria authorities and indicated their desire to begin preparations for appropriate action.

On 12 March 1991, the South African Government presented its White Paper on Land Reform and four accompanying bills. This legislative initiative revises, in particular, the laws on separate living areas, land ownership and the development of black communities (Black Communities Development Act). Moreover, on 9 April 1991 the authorities in Pretoria presented to parliament the Population Registration Act Repeal Bill which is intended to abolish registration by race and which contains transitional measures to enable the present Constitution to remain in force until the new basic law is adopted.

On 15 April 1991, the Foreign Ministers meeting in European political cooperation during the General Affairs Council, noted that the conditions laid down by the Rome European Council in December 1990 had been met by the tabling of the bills on separate living areas (Group Areas Act) and property ownership (Land Acts). They also noted the tabling of the Population Registration Act. Under these circumstances, the Ministers decided to rescind the measures adopted in 1986 on the importation of certain iron and steel products and Krugerrands.

<sup>1</sup> *EPC Bulletin*, Doc. 91/045.

## **91/120. Statement concerning Ethiopia**

Date of issue: 18 April 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States are following with great concern developments of the situation in Ethiopia and are worried about the recent escalation of the civil war which engenders intolerable loss in human lives and in material.

They urge all the parties to the conflict to work urgently for:

- the establishment of an immediate and unconditional cease-fire on the entire territory;
- the opening or the resumption of negotiations between all the parties to the conflict on the substance of the problems and the convening of a round table with a view to elaborating transitional

provisions which would lead to the reconciliation of all Ethiopians, in the respect of the integrality of their rights.

The Community and its Member States reaffirm their conviction that a just and lasting solution can only be achieved through peaceful means and negotiated political settlements, which would take into account the rights and aspirations of the entire Ethiopian population.

They urgently call upon all the parties to the conflict to ensure that emergency food and humanitarian aid will be effectively distributed to whom they are intended.

#### **91/121. Statement in the UN Disarmament Commission**

Date of issue: 22 April 1991

Place of issue: New York

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*Mr Wagenmakers:*

1. Speaking on behalf of the Presidency of the European Community and its Member States, I have the honour to congratulate you on your election to the important office of Chairman of the 1991 session of the UN Disarmament Commission. This election is another proof of your outstanding skills and professionalism. We hope that, under your guidance, our efforts will be successful. I would like to praise your endeavours in drafting a substantial and comprehensive working agenda, which reflects the streamlining and rationalization of the work of the UNDC and the enhancement of its functioning. In this respect the Twelve would also like to recognize the important role played by the UNDC chairman of last year in producing through formal consultations an agreement on the 1991 working agenda.

2. Indeed, Mr Chairman, the 1991 session of the UNDC will be crucial in so far as delegations will show the ability to implement the important decisions concerning the meaningful reform of the work of the UNDC, that were so successfully agreed upon during last year's session. I would like to recall in that respect that the Twelve suggested a number of criteria that provide a useful basis for proceeding with our work in a new vein. We have this year's agenda before us, and it pleases me to note that the organization of the work that awaits us in the coming weeks has been positively influenced by those criteria. With a view to an enhanced future role of the UN in relevant disarmament matters, it is important that the UNDC show a realistic approach towards the selection of its agenda items. As the UNDC was to be the sole deliberative body within the UN system for the consideration of selected specific issues in the field of disarmament, it is essential that its general agenda be broadly based and flexible, whereas its working agenda be specific and susceptible to obtaining consensus within the timeframe specified in the reform programme. These criteria seem to have been met to a large extent bearing in mind the need for balance, general acceptability and inclusion of items deriving from the range of issues considered by UNGA and the CD in preparing the UNDC working agenda. Let us now strive for the practical implementation of these reforms and for an efficient execution of our work in this new and challenging constellation.

3. Mr Chairman, since our last session a year has gone by which produced change and upheaval in a positive as well as in a negative sense. Events during the past twelve months have had an important impact on international security, and have stressed the relevance of our on-going efforts in the field of arms control and disarmament. On the one hand the East-West confrontation has been superseded by cooperation and, partly for that reason, arms control and disarmament negotiations have intensified and achieved progress. The CFE Treaty in particular marks a sub-

stantial achievement in multilateral arms control among the participating states in Europe. If properly implemented, it will be a major contributor to enhancing security and stability. Unfortunately a number of problems are outstanding that threaten to undermine the letter and spirit of the Treaty. The war in the Gulf, on the other hand, showed that there can be no let-up in the vigilance of the world community to ensure international peace and security. The war demonstrated once more the necessity of effective arms control and disarmament in general, and regional initiatives in particular, in order to attain eventually the goal of a world free from danger and fear. The Gulf conflict also reminded us of the dangers of allowing an arms build-up far exceeding legitimate national defence and security needs. In this connection the Twelve consider the rapid conclusion of the global, comprehensive and verifiable Chemical Weapons Convention as a matter of the highest priority.

4. The report of the UNDC's 1990 session recognized that 'the regional approach to disarmament is one of the essential elements in global efforts', a consideration echoed by the first operational paragraph of UNGA Resolution 45/58 M which was adopted by consensus last year. The Twelve are convinced that, in general, arms control and disarmament goals are pursued more effectively through practical steps. In this respect, achievements at a regional level may, alongside bilateral and multilateral negotiations, facilitate progress towards arms control and disarmament agreements involving the international community as a whole, and thus promote the ultimate goal of general and complete disarmament under effective international control. In this context, it might be useful to recall some basic principles to be applied to regional arms control and disarmament efforts which have been submitted by the Twelve in their reply to UNGA Resolution 39/63 F. These include a) consensus among the states involved, b) respect for existing interrelations between the concerned region and the rest of the world, c) respect for the right of each state to define the appropriate conditions for its securit[y] as well as to ensure [it] in conformity with the UN Charter, d) streamline regional efforts into the global framework of UN measures. Moreover, initiatives for regional arrangements should come from within the region itself. Finally, states outside the region should support such arrangements and not contravene the objectives thereof. The creation of a climate of confidence is another important condition for successful regional disarmament negotiations. While regional arms control and disarmament measures must take account of the particular characteristics of each region and the security concerns of all relevant countries, the recent experience of the negotiations on conventional forces in Europe (CFE) suggests that regional initiatives can prosper if certain additional guide-lines are observed by all participants in the regional process. Finally, disarmament should take place within the framework of an agreed set of principles reflecting a wide degree of understanding on the basic tenets of relations between states. In this regard, the CSCE exemplifies what can be achieved between countries long held apart by historical division but fundamentally united by a common set of values. First and foremost, reductions of armaments to lower levels should take place under conditions of increased stability and of undiminished security for all parties. Second, the security interests of all parties concerned must be taken into account in such a way that legitimate national defence requirements can be met at decreasing costs. Third, an effective verification system must be established. Finally, regional disarmament should interact positively with bilateral and other regional political initiatives. Aspects of the CFE experience might provide a useful model for arms control initiatives in other regions. On the basis of these principles and guide-lines, regional armaments reductions and the concomitant easing of regional tensions could produce new concepts of security at a regional level, notably through the establishment of conciliation mechanisms as well as innovative forms of multilateral cooperation in the field of security. At the same time, regional disarmament initiatives should be set against a background of growing confidence between the parties concerned.

5. Mr Chairman, one way to enhance confidence between states, both at the regional and global level, would be to promote further transparency and openness in the military field as a contribution to the further reduction of the dangers of military confrontation. A means to that end is found

in the provision of objective information on military matters. The Twelve remain convinced that a better flow of information on military capabilities would help to relieve international tensions and contribute to the building of confidence among states. Such a flow can contribute to the conclusion of verifiable arms control and disarmament agreements. The Twelve consider that the Vienna Document 1440 on Confidence and Security-Building Measures has marked a significant step towards greater military transparency in Europe and the further breaking down of mistrust among States since this agreement stipulates a detailed and extensive annual exchange of military information. We now look forward to holding a second seminar on military policy and doctrines at an early date, as a follow-up to the successful experience of the first Vienna seminar that advanced the cause of openness and predictability of military activities in Europe.

Mr Chairman, procedures and provisions for the flow of objective information on security concepts, military doctrines, figures on armed forces and armaments as well as on military potentials, transparency of military spending and military budgets, could become a cornerstone of international security. They would promote confidence among states and reduce the risk of intentional or unintentional military conflict. Such procedures could create a climate of confidence which would in turn facilitate the expanding task of verifying compliance with arms control and disarmament agreements. The Twelve are looking forward to a substantial discussion on objective information on the basis of the topics as mentioned in the structure proposed by the Chairman of last year's Consultative Group on this item.

6. Mr Chairman, allow me to dwell for a moment on the subject of the role of science and technology in the context of international security, disarmament and other related fields. The Twelve consider the pursuit of scientific and technological development in itself to be a neutral process. Rather, it is the application of the results of scientific and technological research which might have a beneficial effect on several fields of arms control and disarmament. Moreover, national defence and security requirements argue for a continuing awareness of scientific and technological developments. Our aim, however, is to prevent wars and, instead, to enhance and strengthen international peace and security. Scientific and technological developments could be applied to further a number of causes. Application of satellite monitoring, for example, could improve transparency as well as our knowledge of military capabilities. In a broader sense, scientific and technological developments could enhance the possibilities for, and improve the methods of, verification of compliance with arms control and disarmament agreements, the growing importance of which has been convincingly analysed in the recent United Nations study by the group of qualified governmental experts, entitled 'Study on the role of the United Nations in the field of verification'. In this context, the Twelve reaffirm their support for the sixteen principles of verification drawn up by the UNDC. Science and technology have a major role to play in the development of arms disposal techniques which are safe, transparent, cost-effective and environmentally sound. A case in point will be, for instance, the destruction of chemical weapons and chemical weapon production facilities under the future chemical weapons convention. Furthermore, scientific and technological applications might positively influence processes of conversion of military industry into civilian production.

Mr Chairman, Resolution 45/61 on Science and Technology for Disarmament, adopted without a vote during the 45th UNGA, goes even beyond the scope of arms control and disarmament in stating the conviction that 'science and technology can profoundly contribute to solving the problems of mankind, especially to promoting its social and economic development'. As applied to our work in this forum, it is our task to explore collectively avenues of international cooperation in the use of scientific and technological achievements for disarmament-related purposes. The fruitful results of the UN Conference on new trends on science and technology: Implications for International Peace and Security, held at Sendai, Japan, in April 1990, and of the UN Conference on Conversion: Economic Adjustments in an Era of Arms Reduction, held in Moscow in August 1990, may guide us in tackling this subject.

7. For a considerable time nuclear disarmament has been one of the priority topics on the UNDC's agenda. It remains one of the highest priorities of the Twelve. Nuclear disarmament affects the security of all states; therefore, it is a matter of necessity for all to make efforts to foster progress in this field. However, the primary responsibility for this rests on those states which possess the most important nuclear arsenals.

Among the factors of increased stability in the present international situation, there are two which seem particularly important: the satisfactory implementation of the INF Treaty will by the end of May 1991 achieve the elimination of a whole class of nuclear weapons, as well as the prospect of a START agreement, resulting in substantial cuts in the strategic arsenals of both the United States and the Soviet Union. The Twelve welcome these developments. We consider that making further progress in nuclear arms control and disarmament continues to be one of the most serious challenges of the world today. We therefore believe that the need for progress in this field requires continued proper attention to be paid to such issues which deserve a continued discussion in the UNDC. Our common wish is to see the achievement of further substantial and balanced reductions in the global level of nuclear weapons, beginning with those of the United States and the Soviet Union.

Alongside their support for nuclear arms reductions, the Twelve reconfirm their strong commitment to preventing nuclear proliferation, which represents one of the greatest threats to world-wide security and stability facing the international community. The events in the Gulf have highlighted the importance of maintaining an effective international nuclear non-proliferation regime. In this respect, the Twelve attach the greatest importance to the maintenance of this regime and will make every effort to contribute to strengthening non-proliferation and encouraging the participation of more countries in the regime. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is an important element in that regime, and the members of the European Community, whether they are party to the NPT or not, welcome the contribution brought about by the Review Conference of the NPT last year to the overall aim of strengthening the nuclear non-proliferation regime.

8. In conclusion, Mr Chairman, the Member States of the European Community are looking forward to a fruitful session in which we shall be able to concentrate on important subjects with wide-range implications for the future of the disarmament process. In doing so, the UNDC as a whole will continue to fulfil its role as a deliberative body entrusted, among its main tasks, with considering the general guide-lines and basic principles of arms control and disarmament.

## **91/122. Report to the Council of Europe**

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*M. Wohlfart:*

### *Europe centrale et orientale*

Le Conseil Européen de Rome, de décembre dernier, a adopté un nombre de décisions et d'orientations visant une assistance à court terme à l'U.R.S.S. ainsi qu'une coopération à moyen et long terme pour aider ce pays à réussir ses réformes politiques et économiques.<sup>1</sup> Suite à la démission du Ministre soviétique des Affaires étrangères, M. Chévardnadze, la Communauté et ses Etats membres ont exprimé leur espoir que cette décision n'entraînerait pas de changement dans la politique extérieure de l'Union Soviétique, notamment dans le cadre de la C.S.C.E. Ils ont en

particulier souligné l'importance de bonnes relations entre l'Occident et l'U.R.S.S. dans leurs efforts conjoints en faveur du désarmement et de la paix.

L'intervention des autorités soviétiques, au mois de janvier dernier, dans les Pays baltes, débouchant notamment sur les événements sanglants de Vilnius et de Riga, a eu une influence considérable sur les relations de la Communauté et ses Etats membres avec l'Union Soviétique. Dans leurs déclarations consécutives des 11, 13 et 14 janvier,<sup>2</sup> la Communauté et ses Etats membres ont réagi de façon claire et non-équivoque au recours à la force, qualifié d'inacceptable. A la suite de la réunion ministérielle du 14 janvier, ils ont déclaré qu'une solution ne pouvait être trouvée que par le biais d'un dialogue entre les autorités soviétiques et les représentants [...] élus des peuples baltes, dans le respect des aspirations légitimes de ces derniers. La Communauté et ses Etats membres ont adressé aux autorités soviétiques un appel urgent pour qu'elles s'abstiennent du recours à la force, reprennent la voie du dialogue et mettent fin à l'intervention militaire. Dans cet esprit, la Communauté et ses Etats membres ont réitéré l'importance d'adhérer au processus et aux principes de la C.S.C.E. et ont convenu de la nécessité de réagir par des mesures appropriées et, le cas échéant, d'arrêter ou de suspendre la mise en œuvre de la coopération avec l'U.R.S.S.

Ainsi, la Communauté et ses Etats membres ont décidé la mise en œuvre de la première phase du mécanisme sur la dimension humaine de la C.S.C.E. et ont décidé d'ajourner la réunion de la Commission mixte C.E.-U.R.S.S. prévue les 24 et 25 janvier 1991. D'un autre côté, ils ont estimé que dans ces circonstances l'aide humanitaire devrait, en principe, être poursuivie. Ils ont, par ailleurs, convenu de l'opportunité de maintenir un dialogue politique d'ensemble avec les autorités soviétiques.

La réponse des autorités soviétiques à la demande d'information effectuée au nom des Douze, le 23 janvier, dans le cadre du mécanisme de la dimension humaine, ainsi que le résultat généralement positif des rencontres de la Troïka avec le Président Gorbatchev et le nouveau Ministre soviétique des Affaires étrangères, M. Bessmertnykh, à Moscou, ont permis une relance du dialogue avec l'U.R.S.S. Alors que la situation dans les Pays baltes semblait se stabiliser, la Communauté et ses Etats membres, dans leur déclaration du 8 février,<sup>3</sup> se sont félicités de la décision des autorités baltes de tenir un référendum dans chacun de ces pays. Ils ont été d'avis qu'une telle décision était conforme à l'esprit de la Charte de Paris et ont exprimé l'espoir qu'elle pourrait favoriser la reprise d'un dialogue substantiel et constructif entre le pouvoir central et les Pays baltes.

La Communauté et ses Etats membres, dans leur déclaration du 4 mars,<sup>4</sup> ont noté avec satisfaction le déroulement paisible des consultations populaires en Lituanie, Lettonie et Estonie qui ont confirmé les aspirations légitimes des peuples baltes. Toutefois, l'ouverture d'un dialogue constructif et approfondi entre le gouvernement central et les autorités élues baltes ne s'est pas encore réalisée. La Communauté et ses Etats membres suivent attentivement la situation en U.R.S.S., notamment à la lumière des évolutions dans les différentes républiques et de leurs conséquences sur l'avenir de l'Union.

La Communauté et ses Etats membres sont préoccupés par les événements qui se sont déroulés en Yougoslavie. Ils souhaitent l'évolution de la société yougoslave vers une formule démocratique susceptible de satisfaire l'ensemble du pays. Celle-ci devrait se faire dans le plein respect des droits de l'homme et des principes démocratiques, en conformité avec la Charte de Paris. Dans leur déclaration du 26 mars,<sup>5</sup> les Ministres des Affaires étrangères, réunis en session informelle, ont rappelé leur vive préoccupation concernant la situation yougoslave et ont exprimé leur ferme conviction qu'un processus de réconciliation nationale devrait nécessairement se fonder sur un dialogue politique entre toutes les parties concernées et éviter tout recours à la force. De l'avis des Douze, une Yougoslavie unie et démocratique aurait de meilleures chances de s'intégrer harmonieusement dans une nouvelle Europe. Les positions de la Communauté et de ses Etats membres à ce sujet ont été réitérées le 4 avril par la Troïka ministérielle à l'occasion de ses entretiens avec les autorités centrales de la Yougoslavie.



L'exode massif de ressortissants albanais vers différents pays voisins, ainsi que les troubles violents qui ont secoué l'Albanie, ont été une source de grave préoccupation pour la Communauté et ses Etats membres. Dans leur déclaration du 26 février dernier,<sup>6</sup> ils ont rappelé l'intérêt très vif qu'ils portent au développement du processus de démocratisation dans ce pays, tel qu'il s'est exprimé notamment à travers les élections libres du 31 mars. Ils encouragent toute évolution sur la voie de la démocratisation qui soit conforme à l'Etat de droit et respecte les principes de la C.S.C.E. Les élections du 31 mars ont constitué une échéance importante qui permet à la Communauté et à ses Etats membres de déterminer leur approche future à l'égard de ce pays.

Dans leurs contacts avec la Roumanie, la Communauté et ses Etats membres ont constamment rappelé leur attachement à l'application des principes de la C.S.C.E., tels que définis dans la Charte de Paris pour une nouvelle Europe. En dépit du fait que le processus de démocratisation n'avance que lentement, ils portent une évaluation à la fois positive et prudente sur certains aspects de l'évolution dans ce pays. Dans cet esprit, la Communauté et ses Etats membres ont accueilli favorablement la décision du Conseil de l'Europe d'attribuer à la Roumanie le statut d'invité spécial. Cette décision, de même que l'inclusion de la Roumanie parmi les bénéficiaires du programme PHARE, constituent des éléments susceptibles de faire avancer ce pays sur la voie de la démocratisation.

La Communauté et ses Etats membres accueillent avec satisfaction la participation de la Hongrie et de la Tchécoslovaquie aux travaux du Conseil de l'Europe. Ils sont convaincus que la Pologne pourra rejoindre les rangs des véritables démocraties européennes dans un avenir rapproché.

#### *C.S.C.E.*

La Communauté s'est toujours réjouie du caractère global de la C.S.C.E. qui traite de façon équilibrée une riche gamme de sujets et rassemble en même temps les gouvernements et peuples tant de l'Europe que des Etats-Unis et du Canada.

Il est d'ores et déjà reconnu que la C.S.C.E. est entrée dans une nouvelle phase. A l'occasion du Sommet de Paris de novembre 1990, quinze ans après la signature de l'Acte Final de Helsinki en 1975, les Etats participants, ont adopté la Charte de Paris, vision commune de la société et des relations entre Etats. Au niveau institutionnel, la C.S.C.E. comprend aujourd'hui des consultations politiques régulières et dispose à Prague, Vienne et Varsovie de trois institutions, de taille modeste certes, mais qui augurent de perspectives d'avenir prometteuses dans les relations entre les Etats participants.

Il est un défi majeur que la C.S.C.E. doit relever, à savoir assurer le maintien de l'élan qui existe dans le rapprochement des Etats participants, à un moment où les relations Est-Ouest sont passées de la confrontation à la normalisation, voire à la coopération. En fait, comme en témoignent les thèmes des réunions de 1991, toute une gamme de priorités nouvelles s'est dégagée du processus C.S.C.E.: le règlement pacifique de différends, la sauvegarde du patrimoine culturel, la protection des minorités nationales, la défense des droits de l'homme et la promotion des institutions démocratiques. Par ailleurs, les négociations dans le domaine de la sécurité militaire se poursuivent à Vienne. Il ne faut pas non plus perdre de vue le rôle considérable de la C.S.C.E. dans le cadre des transitions économiques et des changements sociaux dans les pays d'Europe centrale et orientale.

Fidèles à leurs idéaux, la Communauté et ses Etats membres s'engagent résolument à œuvrer en faveur du renforcement d'un processus qui a contribué à éliminer de manière pacifique les divisions en Europe.

*Golfe et Moyen-Orient*

A l'occasion du Conseil Européen des 14 et 15 décembre 1990,<sup>7</sup> la Communauté et ses Etats membres ont réaffirmé leur engagement en faveur de l'application intégrale et inconditionnelle des résolutions du Conseil de Sécurité des Nations Unies concernant l'agression irakienne contre le Koweït. Ils ont confirmé que le retrait complet du Koweït par l'Irak et la restauration de la souveraineté du Koweït, ainsi que de son gouvernement légitime, demeuraient les conditions absolues de toute solution pacifique à la crise. De l'avis de la Communauté, la Résolution 678 du Conseil de Sécurité représentait pour l'Irak un signe des plus clairs de la détermination de la communauté internationale à assurer la pleine restauration de la légalité internationale. La responsabilité incombait donc au gouvernement irakien d'assurer la paix à son peuple en se conformant pleinement aux demandes du Conseil de Sécurité des Nations Unies, en particulier le retrait complet du Koweït avant le 15 janvier. La Communauté et ses Etats membres ont exprimé le ferme espoir d'une application pacifique des résolutions du Conseil de Sécurité des Nations Unies. A cet effet, le Conseil Européen de Rome a soutenu le dialogue proposé par le Président Bush et l'action du Secrétaire Général des Nations Unies.

Le 4 janvier 1991,<sup>8</sup> conformément aux positions adoptées dès le début de la crise, les Ministres de la Communauté ont estimé que si l'Irak appliquait intégralement et sans conditions les résolutions pertinentes du Conseil de Sécurité, il devrait recevoir l'assurance qu'il ne ferait pas l'objet d'une intervention militaire. Ils ont confirmé que toute démarche tendant à promouvoir des solutions partielles de la crise, voire à établir un lien entre la pleine application des résolutions du Conseil de Sécurité et d'autres problèmes, était inacceptable. Ils se sont félicités qu'une rencontre ait pu être convenue entre le Secrétaire d'Etat américain et le Ministre des Affaires étrangères irakien. Conformément à la déclaration adoptée par le Conseil Européen de Rome le 15 décembre 1990, les Ministres ont demandé à la Présidence d'inviter le Chef de la diplomatie irakienne à rencontrer la Troïka à Luxembourg le 10 janvier.

La Communauté a, par la suite, regretté que le Ministre des Affaires étrangères d'Irak ait décliné l'offre de la Présidence de rencontrer la Troïka ministérielle et a estimé que cette réaction du gouvernement irakien n'était pas de nature à contribuer aux efforts déployés dans la recherche d'une solution pacifique de la crise du Golfe. Elle a donc maintenu son invitation et demandé au gouvernement irakien de reconsidérer sa position.

Le 10 janvier,<sup>9</sup> la Présidence a exprimé sa profonde déception et sa préoccupation pour l'absence de tout résultat à l'issue de la rencontre du 9 janvier, à Genève, entre le Secrétaire d'Etat américain et le Ministre des Affaires étrangères irakien. Elle a confirmé que la Communauté soutenait pleinement l'action déployée par le Secrétaire Général des Nations Unies, avec lequel les Ministres des Affaires étrangères de la Communauté se sont rencontrés le lendemain à Genève, à la veille de sa mission à Bagdad. La Présidence a réitéré son invitation à l'adresse à M. Tarek Aziz pour une rencontre avec la Troïka européenne.

Le 14 janvier,<sup>10</sup> à l'occasion d'une réunion extraordinaire, les Ministres des Affaires étrangères de la Communauté ont pris connaissance de la teneur des entretiens de M. Perez de Cuellar avec le Président et le Ministre des Affaires étrangères d'Irak. Ils ont noté qu'il appartenait au Conseil de Sécurité d'évaluer les résultats de cette rencontre. Pour ce qui les concernait, les Ministres ont rappelé que la Communauté avait, depuis le début de la crise du Golfe, soutenu, sans réserve aucune, l'application intégrale et sans condition des résolutions pertinentes du Conseil de Sécurité. Elle n'avait pas ménagé ses efforts pour explorer toutes les voies d'une solution pacifique conforme à ces mêmes résolutions. Les Ministres ont rappelé toutes les actions et initiatives prises par la Communauté dans ce contexte dans le courant des semaines précédentes. Force était, malheureusement, de constater que la disponibilité manifestée pour contribuer à une solution pacifique de la crise et ouvrir la voie à un règlement équitable de tous les autres problèmes de la région n'avait rencontré aucune réponse de la part des autorités irakiennes. Devant le refus

persistant de ces dernières d'appliquer les résolutions du Conseil de Sécurité et en l'absence de tout signe allant dans ce sens, la Communauté et ses Etats membres ont été au regret de constater que les conditions pour une nouvelle initiative européenne n'étaient pas réunies. L'invitation à M. Tarek Aziz pour un contact avec la Troïka ministérielle demeurait toutefois sur la table. La Communauté et ses Etats membres ont exprimé la conviction d'avoir fait tout ce qui était dans leur pouvoir pour trouver une issue pacifique à la crise. Ils demeuraient déterminés à explorer toutes les possibilités pour sauvegarder la paix dans le respect de la légalité internationale. Dans ce cadre, ils ont demandé aux pays et organisations arabes de continuer à déployer tous les efforts pour convaincre les autorités irakiennes qu'il était de l'intérêt de l'Irak, comme de l'ensemble du monde arabe, de se conformer aux résolutions du Conseil de Sécurité.

Le 17 janvier,<sup>11</sup> au lendemain du début des hostilités dans le Golfe, les Ministres des Affaires étrangères des Douze, réunis en session extraordinaire à Paris, ont exprimé leur profond regret qu'il ait fallu en arriver au recours à la force pour obliger l'Irak à se retirer du Koweït et rétablir la légalité internationale. Ils ont réaffirmé qu'il ne tenait qu'aux dirigeants irakiens d'arrêter le conflit, en acceptant les résolutions pertinentes des Nations Unies. Ils ont réaffirmé leur ferme soutien aux objectifs fixés par les résolutions du Conseil de Sécurité et exprimé leur solidarité, conformément à ces résolutions, avec ceux d'entre eux, ainsi qu'avec les autres membres de la communauté internationale dont les forces étaient engagées dans le rétablissement de la légalité. Ils ont également exprimé l'espoir que le conflit serait de courte durée. Ils ont lancé à cet effet un appel pressant aux autorités irakiennes afin qu'elles retirent immédiatement et intégralement leurs forces du Koweït, évitant ainsi de nouvelles victimes et de nouvelles destructions. Ils ont affirmé que l'agression irakienne contre un autre pays arabe ne saurait porter atteinte aux liens historiques d'amitié qui lient la Communauté aux pays arabes. A cette fin, ils ont annoncé le développement d'une approche globale en faveur de la région, à travers notamment une politique méditerranéenne rénovée, un dialogue euro-arabe relancé, une collaboration renforcée avec le Conseil de Coopération du Golfe (C.C.G.) et l'Union du Maghreb Arabe (U.M.A.), ainsi qu'avec l'ensemble des pays concernés de la région. Sur le plan plus immédiat, ils ont noté que la Commission devait rapidement mettre en œuvre des programmes d'aide humanitaire en faveur de toutes les victimes de la guerre du Golfe et entériner l'assistance financière aux pays les plus affectés par l'application de l'embargo contre l'Irak.

Tout au long du conflit, la Communauté et ses Etats membres ont condamné fermement les attaques irakiennes non provoquées par missiles sur le territoire israélien, qui représentaient une nouvelle violation du droit international par les autorités irakiennes. Rappelant que le droit d'Israël à la sécurité constitue un des principes fondamentaux de la politique de la Communauté au Moyen-Orient, ils ont exprimé l'espoir qu'Israël ne serait pas entraîné dans le conflit.

La Communauté et ses Etats membres ont également exprimé leur profonde préoccupation devant l'utilisation, sans scrupules, des prisonniers de guerre ainsi que l'intention annoncée par l'Irak de les concentrer à proximité des bases et des objectifs militaires. Ils ont considéré ces actes comme particulièrement odieux et les ont condamnés sans réserve. Ils ont demandé aux autorités irakiennes le respect rigoureux de toutes les Conventions de Genève relatives à des faits de guerre. Ils ont salué l'action de la Croix-Rouge et ont soutenu toute démarche visant à renforcer son intervention. La Communauté et ses Etats membres ont confirmé qu'ils tenaient les autorités irakiennes pour responsables, conformément au droit international – y compris à titre personnel – de toutes actions illégales mettant en péril l'intégrité de la personne et la vie des prisonniers de guerre, qui constituent clairement un crime de guerre.

Le 19 février,<sup>12</sup> réunis à Luxembourg, les Ministres de la Communauté ont pris note avec intérêt de l'appel du Président Gorbatchev aux dirigeants irakiens et ont accueilli avec satisfaction, en particulier, son appel pour un retrait complet et inconditionnel des troupes irakiennes du Koweït et le rétablissement de la souveraineté et du gouvernement légitime de ce pays, conformément aux résolutions pertinentes du Conseil de Sécurité. Ils ont renouvelé leur appel au

gouvernement irakien pour qu'il applique pleinement et sans conditions toutes les résolutions pertinentes du Conseil de Sécurité des Nations Unies, mettant ainsi un terme au conflit et épargnant de nouvelles souffrances à son peuple et au peuple du Koweït.

Afin de contribuer activement, une fois la légalité internationale rétablie, à la sécurité, à la stabilité et au développement de tous les pays de la région, dans un cadre approprié, la Communauté et ses Etats membres ont souligné la nécessité de développer une approche globale, flexible et graduelle à l'égard des différents problèmes de la région, qui porte à la fois sur les questions de sécurité, les problèmes politiques et la coopération économique. Ils ont indiqué les éléments principaux de cette approche: ils ont réaffirmé leur engagement en faveur de la souveraineté, de l'unité, de l'indépendance et de l'intégrité territoriale de tous les pays de la région et du rôle des Nations Unies pour promouvoir la sécurité et la paix internationale dans la région. Ils ont estimé qu'il appartenait surtout aux Etats de la région de parvenir à un accord sur des mécanismes destinés à assurer leur sécurité future, à la fois individuelle et collective. La Communauté et ses Etats membres ont fait état de leur disponibilité de jouer pleinement leur rôle pour soutenir les efforts des Etats concernés et pour les compléter par des actions appropriées et convergentes. Dans ce contexte, la Communauté et ses Etats membres se sont félicités du fait que les Ministres des Affaires étrangères d'Egypte, de Syrie et du Conseil de Coopération du Golfe étaient convenus d'un cadre pour une coopération future. Ils ont décidé d'entreprendre des contacts appropriés avec ces pays, ainsi qu'avec Israël, l'Iran, la Turquie et d'autres pays concernés. Ils ont réaffirmé leur attachement à la coopération et au dialogue politique avec les pays de l'Union du Maghreb Arabe.

En particulier, la Communauté et ses Etats membres ont estimé que la communauté internationale devrait renouveler ses efforts pour aboutir rapidement à une solution globale, juste et durable du conflit israélo-arabe et de la question palestinienne. Ils ont confirmé qu'une conférence internationale, au moment approprié et bien structurée, fournirait un cadre adéquat pour des négociations. Une telle conférence nécessitera une préparation sérieuse. Ils ont réaffirmé leur volonté de promouvoir activement la recherche d'une solution pacifique à travers le dialogue avec et entre toutes les parties concernées. En ce qui concerne la situation au Liban, ils ont exprimé leur ferme soutien à la mise en œuvre intégrale de l'Accord de Taëf comme un moyen de réaliser la réconciliation nationale dans un Liban libéré de toutes forces étrangères.

Le 24 février,<sup>13</sup> la Communauté et ses Etats membres ont regretté profondément que l'Irak n'ait pas répondu positivement à l'appel de la coalition internationale de retrait immédiat et inconditionnel du Koweït, dans le respect des résolutions du Conseil de Sécurité des Nations Unies. Ils ont confirmé qu'en cette heure grave, la Communauté et ses Etats membres étaient aux côtés des forces de la coalition alliée. Ils ont exprimé l'espoir que la libération du Koweït pourra intervenir rapidement et avec un minimum de pertes en vies humaines des deux côtés.

Le 28 février,<sup>14</sup> la Communauté et ses Etats membres se sont félicités de la suspension des opérations militaires dans le Golfe. Ils se sont réjouis du fait que le Koweït ait retrouvé sa liberté et que la légalité internationale ait été rétablie. Ils ont exprimé leur gratitude à l'ensemble des Etats qui avaient engagé des forces pour le respect des résolutions du Conseil de Sécurité des Nations Unies. Ils ont pris note de l'acceptation par l'Irak des douze résolutions du Conseil de Sécurité. Comme ils l'avaient indiqué le jour même de l'ouverture des opérations militaires, ils ont réitéré leur engagement en vue d'assurer un avenir de paix, de stabilité et de développement dans la justice sociale et la solidarité économique régionale pour tous les peuples de la région, dans la dignité et la sécurité.

Le 3 avril,<sup>15</sup> la Communauté et ses Etats membres ont exprimé leur profonde préoccupation quant à la situation des populations civiles, notamment kurdes et chiïtes, en Irak. Ils ont condamné fermement la répression brutale qui s'est abattue sur ces populations, provoquant l'afflux de réfugiés vers les pays voisins. Ils ont appelé les autorités irakiennes à mettre fin sans délai à cette

répression. Ils ont rappelé que seule la voie du dialogue avec l'ensemble des parties en présence permettra de préfigurer le renouveau d'un Etat irakien uni, respectueux des aspirations légitimes des populations qui le composent.

Lors de la réunion informelle du Conseil Européen, tenue, à Luxembourg, le 8 avril 1991,<sup>16</sup> pour discuter la situation dans la région, la Communauté a condamné à nouveau la répression brutale contre les populations civiles irakiennes, notamment kurdes, qui, à son avis, représente une menace pour la paix au titre du Chapitre 7 de la Charte de l'O.N.U. Elle a également exigé le respect de la Résolution 688 par les autorités irakiennes, en rappelant que celles-ci engagent leur responsabilité personnelle. Elle a souligné que les sanctions à l'égard de l'Irak devraient être maintenues en cas de persistance de la politique et de l'attitude du gouvernement irakien. Elle a soutenu l'appel du Secrétaire Général des Nations Unies en faveur des populations civiles irakiennes et a annoncé une aide humanitaire de 150 million E.C.U. Elle a également envisagé la création d'une zone de protection sous surveillance des Nations Unies.

S'agissant du processus de paix au Proche-Orient, le Conseil Européen a souligné le rôle de la Communauté dans la région et la nécessité qu'elle soit associée au processus de paix. En rappelant l'indivisibilité de la légalité internationale, il a réitéré son engagement en faveur de la mise en œuvre des Résolutions 242 et 338 du Conseil de Sécurité, selon le principe de l'échange de territoires contre la paix. Il a rappelé la nécessité d'un dialogue parallèle sans a priori entre les parties concernées, sur la base du droit d'Israël à des frontières sûres et reconnues et du droit du peuple palestinien à l'autodétermination. Il a également souligné l'importance de mesures de confiance réciproques et équilibrées entre les parties, ouvrant la voie à une ou plusieurs conférences de paix. Il a soutenu les efforts de paix du Président Bush.

S'agissant des propositions pour une C.S.C.M., le Conseil Européen a affirmé qu'elle pourrait constituer un forum de discussions sur le modèle de la C.S.C.E. afin d'assurer un cadre de sécurité, de stabilité et de coopération dans la région.

Le Conseil Européen a également discuté des problèmes de sécurité de la région. Il a confirmé qu'il appartient prioritairement aux Etats de la région de décider de leurs propres arrangements de sécurité. Il a soutenu les efforts des huit pays arabes de la coalition à cet effet et a rappelé que ce groupe devrait rester ouvert à d'autres Etats de la région. Il a également noté la disponibilité de certains Etats membres de participer à des arrangements de sécurité. Il s'est prononcé en faveur du renforcement des régimes de non-prolifération des armes de destruction massive et de la promotion de l'arrêt de l'accumulation des armements conventionnels. Dans ce contexte, il a demandé aux Ministres des Affaires étrangères de formuler des propositions en vue de l'ouverture d'un dialogue multilatéral et de fournir des précisions concernant la contribution propre des Douze au renforcement des régimes de non-prolifération.

Parmi les mesures économiques en faveur de la région discutées à cette occasion, le Conseil Européen a notamment souligné la volonté de la Communauté et ses Etats membres de participer à l'effort international de reconstruction des zones affectées par la guerre, de mettre en œuvre les politiques déjà convenues (politique méditerranéenne rénovée, conclusion d'un accord de libre-échange C.E./C.C.G., progrès dans les relations C.E.E./Turquie dans l'esprit de la décision de Dublin) et d'entreprendre des actions nouvelles dans quatre domaines:

mise en place de projets ou de schémas de coopération régionaux et mise à la disposition des Etats de la région de l'expertise et du savoir-faire communautaire en matière de coopération régionale;

appui à la construction de l'U.M.A. dans la perspective de la réalisation d'un véritable partenariat; approfondissement des relations avec Israël dès qu'une solution juste et durable aura été trouvée aux problèmes de la région;

exploration de nouveaux modes de coopération avec l'Iran;

dynamisation des échanges scientifiques et culturels, en tenant compte des acquis du dialogue euro-arabe.

### *Chypre*

La Communauté et ses Etats membres ont réaffirmé leur appui en faveur de l'unité, de l'indépendance, de la souveraineté et de l'intégralité territoriale de Chypre, soutenant par là l'action du Secrétaire Général des Nations Unies.

Dans cette perspective, la Présidence, sans vouloir se substituer d'une manière ou d'une autre à l'action de M. Perez de Cuellar ou se départir des résolutions pertinentes du Conseil de Sécurité des Nations Unies, examine la possibilité de contribuer au succès des négociations engagées par le Représentant spécial du Secrétaire Général des Nations Unies. A cet égard, elle a eu des contacts, l'objectif étant de hâter, à travers le dialogue et la négociation, l'émergence de conditions permettant de mettre fin à ce conflit qui n'a que trop duré.

Le Secrétaire Général des Nations Unies vient de présenter oralement un nouveau rapport intérimaire sur les contacts qu'il a pu avoir avec tous les intéressés, notamment à travers son Représentant spécial.

Toute solution de la question chypriote ne peut être fondée que sur les résolutions pertinentes des Nations Unies et notamment la Résolution 649 du Conseil de Sécurité qui énonce le principe, pour nous intangible, d'une République fédérale de Chypre qui serait 'bicommunautaire en ce qui concerne les aspects constitutionnels, et bizonale en ce qui concerne les aspects territoriaux, et qui préserverait l'unité, l'indépendance, la souveraineté, l'intégrité territoriale et le non-alignement du pays, et excluerait l'union complète ou partielle avec tout autre pays ainsi que toute forme de partage ou de sécession'.

### *Afrique du Sud*

L'abolition totale de l'apartheid et la création d'une Afrique du Sud unie, non- raciale et démocratique demeurent les objectifs de la politique de la Communauté et de ses Etats membres à l'égard de ce pays. C'est ainsi qu'ils ont accueilli avec une vive satisfaction l'ensemble des changements significatifs qui ont eu lieu depuis l'avènement du Président De Klerk à la Présidence de la République sud-africaine.

Tenant compte des changements importants qui s'étaient produits en Afrique du Sud au cours de l'année 1990, le Conseil Européen de Rome avait adopté, le 15 décembre dernier,<sup>17</sup> un ensemble de décisions visant à encourager de manière efficace la poursuite d'un processus de changement irréversible, dans la direction préconisée par le Conseil Européen de Strasbourg. Ces décisions découlaient en fait de la volonté exprimée par les Chefs d'Etat et de Gouvernement à Dublin, en juin 1990,<sup>18</sup> de procéder à un assouplissement graduel des pressions en réponse aux réformes souhaitées par la Communauté et ses Etats membres.

Ainsi, le Conseil Européen de décembre dernier avait décidé que, dès lors qu'une initiative législative pour l'abrogation des lois relatives aux zones d'habitation séparée ('Group Areas Act') et à la propriété foncière ('Lands Acts') aura été prise par le gouvernement sudafricain, la Communauté et ses Etats membres procéderont à un assouplissement des mesures adoptées en 1986.

Dans le même but, et aussi dans le souci de contribuer à combattre le chômage et à améliorer la situation économique et sociale en Afrique du Sud, le Conseil Européen de Rome du 15 décembre 1990 avait décidé d'abroger entre-temps l'interdiction de nouveaux investissements.

En même temps, la Communauté et ses Etats membres, envoyant un signal clair de soutien politique aux victimes de l'apartheid et soulignant leur volonté de contribuer à un nouvel équilibre

économique et social en Afrique du Sud, avaient convenu d'intensifier le programme des mesures positives et de l'adapter aux nécessités de la nouvelle situation, y compris le retour et la réinstallation des exilés. Ils apprécient d'ailleurs à sa juste valeur l'association récente du Haut Commissariat pour les Réfugiés (H.C.N.U.R.) dans les opérations de rapatriement.

Le 4 février 1991,<sup>19</sup> la Communauté et ses Etats membres se sont félicités de l'annonce faite, le 1er février, par le Président De Klerk à la cérémonie d'ouverture de la session du Parlement sud-africain et qui faisait état de nouveaux changements importants à venir en Afrique du Sud. Ils ont, à cette occasion, rappelé leur position par rapport aux initiatives législatives annoncées par les autorités de Pretoria et indiqué leur volonté d'entamer les préparatifs en vue d'actions appropriées.

Le 12 mars dernier, le gouvernement sud-africain a déposé son 'White Paper on Land Reform' et quatre projets de loi afférents. Cette initiative législative porte révision notamment des lois relatives aux zones d'habitation séparée, à la propriété foncière et au développement des communautés noires ('Black Communities Development Act'). En outre, le 9 avril dernier, les autorités de Pretoria ont déposé devant le Parlement le 'Population Registration Act Repeal Bill', projet de loi qui prévoit qu'il est mis fin à l'enregistrement par races, et qui contient des mesures transitoires permettant la mise en œuvre de la Constitution actuelle jusqu'à l'adoption d'une nouvelle loi fondamentale.

Le 15 avril, les Ministres des Affaires étrangères, réunis en Coopération politique européenne en marge du Conseil Affaires générales, ont pris acte de ce que les conditions formulées par le Conseil Européen de Rome II ont été remplies du fait de la présentation des projets de loi concernant les zones d'habitation séparée et la propriété foncière. Ils ont également pris note de la présentation du projet de loi portant sur l'abrogation des registres de classification des populations. Dans ce cadre, les Ministres ont décidé de lever les mesures adoptées en 1986 portant sur les importations de certains produits de fer et d'acier et de Krugerrands.

### *Amérique Latine*

Ces dernières années, des progrès considérables dans le processus de démocratisation ont été accomplis en Amérique latine. Ce mouvement vers un plus grand respect des droits de l'homme et vers les principes de l'Etat de droit va de pair avec des efforts et progrès significatifs dans le domaine économique.

A cet effet, les pays d'Amérique latine ont identifié comme l'une des voies les plus prometteuses le développement de nouvelles formes de coopération régionale et, au-delà, le mouvement vers l'intégration économique. La Communauté et ses Etats membres soutiennent volontiers ces efforts et accueillent favorablement la perspective que les Latino-américains, par le truchement d'une coopération accrue, puissent s'exprimer de manière de plus en plus cohérente pour faire valoir leurs intérêts dans la conduite des affaires internationales.

La Déclaration de Rome, adoptée au niveau ministériel le 20 décembre 1990<sup>20</sup> par les Représentants de la Communauté et les pays membres du Groupe de Rio a institutionnalisé le dialogue entamé il y a quatre ans entre les deux parties. Cette Déclaration définit des objectifs globaux et des domaines de coopération spécifiques. La première réunion ministérielle qui suivra son adoption aura lieu à Luxembourg, les 26 et 27 avril.<sup>21</sup> Dans le cadre de l'intégration régionale latino-américaine, la Communauté se félicite de la signature récente du Traité 'Mercosur' établissant un marché commun entre les quatre pays du Cône d'Amérique du Sud.

La septième Conférence ministérielle de San José s'est déroulée à Managua les 18 et 19 mars. La Communauté continue d'encourager le processus régional de paix en Amérique centrale, les efforts de certains de ces pays visant à la réconciliation nationale, le plein respect des droits de l'homme et les progrès économiques et sociaux.

La Communauté et ses Etats membres suivent de près les évolutions politiques dans certains pays d'Amérique latine. Ils ont exprimé le souhait que le changement de gouvernement en Haïti pourra déboucher sur l'établissement d'une société fondée sur l'état de droit, la promotion de la justice sociale et le progrès économique. Ils attachent une importance particulière aux pourparlers qui se déroulent actuellement entre le Gouvernement du Salvador et le FMLN en vue de mettre un terme à la grave situation qui affecte la population de ce pays depuis des années.

### *Asie*

Dans la lignée des orientations agréé[e]s lors du Conseil Affaires générales du 15 avril, la Communauté et ses Etats membres entameront prochainement des négociations avec les autorités japonaises en vue de la finalisation d'une Déclaration commune comprenant à la fois des éléments politiques et économiques, laquelle devra contribuer de façon significative au renforcement des relations entre la Communauté et ses Etats membres et le Japon.

Par le biais de cette Déclaration commune, la Communauté et ses Etats membres, d'une part, et le Japon, d'autre part, reconnaissent le besoin de donner à leurs relations une dimension politique qui soit à la mesure de leurs relations économiques et commerciales.

C'est le désir de la Présidence de voir aboutir les négociations sur la version finale de cette Déclaration encore pendant le premier semestre de cette année.

S'agissant de la Chine, la Communauté et ses Etats membres ont poursuivi la politique de reprise graduelle des relations avec ce pays, dans l'esprit des décisions du Conseil Affaires générales du mois d'Octobre 1990, encourageant les autorités chinoises à réintégrer la scène internationale de manière responsable et constructive.

Dans ce cadre, la Présidence se félicite de la position de la Chine dans le domaine de la politique étrangère, qui a notamment permis de réaliser et de maintenir le consensus requis pour faire face à la crise du Golfe et pour permettre d'entamer un processus de règlement du conflit cambodgien.

Cette attitude positive de la part des autorités chinoises n'a cependant pas empêché la Communauté et ses Etats membres de suivre de très près l'évolution de la situation des droits de l'homme dans ce pays et de faire part, à maintes reprises, de leurs vives préoccupations à cet égard, en particulier suite aux nombreuses condamnations prononcées contre des dissidents politiques.

Les relations C.E./ASEAN [A.N.A.S.E.] ont également été au centre des préoccupations de la Communauté et ses Etats membres. Ils espèrent que la réunion ministérielle qui aura lieu fin mai à Luxembourg et dont les travaux préparatoires sont déjà en cours, puisse nous permettre de mieux cerner les possibilités de promouvoir le dialogue et la coopération entre les deux parties.

D'autre part, la Communauté et ses Etats membres n'ont pas manqué de rappeler la nécessité de chercher des solutions globales et pacifiques aux conflits qui continuent d'affliger le continent asiatique. De telles solutions ne pourront être trouvées que dans le cadre du dialogue, du respect des droits de l'homme et des aspirations des peuples, ainsi qu'à travers la création ou le renforcement des institutions démocratiques.

Dans cet esprit, la Communauté et ses Etats membres ont exprimé leur inquiétude lors du coup d'état militaire en Thaïlande, au mois de février, et ont appelé ce pays à recouvrer une place au sein des nations démocratiques.

C'est ce même souci qui a été à l'origine de la Déclaration de la Communauté et de ses Etats membres, en janvier, sur la situation en Birmanie, où la volonté populaire, exprimée de façon claire et non-équivoque lors d'élections libres en mai 1990, continue d'être ignorée.



Par contre, au Bangladesh, on a pu assister à un processus électoral exemplaire qui a permis le retour à la démocratie. La Communauté et ses Etats membres en ont publiquement fait l'éloge en soulignant l'importance de cet événement.

### *Coopération judiciaire*

Dans le domaine de la Coopération judiciaire, les travaux en vue de la conclusion d'une Convention entre les Etats membres de la Communauté Européenne sur l'exécution des condamnations pénales étrangères doivent s'achever encore sous Présidence luxembourgeoise.

Les perspectives sont les mêmes pour ce qui concerne les procédures d'adoption par la Communauté et ses Etats membres d'un système de télécopieur chiffré, qui permettra la mise en vigueur de l'Accord de San Sebastian relatif à la simplification et à la modernisation des modes de transmission des demandes d'extradition, du 26 mai 1989.

### *Droits de L'Homme*

La Communauté et ses Etats membres soulignent l'importance croissante qu'ils attachent à la défense des droits de l'homme dans des cas spécifiques, d'une part, et à la promotion des concepts, principes et valeurs afférents, dans la conduite des affaires internationales. La politique de la Communauté et de ses Etats membres se renforce d'année en année, à travers leurs efforts et interventions dans les fora internationaux tels que la Commission des Droits de l'Homme et la 3ème Commission de l'Assemblée Générale des Nations Unies ainsi que des initiatives sous le mécanisme de la dimension humaine de la C.S.C.E. (C.S.C.E./C.D.H.) et des démarches dans des cas spécifiques de violations des droits de l'homme.

Au cours des six mois qui se sont écoulés, la Communauté et ses Etats membres ont effectué une trentaine de démarches qui étaient pour la plupart de nature confidentielle, protégeant de cette manière les personnes auxquelles ils voulaient venir en aide. En outre, ils ont publié environ soixante (60) déclarations qui ont été largement diffusées.

La Communauté et ses Etats membres estiment que la protection des droits de l'homme ne saurait en aucun cas constituer une ingérence dans les affaires internes d'un Etat violant ces droits.

Par ailleurs, une réflexion sur les relations entre les droits de l'homme, la démocratie et le développement soutenu a été engagée dans diverses enceintes de la Coopération politique européenne et du Conseil.

La politique des droits de l'homme demeurera un élément majeur dans les relations extérieures de la Communauté.

### *Terrorisme*

Au cours de l'année dernière, la Communauté et ses Etats membres ont continué à développer et à renforcer leur coopération dans la lutte contre le terrorisme international. Etant donné que la fréquence et la gravité d'activités terroristes constituent un sujet de sérieuse préoccupation tant au niveau national qu'international, l'attitude des Etats devra demeurer empreinte de fermeté et la réponse à la menace terroriste devra être concertée au mieux. D'une manière générale, l'établissement, en 1993, d'une Communauté sans frontières internes exigera une coopération toujours accrue entre les forces de police des Etats membres.

Pendant les premiers mois de l'année 1991, la menace émanant du contexte de la guerre du Golfe ne permettait aucun relâchement de la vigilance de la Communauté et de ses Etats membres. C'est dans cet esprit que les Ministres des Etats membres de la Communauté, responsables pour la

sécurité intérieure, se rencontraient à Luxembourg, le 22 janvier, dans le cadre du Groupe TREVI, pour, d'une part, procéder à un échange d'informations sur les mesures prises par chaque Etat membre sur le plan national et, d'autre part, discuter des possibilités de concertation et de coopération au niveau communautaire pour maintenir et garantir la sécurité dans les Etats membres. Les Ministres avaient, à cette occasion, souligné la volonté de leurs gouvernements respectifs de préserver le climat de confiance nécessaire à une cohabitation pacifique entre les différentes communautés résidant sur le territoire des Etats membres.

- 1 *EPC Bulletin*, Doc. 90/468.
- 2 *EPC Bulletin*, Docs 91/008, 91/009 et 91/010.
- 3 *EPC Bulletin*, Doc. 91/044 [du 4 février].
- 4 *EPC Bulletin*, Doc. 91/071.
- 5 *EPC Bulletin*, Doc. 91/093.
- 6 *EPC Bulletin*, Doc. 91/068.
- 7 *EPC Bulletin*, Docs 90/469 et 90/473.
- 8 *EPC Bulletin*, Doc. 91/003.
- 9 *EPC Bulletin*, Doc. 91/006.
- 10 *EPC Bulletin*, Doc. 91/011.
- 11 *EPC Bulletin*, Docs 91/017 et 91/018.
- 12 *EPC Bulletin*, Doc. 91/049.
- 13 *EPC Bulletin*, Doc. 91/065.
- 14 *EPC Bulletin*, Doc. 91/070.
- 15 *EPC Bulletin*, Doc. 91/096.
- 16 *EPC Bulletin*, Doc. 91/098.
- 17 *EPC Bulletin*, Doc. 90/472.
- 18 *EPC Bulletin*, Doc. 90/269.
- 19 *EPC Bulletin*, Doc. 90/020.
- 20 *EPC Bulletin*, Doc. 90/474.
- 21 *EPC Bulletin*, Doc. 91/123.

**91/123. Joint Political Declaration of the first Institutionalized Meeting between the Ministers of Foreign Affairs of the European Community and its Member States and of the Rio Group countries in Luxembourg, held on 26 and 27 April 1991**

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The first Institutionalized Ministerial Meeting between the Ministers for Foreign Affairs of the European Community and its Member States and of the Rio Group countries was held in Luxembourg on 26 and 27 April 1991, in accordance with the provisions of the Rome Declaration of 20 December 1990.<sup>1</sup>

The following participated in the Conference:

On behalf of the European Community:

Luxembourg  
Mr Jacques F. Poos  
Deputy Prime Minister and Minister for Foreign Affairs

**Netherlands**

**Mr Hans van den Broek**  
**Minister for Foreign Affairs**

**Portugal**

**Mr João de Deus Pinheiro**  
**Minister for Foreign Affairs**

**United Kingdom**

**Mr Tristan Garel-Jones**  
**Minister of State, Foreign and Commonwealth Office**

**Belgium**

**Mr Paul De Keersmaecker**  
**State Secretary, European Affairs**

**Denmark**

**Mr Henrik Woehlk**  
**State Secretary, Foreign Affairs**

**Germany**

**Ms Ursula Seiler-Albring**  
**Minister of State, Foreign Affairs**

**Spain**

**Mr Francisco Fernández-Ordóñez**  
**Minister for Foreign Affairs**

**France**

**Ms Edwige Avice**  
**Minister attached to the Ministre d'Etat,**  
**Minister for Foreign Affairs**

**Greece**

**Mr Georges Papastamkos**  
**State Secretary, Foreign Affairs**

**Ireland**

**Mr Gerard Collins T.D.**  
**Minister for Foreign Affairs**

**Italy**

**Mr Gianni De Michelis**  
**Minister for Foreign Affairs**

**Commission**

**Mr Abel Matutes**  
**Member of the Commission**

**On behalf of the Rio Group:**

**Argentina**

**Mr Guido José Mario Di Tella  
Minister for External Relations**

**Bolivia**

**Mr Carlos Iturralde Ballivian  
Minister for External Relations and Ecclesiastical Affairs**

**Brazil**

**Dr Francisco Rezek  
Minister of State, External Relations**

**Chile**

**Mr Enrique Silva  
Minister for Foreign Affairs**

**Colombia**

**Mr Luis Fernando Jaramillo Correa  
Minister for External Relations and Vice-President of the Republic**

**Ecuador**

**Mr Diego Cordovez  
Minister for Foreign Affairs**

**Mexico**

**Mr Fernando Solana Morales  
Minister for Foreign Affairs**

**Paraguay**

**Dr Alexis Frutos-Vaesken  
Minister for External Relations**

**Peru**

**Dr Carlos Torres y Torres Lara  
President of the Council of Ministers and Minister for External Relations**

**Uruguay**

**Mr Héctor Gros Espiell  
Minister for Foreign Affairs**

**Venezuela**

**Mr Armando Duran  
Minister for Foreign Affairs**

**Signatories of the Rome Declaration**

**Costa Rica**

**Mr Bernd Niehaus  
Minister for Foreign Affairs  
representing the Central American countries**

**Jamaica**

**Senator The Hon. David Coore, Q.C.**  
**Minister of Foreign Affairs and Foreign Trade of Jamaica**  
**representing the CARICOM countries.**

The Ministers discussed political and economic issues. They welcomed the excellent relations between the European Community and its Member States and the Rio Group in the political, economic and cultural fields, based on the close friendship linking the peoples of the two regions.

They agreed that it was in their mutual interest to strengthen further their solidarity in all areas.

In that spirit they welcomed the success of the Rome Ministerial Conference and the Rome Declaration of 20 December 1990 which institutionalized the dialogue and opened a new stage in relations between the two regions.

They welcomed the presence in the Rio Group of the two representatives of the countries of Central America and CARICOM and their participation for the first time in the political dialogue between the two regional groupings.

They took the opportunity of noting that the economic relations and cooperative relationship between the Community and its Member States, on the one hand, and the Central American or Caribbean countries, on the other hand, were a matter for different institutional frameworks.

The Ministers reaffirmed their support for the United Nations and the Organization of American States.

They welcomed in particular the constructive role which the United Nations was playing in resolving a number of regional or international conflicts.

They expressed their support for the strengthening of the United Nations in the discharging of its responsibilities, particularly as regards maintaining international peace and security, economic cooperation and humanitarian assistance. They emphasized the need to uphold and observe in full the rules and principles of international law.

They decided to intensify their consultations within the United Nations on matters of common interest.

The Ministers stressed the importance of regional integration processes for economic and social development and affirmed that they promote peace, democracy and closer ties between peoples.

The Ministers welcomed the new dynamism in the integration processes in Latin America. They considered that the strengthening of such processes was an important factor in bringing about a qualitative change in the links between the Community countries and those of the Rio Group.

The Community Ministers resolved to support integration efforts in Latin America.

The Community Ministers briefed the Ministers of the Rio Group on the proceedings of the Inter-governmental Conferences on Political Union and Economic and Monetary Union.

The Ministers supported the peace initiatives undertaken in Central America and welcomed the constructive contribution of the United Nations Secretary-General and of the Organization of American States.

They emphasized the specific nature of the political and economic dialogue between the European Community and the Central American States within the framework of the San José Conferences, expressing their conviction that this dialogue had contributed to the peace process in Central America and to development in that region.

They also drew attention to the contribution of the Rio Group, in particular the three cooperating countries, to the promotion of peace and economic development in that region.

The Ministers welcomed the role of CARICOM in the regional integration and economic development of the countries of the Caribbean.

They expressed their support for the development of an economic community in that region.

The Ministers reaffirmed the importance of the Lomé Convention between the European Community and the African, Caribbean and Pacific countries.

In the spirit of the overall objectives identified in the Rome Declaration, the Ministers emphasized their resolve to work for observance of the rule of law and for the strengthening of democratic institutions in their countries. In that connection the Ministers took note of the Seville Declaration signed at the Xth Interparliamentary Conference between the European Parliament and the Latin American Parliament.

In this regard, they expressed their conviction that democracy implied independence of and a balance between constitutional powers and also political pluralism and must furthermore have as its objective the full achievement of social justice.

Reiterating the principle of the primacy of the democratically elected political authority, they welcomed recent progress in democracy.

They also reaffirmed their resolve to work together to create adequate conditions for economic and social development, thereby helping to eliminate poverty.

The Ministers stressed the link between democracy, human rights and sustained development. They also noted that democracy and respect for human rights were key factors in strengthening international cooperation and confidence among States.

The Ministers declared their resolve to combat any form of discrimination, whether on grounds of race, sex, culture or creed. They stressed the primary need for the protection of ethnic minorities, whose integration must be ensured while respecting their identity, and of refugees, women and children, in particular among the most disadvantaged sectors of the population.

The Ministers discussed the Gulf crisis. In this connection they emphasized the important role played by the United Nations in restoring international peace, security and legality. They reaffirmed their support for all relevant Security Council Resolutions and emphasized in particular the need for full and unconditional implementation of Resolution 687, as adopted by the Security Council. They also reiterated their belief that a peaceful settlement must be found for all conflicts in the region, in accordance with the relevant Security Council Resolutions.

The Ministers drew attention to the worrying refugee situation in the world and to that of the Kurdish and Shi'ite refugees in particular. They insisted on the importance of swift application in full of Security Council Resolution 688 with the appropriate participation of the United Nations High Commission for Refugees and continued international aid for these refugees.

The Ministers reiterated the importance they attached to arms reduction and to the non-proliferation of weapons and instruments of mass destruction.

The Ministers accordingly noted with interest the initiative by Argentina and Brazil to set up a joint system of accounting and verification, applicable to all nuclear installations in both countries, and to negotiate an agreement with the International Atomic Energy Agency (IAEA).

They expressed their support for the work of the Disarmament Conference, especially with regard to the total prohibition of chemical weapons at the earliest opportunity.

Both sides appealed to all States to refrain from exporting arms to areas where they could exacerbate a conflict.

The Ministers stated their resolve to reduce their military budgets as far as possible and to inform the United Nations annually of their defence budgets, in accordance with the relevant Resolutions of the General Assembly.

The Ministers declared that they believed any acts of terrorism or terrorist threats to be totally unacceptable, regardless of the objective in view or the grounds for pursuing it.

They emphasized their resolve to devote particular attention to the prevention of terrorist acts.

The Ministers drew attention to the historic and cultural links between the two regions.

They believed that the events which are to take place in 1992 to commemorate the 500th anniversary of these links should be characterized by mutual understanding and respect and by the desire to strengthen further the bonds of friendship between Europe and Latin America.

Aware of the importance of information and the media, the Ministers expressed their wish to see a greater flow of information on each of the two regions in the media of the other, with full respect for freedom of the press and information.

The Ministers discussed the world economic situation, which gave them cause for concern. They agreed to cooperate in seeking solutions involving, in particular, the introduction of measures to promote reciprocal trade, economic cooperation and regional development. In this connection, the Community Ministers confirmed their intention of supporting the Latin American countries in their efforts for economic and social development, regional integration and fuller participation in the international economy.

The Ministers gave special attention to the debt problem. They acknowledged that the problem was an obstacle to political, economic and social development and to stability and consolidation of democracy in the Latin American countries.

The external pressure resulting from the high level of indebtedness of some Latin American countries, the burden of debt servicing and the links between debt, trade, development and investment could be increased for some countries by the recent international economic situation.

The Ministers recognized that the implementation of adjustment and economic liberalization policies created improved conditions for international cooperation on resolving the problem of indebtedness, the nature of which was such that it could not be resolved without greater cooperation between debtors and creditors in a spirit of joint responsibility. They pointed out that it was in the mutual interest of debtors and creditors to find a solution to this problem. They resolved to pay the requisite attention to the significant burden which external debt placed on the political, economic and social development of the countries of Latin America. To that end the Ministers recognized the need for resolute action in the appropriate fora, the Club of Paris included, in order to make progress towards alleviating the debt burden.

The Ministers expressed their satisfaction at the resumption of the Uruguay Round negotiations and confirmed the importance which they attached to the successful conclusion of the negotiations as soon as possible. The Community Ministers saw the progress made by the Rio Group countries in opening up their economies as a positive factor in moving towards a satisfactory conclusion of the multilateral negotiations. Both sides expressed their determination to contribute as extensively as possible to the success of the negotiations and called upon all participants in the Round to act with flexibility and resolve in order to achieve substantial and balanced results.

The Ministers reaffirmed their conviction that the Generalized System of Preferences could make a useful contribution to more balanced international trade arrangements. They considered that better use of the advantages offered by the Community GSP could give added impetus to trade between both regions. They also noted that the Community had undertaken to review the System with a view to making it simpler, more transparent and more predictable.

The Ministers of the Rio Group countries thought it desirable to organize meetings with the Commission of the European Communities to foster exchanges of ideas in order to define the factors and measures which might help improve and expand the opportunities for those countries' exports to the Community market arising from implementation of the system.

The Community Ministers expressed their conviction that the completion of the single European market should bolster trade with third countries and, therefore, also open up new opportunities for exports from the Rio Group countries. While welcoming the recent progress in the Latin American regional integration process, the Community Ministers emphasized that the establishment of sub-regional integration zones should help step up reciprocal trade.

The Ministers of the Rio Group countries expressed their concern at the repercussions that the establishment of the single European market could have on exports from the region and expressed their interest in maintaining a steady flow of information and continuing talks on the likely effects of setting up the market in question.

The Ministers acknowledged that the existing cooperation between the two regions should be extended and stepped up even further in all fields.

In this connection, they noted with satisfaction the recent approval of the new general guidelines for Community cooperation with the countries of Latin America and welcomed the Community's decision to increase substantially the funding for this cooperation over the next five years.

The new guide-lines meant that cooperation with the countries of Latin America could now be set in a multiannual context as part of a more intensive dialogue covering both development aid for the poorest countries and sectors of the population and increased economic cooperation with the most advanced countries.

Recognizing the mutual benefit of cooperating in the area of investment, the Ministers again confirmed the importance which they attached to increasing the flow of capital and productive investment to Latin America in order to revitalize the economies of the countries in question, stimulate trade and strengthen relations between industrialists in the two regions.

The Ministers accordingly confirmed the importance of improving the investment climate in the Latin American countries, as stated in the Rome Declaration.

In view of the economic stabilization policy being implemented by the Peruvian Government, the Rio Group Ministers urged the Member States of the European Community to support the early setting up of an international support group for Peru, as an essential and urgent step towards normalizing its financial relations.

The Community Ministers expressed sympathy for Peru in its difficult economic situation and their support for Peru's efforts to normalize its relations with the international financial institutions.

#### *Priority Areas of Cooperation Identified in the Rome Declaration*

The Ministers considered the progress made since the Rome meeting in specifying the cooperation projects and initiatives between the European Community and the countries of the Rio Group which were signatories of the Rome Declaration, as mentioned therein.

##### **(a) Cooperation in finance and investment**

The Rio Group Ministers noted that, in accordance with the recent conclusion of the EEC Council of Ministers, the Community and its Member States would shortly be holding a comprehensive debate on the external role of the European Investment Bank, and, in particular, on the possible



extension of its activities to the various third countries and regions with which the Community had concluded cooperation agreements. The Ministers noted with interest that, in the meantime, without prejudging the conclusions to be drawn from the comprehensive debate, the Bank had been asked to examine, on a case-by-case basis, how it could contribute towards projects of common interest in those countries and regions already referred to which satisfied the Bank's criteria for action.

In this connection the Rio Group Ministers expressed their Governments' interest in submitting projects to the European Investment Bank and considered that opening up the Bank in this way, besides being a major step towards obtaining additional resources for the region, would have a favourable effect on the international capital market by giving rise to a better investment climate and greater utilization of the Community's financial mechanisms.

In addition, the Community and its Member States declared their willingness to examine possible ways of collaborating on projects with regional financial institutions, in particular the Inter-American Development Bank.

The Ministers also noted the interest of the Rio Group countries in the ECIP instrument, currently at the experimental stage, designed to encourage the setting up of joint undertakings in Latin America and to increase European investment in the region.

#### (b) Scientific and technological cooperation

The Ministers recorded that scientific and technological cooperation between the Community and the countries of the Rio Group was in their mutual interest.

Having noted that a debate on the topic was being prepared within the Community bodies, the Rio Group Ministers expressed the hope that this debate would result in the participation of the Latin American countries in certain specific programmes under the third Framework Programme.

The Community Ministers stated their readiness to consider the participation of third countries, including member countries of the Rio Group, in specific Community research programmes under agreements negotiated in accordance with the relevant Community procedures.

The Community Ministers recalled the Council's conclusions regarding guidelines for cooperation with Latin American and Asian developing countries and confirmed the Community's interest in strengthening the scientific and technological potential of the Latin American countries.

In this context, they confirmed their intention to continue and step up high-level scientific collaboration in activities under International Scientific Cooperation, for which the Ministers of the Rio Group hoped for significant budget increases to make possible an overall increase in activities and the financing of regional joint research projects.

The Community Ministers noted that the Programme on Life Sciences and Technologies for Developing Countries would be implemented in the near future; this would help to step up joint research in the area of agriculture and medicine.

The Rio Group Ministers also indicated their interest in Community support for an extension within Latin America of the TIPS Programme (Technological International Pilot System), which covers the exchange of technological and commercial information.

#### (c) Education and training of administrators and managers

Recognizing the mutual interest in increasing trade between the two regions and in accordance with contemporary economic requirements, the Ministers agreed to set up a human resources training programme in the Rio Group countries, for administrators and managers.

With a view to making better use of human resources in the Rio Group countries, the Ministers agreed to implement a specific training programme and noted that the Commission of the European Communities had already begun the necessary work on implementing a work programme in close conjunction with the appropriate institutions and organizations of the two regions.

This work, which would be coordinated with the representatives of the Rio Group and the Member States, would be based, in particular, on the following criteria:

- the modernization of administrative and industrial structures;
- special attention to be given to the importance of regional and sub-regional integration;
- priority to be given to the training of instructors;
- use, where possible, of the infrastructure of existing institutions, avoiding duplication with national and multilateral activities in this area;
- identification of measures to encourage the member countries of the Rio Group to join in European experiments in establishing closer relations between universities, the manufacturing sector and public administration.

(d) Cooperation in the process of regional and sub-regional integration

The Community Ministers reaffirmed the importance of the efforts being made by the Rio Group countries to expand and strengthen different forms of regional and sub-regional cooperation. The Ministers accordingly welcomed the Declaration adopted by the Rio Group in Bogotá in relation to the strengthening and restructuring of the LAIA, the recent signing of the Asunción Treaty establishing the Southern Cone Common Market, the renewed dynamism of the Cartagena Agreement, the progress made by the Group of Three and the Tuxtla Gutierrez Agreements entered into between Mexico and the countries of Central America and also welcomed the Partial Economic Complementarity Agreements adopted in the framework of the 1980 Montevideo Treaty, which bore clear testimony to Latin America's desire for integration and were important instruments in bringing together the strands of the processes involved.

The Community Ministers stated their readiness to assist the countries of the Rio Group with both the theoretical and practical aspects of integration at regional, sub-regional and bilateral level. Such cooperation would be implemented at appropriate levels and by appropriate bodies. Accordingly, technical assistance would continue to be given to the Andean Group under the Cooperation Agreement signed in this sub-regional integration process and a similar effort would be made for the Southern Cone Common Market and for those countries or groups of countries which requested such assistance.

The Ministers expressed their satisfaction at the signing of the Interinstitutional Cooperation Agreement between the Commission of the European Communities and the General Secretariat of the LAIA and anticipated the early development of a programme of work which included technical cooperation and an exchange of information between the two institutions.

The European Community expressed its willingness, in conjunction with the Latin American authorities concerned, to prepare a plan of specific action and in particular to implement a programme providing for the exchange of ideas and experience on problems of integration, taking account notably of practical aspects, and the importance of private sector participation.

*Other Areas of Cooperation*

(a) The environment

The Ministers again expressed their determination to protect the environment. They recognized that the future well-being of mankind would largely depend on its success in reconciling the protection and restoration of natural ecological balances with the needs of economic development.

They reiterated their determination to give priority to problems such as the deterioration of the ozone layer, global warming, cross-border flows of dangerous waste, acid rain and the protection of forests and marine eco-systems. They also expressed their concern with regard to the preservation of biological diversity, air pollution and reducing waste production.

They decided to hold consultations and cooperate closely on environmental protection and, specifically, to confer together as closely as possible before and during the United Nations Conference on the Environment and Development, to be held in Brazil in 1992. In this context, the Rio Group Ministers pointed out that the Latin American countries had determined their position at the recent Mexico Conference, preparatory to that of Rio, and had adopted the Tlatelolco platform, which constituted the basis for Latin America's action on this matter.

They welcomed the joint progress made by the Brazilian Government, the European Community and the World Bank in setting up a pilot project for Brazilian Amazonia which would be the first step in a broader programme for the whole Amazonian region.

#### (b) Drugs

The Ministers stressed that controlling the drug scourge was one of the most serious challenges facing modern society.

They reaffirmed their determination to step up their cooperation in fighting the illicit production, distribution and consumption of drugs, and trafficking and trade in drugs, including trafficking in precursors and the laundering of drug money, in accordance with the 1988 Vienna Convention, and expressed support for the action taken by the producer countries to promote alternative development.

With a view to preparing their next meetings and keen to intensify even further their cooperation in the spirit of the Rome Declaration, the Ministers decided to institute consultations between experts from both regions on specific topics in the areas identified in this document.

The topics for discussion and the detailed procedures for setting up these consultations which would be held as far as possible on the occasion of international meetings, would be defined by common agreement.

The Ministers decided to meet in New York, in the margins of the Forty-sixth session of the UN General Assembly.

They decided to meet in formal session within the framework of the institutionalized dialogue during the first half of 1992 in Chile, in accordance with the alternation rule laid down in the Rome Declaration.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/474.

#### 91/124. Statement concerning Ethiopia

Date of issue: 30 April 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States welcome the resolution adopted on 23 April 1991 by the Ethiopian Parliament which, through its readiness to open peace negotiations with all opposition

groups, especially through the establishment of a cease-fire, and to set up transitional arrangements guaranteeing a political solution acceptable to the whole of the Ethiopian population, has exemplified the will of Ethiopians to bring the civil war to an end peacefully and to seek a negotiated political settlement.

The Community and its Member States renew their previous appeals and encourage all parties concerned to respond to these in a constructive way. They furthermore express the hope that the conditions necessary for the establishment of peace and stability can be rapidly achieved.

They reiterate their urgent appeal to all parties concerned to ensure that emergency humanitarian aid is in no way affected by the present conflict.

### **91/125. Statement concerning the Israeli settlement policy in the Occupied Territories**

Date of issue: 3 May 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States are gravely concerned at the recent establishment of two new Israeli settlements in the Occupied Territories, at Revava on 15 and 16 April and at Talmon Keva on 22 April.

They deplore the fact that the Israeli Government has given permission for these new settlements.

The Community and its Member States reaffirm their long-standing position that Jewish settlements in the territories occupied by Israel since 1967, including East Jerusalem, are illegal under international law and under the Fourth Geneva Convention in particular.

The Community and its Member States consider that the initiative of the American Secretary of State, Mr Baker, now offers genuine prospects of progress towards peace in the region. They fully support this initiative and the process envisaged, which should enable the necessary dialogue between the parties concerned to get underway. They also consider that any establishment of new settlements in the Occupied Territories, which is in any case illegal, is especially harmful at a time when all parties should show flexibility and realism so as to bring about a climate of confidence favourable to the starting of negotiations.

The Community and its Member States strongly urge the Israeli Government neither to allow nor encourage the establishment of settlements in the Occupied Territories.

### **91/126. Statement concerning Yugoslavia**

Date of issue: 8 May 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States follow with the greatest concern the latest developments in Yugoslavia and deplore the loss of human lives.

Referring to their previous statements and *démarches*, they state their firm opposition to the use of force and recall that only dialogue between all the parties concerned will provide a lasting solution to the present grave crisis and ensure a future for a democratic and united Yugoslavia.

The Community and its Member States address an urgent appeal to all those in charge of the institutions, bodies and constituted authorities of the country to act in accordance with the rule of law and to ensure their normal functioning.

#### **91/127. Statement concerning the Mexico Agreements on El Salvador**

Date of issue: 10 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States are most encouraged by the agreements signed in Mexico on 27 April 1991 between the Salvadorean Government and the Farabundo Marti National Liberation Front (FMLN). These agreements mark an important stage in the peace process begun in Geneva in April 1990.

They welcome the progress which has been achieved by the two sides as a result of their courageous and constructive approach. They also pay tribute to the tireless efforts of Mr Alvaro de Soto, the Personal Representative of the Secretary-General of the United Nations, to bring about national reconciliation.

In expressing the hope that a decisive step in the peace process has been made in El Salvador, the Community and its Member States call on the two sides to pursue and bring to a conclusion their negotiations in the same spirit of dialogue, peace-making and flexibility. They also hope that this same spirit will be maintained in the deliberations which are being carried forth by the legislative Assembly of El Salvador.

#### **91/128. Joint Communiqué of the European Community, its Member States and the Cooperation Council for the Arab States of the Gulf (GCC) and its Member States**

Date of issue: 10/11 May 1991  
Place of issue: Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Joint Declaration

The Ministers of the Community and those of the countries of the GCC discussed regional and international matters of common interest.

1. The Ministers of the EC and of the GCC welcomed the re-establishment of the rule of international law which had been violated by Iraq, and the fact that Kuwait had regained its independence, sovereignty and territorial integrity under its legitimate Government. They thanked all the states which had contributed to upholding the relevant resolutions [of] the United Nations Security Council.

The Ministers of the EC and of the GCC confirmed their steadfast support for a full and swift application of Security Council Resolution 687. They considered that sanctions against Iraq should be maintained until Iraq abides effectively by the relevant provisions of Security Council Resolution 687. They also emphasized the importance of the release of all Kuwaiti and other detainees, settlement of claims, the return of stolen objects to Kuwait and the elimination of mass destruction weapons, in accordance with Resolution 687.

2. The Ministers of the EC and of the GCC reaffirmed their commitment to the sovereignty, unity, independence and territorial integrity of all the countries in the region.

They are fully committed to supporting the role of the United Nations in promoting international peace and security in the region. They considered that it was essentially up to the states in the region to reach agreement on mechanisms to guarantee their individual and collective security. The EC Ministers supported the efforts made by the countries of the GCC to ensure peace and stability in the region, in accordance with the principle of collective security. The EC Ministers confirmed the desire of the Community and its Member States to make an active contribution to the security, stability and development of all the countries in the region. The GCC Ministers expressed their appreciation of the willingness to help shown by the Community and its Member States.

The EC Ministers recognized the positive role played by the GCC in maintaining greater security and stability in the Gulf region. They welcomed the fact that at the Cairo and Damascus meetings the Foreign Ministers of the GCC, Egypt and Syria had established a framework for future cooperation. They reaffirmed their desire to step up appropriate contacts with these countries.

The Ministers of the EC and of the GCC referred to the fact that other countries, particularly Iran, also had an important part to play in the future stability of the region.

3. The Ministers of the EC and of the GCC are extremely concerned at the plight of the civilian population in Northern and Southern Iraq. They condemned the brutal repression inflicted on these peoples, causing a massive flow of refugees towards the neighbouring countries. They called on the Iraqi authorities to stop the repression immediately. The Ministers of the GCC expressed their appreciation of the action, notably regarding emergency aid, taken by the Community and its Member States to assist the refugees. Both parties confirmed their support for the establishment of safe havens in Iraq within the framework of Security Council Resolution 688. They stressed the irreplaceable role of the United Nations in this context. They reaffirmed their commitment to the unity and territorial integrity of Iraq.

4. The Ministers of the EC and of the GCC considered that the Arab-Israeli conflict and the Palestinian question were also root causes of instability in the region. They stressed that the need to achieve a just, lasting and comprehensive settlement which will put an end to the Palestinian question and the Arab-Israeli conflict was even greater now than ever before. They reiterated their support for achieving such a settlement by peaceful means, in accordance with Security Council Resolutions 242 and 338 and the right of the Palestinian people to self-determination.

The Ministers of the EC and the GCC considered that the initiative of the US Secretary of State, Mr Baker, now offers genuine prospects of progress towards peace in the region. They fully support this initiative and the process envisaged, which should enable negotiations to be started between Israel and its Arab neighbours and between Israel and the Palestinians.

Both parties agreed that the EC had a useful role to play in this process.

They felt that an international peace conference, held at the appropriate time and properly structured, will provide a suitable framework for the agreements between the parties.

The Ministers of the EC and of the GCC remain deeply concerned about the deteriorating situation in the Occupied Territories, including East Jerusalem. In particular, they referred to the need for the occupying power to comply with its obligations under the 4th Geneva Convention and abide by the relevant principles of international law. They deplored the Israeli policy of settlement in the Occupied Territories and stressed that they regarded all such settlements as illegal under international law. They also considered that any further Israeli settlement in the Occupied Territories would be especially prejudicial at a time when all parties should be adopting a flexible and realis-

tic approach so as to bring about a climate of confidence favourable to the launching of negotiations.

5. With regard to the situation in Lebanon, the Ministers of the EC and of the GCC expressed firm support for the implementation of the Ta'if Agreements. They also recalled their support for the implementation of Security Council Resolution 425. They reiterated the need for all parties to unite behind the legitimate Lebanese Government and to work towards the full restoration of the sovereignty, independence, unity and territorial integrity of Lebanon. Both parties reaffirmed their commitment to help provide Lebanon with the assistance needed to build its future and the willingness of the GCC and the EC to participate in the pledging conference for the creation of a Lebanon Assistance Fund.

6. The two sides decided to step up their cooperation in order to improve mutual understanding and intercultural dialogue and to support, together and in agreement with other States in the Gulf region and with the help of the whole international community, all diplomatic and political efforts to re-establish and strengthen peace, the rule of law, stability, cooperation and security in the region. To this end, they also reaffirmed their support for a set of common rules and principles which would offer all the countries of the region a stable and harmonious framework for coexistence and cooperation, in accordance with the UN Charter.

#### **91/129. Tenth Synthesis Report on the Code of Conduct for Community Companies with Subsidiaries, Branches or Representation in South Africa**

Date of issue: 13/14 May 1991

Place of issue: Brussels

Country of Presidency: Luxembourg

Status of document: Statement in European Parliament

##### *1. La réponse des entreprises*

1. Le dixième rapport de synthèse sur l'application du Code de conduite marque une décennie de surveillance du respect du code par les entreprises européennes ayant des filiales, des succursales ou une représentation en Afrique du Sud. Il porte sur la période allant du 1er juillet 1988 au 30 juin 1989 et est fondé sur des rapports nationaux présentés par les Etats membres, ainsi que sur le troisième rapport annuel sur la mise en œuvre du Code de conduite, élaboré par les chefs de mission des Douze en Afrique du Sud.

2. Les ambassadeurs ont signalé que la période considérée était caractérisée par une nouvelle augmentation du nombre d'affiliés aux syndicats noirs. Selon le ministère du travail, les grèves et lock-out ont coûté 914 388 journées de travail en 1988, contre 5,8 millions en 1987, ce qui représente une diminution de 84 %. Au cours des six premiers mois de 1989, les actions de grève ont augmenté de presque 200 % par rapport à la même période de 1988, mais leur nombre a été nettement inférieur aux records de 1987. L'un des principaux problèmes qui ont marqué les relations sociales durant la période considérée a été la controverse qui a entouré l'adoption, le 2 septembre 1988, du Labour Relations Amendment Act (loi portant modification des relations entre employeurs et salariés). Les syndicats ont organisé des grèves et ont continué à protester contre cette loi. En juin, les représentants du COSATU et du NAOTU (National Council of Trade Unions – Conseil national des syndicats) ont mis au point un plan pour une campagne de grande envergure, dans l'intention d'amener les employeurs des secteurs public et privé à la table de négociations. En cas de refus, il était prévu de lancer un appel à la grève générale.

Lors d'une réunion entre l'organisation des employeurs, le Comité consultatif sud-africain sur les relations entre employeurs et salariés (South African Consultative Committee on Labour

Affairs – SACCOLA), le COSATU et le NAOTU, en juin 1989, il a été convenu d'associer la Commission nationale du travail (National Manpower Commission – NMC) à la poursuite des travaux sur la loi en question. Entre-temps, le SACCOLA et les fédérations syndicales sont parvenus à un accord global et le gouvernement a présenté un nouveau projet de loi fondé sur les propositions contenues dans cet accord.

Au cours de la période considérée, des syndicalistes ont encore fait l'objet d'actions des forces de sécurité et d'autres autorités et il y a encore eu des attentats menés par des personnes non identifiées et des conflits entre syndicats rivaux.

3. Les ambassadeurs ont souligné que l'économie sud-africaine avait continué à progresser au cours de la période couverte par le présent rapport: en 1988 et 1989, le P.I.B. a augmenté de 3,7 et 2,1 % respectivement, en dépit du maintien des restrictions à l'accès aux capitaux étrangers. Bien que le taux de croissance ait fortement baissé depuis, l'inflation est passée de 12,9 % en 1988 à 14,7 % en 1989. Les augmentations salariales négociées entre les syndicats et les employeurs se sont élevées en moyenne à 16,7 % pour les cinq premiers mois de 1989, ce qui est inférieur à la moyenne de 17,9 % en 1988. Les salaires moyens ont, par conséquent, continué à baisser légèrement en termes réels mais, dans les secteurs où le COSATU et le NAOTU ont pu conclure des accords salariaux, les travailleurs sont relativement mieux parvenus à maintenir leur niveau de salaire réel.

4. Outre qu'ils se sont félicités que les entreprises soient de plus en plus nombreuses à représenter un rapport, les ambassadeurs ont noté que les entreprises européennes installées en Afrique du Sud continuaient à manifester leur détermination à mettre en œuvre le Code de conduite et ils ont constaté que les exigences du code étaient mieux respectées. Entre autres exemples, le petit nombre de travailleurs, payés au-dessous du salaire minimum fixé par le code, a continué de diminuer, les prestations extra-salariales offertes aux travailleurs noirs se sont multipliées et les entrepreneurs noirs ont bénéficié d'un soutien accru. Les contacts entre les entreprises et les syndicats européens, d'une part, et les syndicats sud-africains, d'autre part, se sont multipliés de manière constante.

Un code comprenant 14 normes minimales, présenté par le syndicat allemand de la métallurgie (IG Metall) en avril 1988 a, depuis lors, été mis en œuvre avec succès dans un certain nombre de filiales allemandes du secteur métallurgique, en coopération avec la Fédération internationale des organisations de travailleurs de la métallurgie (F.I.O.M.). Ce code prévoit que les travailleurs noirs doivent avoir les mêmes droits que leurs homologues allemands.

5. Selon les ambassadeurs, le code a eu un impact économique et social en contribuant à améliorer le niveau de vie des salariés noirs des entreprises européennes, tout en promouvant le principe de l'égalité raciale, en contribuant au démantèlement de l'apartheid sur le lieu de travail. En outre, il a facilité le développement du syndicalisme en Afrique du Sud, qui joue un rôle essentiel dans la lutte contre l'apartheid et donne aux principaux partis d'opposition une force politique et un pouvoir d'organisation. Par leur engagement à adopter, en matière d'emploi, des pratiques qui ne tiennent pas compte de la race, les entreprises européennes ont aussi contribué à la formation de cadres supérieurs noirs plus nombreux, qui ont ainsi acquis une expérience professionnelle considérable.

6. L'objectif principal du Code de conduite de la Communauté a été atteint, à savoir que les entreprises européennes installées en Afrique du Sud n'exploitent pas leurs salariés noirs, mais que leur présence serve à saper le régime d'apartheid et non à le renforcer. En outre, en raison du développement et du renforcement des syndicats qui défendent activement les intérêts de leurs affiliés, le code de la Communauté est moins contraignant pour les employeurs, dont les pratiques vont souvent au-delà de ses exigences. A cet égard, les ambassadeurs de la Communauté et de ses Etats membres en Afrique du Sud ont tout particulièrement mis l'accent sur les progrès constants



réalisés par les entreprises européennes dans la fixation de normes allant nettement au-delà des exigences du code. On estime que le Code de conduite a contribué de manière significative au démantèlement de l'apartheid sur le lieu de travail et à l'évolution positive des relations entre employeurs et salariés.

7. Le tableau ci-dessous indique le nombre d'entreprises nationales ayant présenté un rapport à chacun des Etats membres pour la période considérée. Les chiffres entre parenthèses se rapportent à la période précédente (1987 – 1988).

Pays	Nombre d'entreprises ayant présenté un rapport		Nombre de salariés noirs	
Belgique	3	(2)	59	(19)
Danemark	5	(5)	154	(158)
Allemagne	105	(105)	20 149	(19 300)
Grèce	2	(2)	46	(38)
Espagne	1	(1)	387	(387)
France	23	(23)	4 100	(4 120)
Irlande	Néant	Néant	Néant	Néant
Italie	1	(1)	138	(137)
Luxembourg	Néant	Néant	Néant	Néant
Pays-Bas	9	(10)	2 856	(3 955)
Portugal	2	(2)	79	(79)
Royaume-Uni	93	(99)	63 300	(62 600)
<b>Total</b>	<b>244</b>	<b>(250)</b>	<b>91 268</b>	<b>(90 793)</b>

8. La tendance des entreprises européennes à cesser leurs activités en Afrique du Sud semble s'être poursuivie, tandis que, dans certains cas, on peut constater que la main-d'œuvre noire totale a augmenté. Cette augmentation reflète la hausse marginale générale des niveaux d'emploi qui s'est produite en Afrique du Sud pendant la période considérée.

## II. Analyse des rapports des entreprises

### Point 1: Relations au sein de l'entreprise

1. Les rapports nationaux présentés montrent que les entreprises ont de plus en plus de contacts avec les syndicats noirs. Dans l'ensemble, les entreprises ont insisté sur la liberté de leurs salariés, indépendamment de la couleur de leur peau ou de leur race, de choisir le type d'organisation par laquelle ils souhaitent être représentés.

Quoique certaines entreprises aient précisé que les organisations devaient être suffisamment représentatives de la main-d'œuvre, l'ensemble des entreprises est également disposé, comme les années précédentes, à reconnaître des syndicats qui ne sont pas officiellement enregistrés en Afrique du Sud et à négocier avec eux. En outre, de nombreuses entreprises ont pris des mesures positives pour faire connaître les dispositions du code, relatives à la représentation syndicale, et pour expliquer leur propre politique en la matière. Il est d'usage d'aider les syndicats à diffuser l'information et à organiser des réunions.

2. Eu égard à l'augmentation du nombre d'affiliés aux syndicats en Afrique du Sud, les entreprises ayant présenté un rapport ont été plus nombreuses à conclure des accords de

reconnaissance et des conventions collectives directement avec les syndicats. Si un certain nombre d'accords ont été conclus, au niveau sectoriel, par l'intermédiaire des conseils sectoriels (Industrial Councils) qui représentent les syndicats officiellement enregistrés, les négociations ont souvent eu lieu directement entre l'entreprise et les syndicats, soit que des syndicats non enregistrés aient négocié directement avec les entreprises, soit que des syndicats enregistrés aient cherché à améliorer les accords conclus par leurs conseils sectoriels respectifs. Les principales négociations, qui se sont déroulées et ont abouti pendant la période considérée, concernaient les industries extractives et métallurgiques. Parmi les entreprises ayant présenté un rapport, celles qui n'ont pas encore négocié avec des syndicats noirs ont expliqué que ceux-ci n'avaient pas fait de démarches en ce sens. Elles ont cependant indiqué qu'elles seraient prêtes à négocier avec eux à leur demande.

#### Point 2: Main-d'œuvre migrante

1. Il y a eu une nouvelle diminution, par rapport à la période précédente, tant du nombre de travailleurs migrants employés que du nombre d'entreprises qui en emploient. Il y a très peu d'entreprises qui emploient de la main-d'œuvre migrante et quelques-unes d'entre elles seulement emploient la majeure partie de cette main-d'œuvre. Il est encourageant que, de ce fait même, les exigences du code, visant à protéger les droits des travailleurs migrants, ne soient plus applicables à la grande majorité des entreprises européennes exerçant leurs activités en Afrique du Sud. La plupart des entreprises qui emploient encore de la main-d'œuvre migrante ont indiqué qu'elles faisaient en sorte d'aider ces travailleurs à mener une vie de famille normale, qu'elles renouvelaient régulièrement leur contrat, qu'elles aidaient les familles à s'installer à proximité du lieu de travail et qu'elles assuraient d'autres avantages, comme de meilleurs logements et des congés payés supplémentaires.

#### Point 3: Salaires et structures salariales

1. L'université d'Afrique du Sud (UNISA) évalue et publie, tous les six mois, pour les différentes régions d'Afrique du Sud, un seuil de subsistance (Minimum Living Level – MLL) qui est majoré de 30 % environ pour constituer le salaire minimum (Supplemented Living Level – SLL) calculé pour une famille de cinq personnes.

Le Code de conduite recommande que le salaire minimum ne soit pas inférieur à ce SLL.

2. Depuis l'entrée en vigueur du code, les entreprises européennes ont de mieux en mieux respecté cette recommandation. Le nombre d'entreprises ayant versé un salaire inférieur à ce niveau, au cours de la période considérée, représente moins de 2 % du total, contre à peine plus de 2 % pour la période précédente et près de 3 % pour celle d'avant. Comme auparavant, ces entreprises se sont notamment justifiées en disant que les salariés concernés étaient des stagiaires ou des apprentis. Elles ont indiqué qu'elles avaient l'intention d'appliquer le SLL dans un proche avenir. Cependant, il convient de noter, et c'est un élément plus positif, que la majorité des salariés noirs travaillant pour des entreprises européennes touchent un salaire de 50 % supérieur au SLL.

3. Toutes les entreprises ayant présenté un rapport semblent appliquer le principe 'à travail égal, salaire égal'. Elles ne pratiquent pas de discrimination raciale et fondent leur politique salariale sur une évaluation qualitative du travail.

#### Point 4: Formation et promotion des salariés noirs

1. En ce qui concerne la promotion, les entreprises ne font pas de discrimination à l'égard de leurs salariés noirs; au contraire, elles pratiquent, dans de nombreux cas, une politique de 'discrimi-

nation positive' en leur faveur. La majorité des entreprises a fait état de politiques spéciales visant à affecter des travailleurs noirs à des postes de plus haut niveau dans des fonctions techniques ou de surveillance, ainsi que, dans la mesure du possible, à des postes de direction. La plupart des entreprises proposent des programmes de formation sous une forme ou sous une autre. Ceux-ci vont de la formation sur le tas, dans les petites entreprises, à des cours de formation internes dispensés par le personnel spécialisé de l'entreprise, dans le cas des entreprises de plus grande taille. Beaucoup d'entreprises donnent aux salariés la possibilité de participer à des programmes externes de formation générale ou professionnelle. Il peut s'agir de cours de formation professionnelle à plein temps, dont les frais sont assumés par l'entreprise.

2. Les entreprises européennes emploient très peu de travailleurs blancs venant d'autres pays que l'Afrique du Sud. En règle générale, elles s'efforcent d'engager de la main-d'œuvre locale et emploient le moins possible de main-d'œuvre immigrée blanche. Elles recrutent outre-mer, uniquement lorsqu'elles n'ont pas trouvé de candidat approprié sur place.

#### Point 5: Prestations extra-salariales

1. Comme le prévoit le Code de conduite, les entreprises européennes ont offert une large gamme de prestations extra-salariales qui vont au-delà de leurs obligations directes sur le lieu de travail proprement dit. Presque toutes les entreprises (plus de 90 %) ont mis sur pied des régimes de retraite et d'assurance maladie. La plupart d'entre elles proposent des prêts à faible taux d'intérêt pour l'acquisition d'un logement, et offrent une aide financière à la formation des salariés, qui peut parfois être élargie, pour couvrir l'éducation des membres de la famille du salarié. D'autres prestations extra-salariales prennent la forme d'une contribution au transport jusqu'au lieu de travail, d'indemnités de différents types, de primes d'ancienneté ou de retraite, d'allocations d'habillement, de repas ou de cantines subventionnés, d'indemnités de décès et d'une prise en charge des frais d'inhumation.

2. En dehors du lieu de travail et dans la collectivité locale, les entreprises ont apporté une aide aux installations de la collectivité, aux universités et à des projets éducatifs, sanitaires et urbains.

#### Point 6: Déségrégation sur les lieux de travail

1. Si la très grande majorité des entreprises a réalisé une déségrégation totale sur le lieu de travail, toutes n'y sont pas parvenues. Il est encourageant de constater que certaines entreprises, dans lesquelles la déségrégation n'avait pas été totale au cours de la période précédente, ont indiqué qu'elles étaient arrivées à appliquer cette recommandation du code au cours de la période considérée ici. Les entreprises, pour lesquelles ce n'est pas encore le cas, ont indiqué qu'elles voulaient œuvrer en ce sens, mais elles ont ajouté que, même si une entreprise avait pour politique de réaliser une déségrégation complète, elle pouvait en être empêchée par des obstacles juridiques ou des pratiques locales. La plupart des entreprises ont pris des mesures pour favoriser les contacts inter-raciaux en organisant des manifestations sociales, sportives ou autres. On a fait état du lancement d'un cours spécial, destiné à améliorer et à encourager les contacts inter-raciaux, et d'une sensibilisation constante du personnel à ce même objectif.

#### Point 7: Encouragement d'entreprises noires

1. Un certain nombre d'entreprises ont indiqué qu'elles réalisaient des programmes visant à encourager les entreprises noires. Certaines s'efforcent de les aider en passant avec elles des contrats de sous-traitance ou des contrats de fournitures, mais les possibilités sont forcément limitées, soit pour des raisons commerciales, soit parce qu'il n'existe pas d'entreprises noires dans la branche ou le secteur concernés. Parallèlement à ces efforts, les entreprises européennes ont

continué à apporter une aide financière ou une aide d'autre nature à plusieurs organisations et organismes dont l'objet est de stimuler les entrepreneurs noirs. Il est encourageant de noter que la tendance à promouvoir les entreprises noires, constatée au cours des années précédentes, semble s'être encore renforcée au cours de la période couverte par le présent rapport.

**91/130. Statement concerning the Tenth Synthesis Report on the Code of Conduct for Community Companies with Subsidiaries, Branches or Representation in South Africa**

Date of issue: 14 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Ministers for Foreign Affairs approved the Tenth Synthesis Report on the Application of the Code of Conduct for Companies from the EC with Subsidiaries, Branches or Representation in South Africa. They decided to forward it to the European Parliament and to the Economic and Social Committee of the European Community.

The report covers the period from 1 July 1988 to 30 June 1989 and analyses reports on the activities of 244 companies with more than 91 000 black employees. It also takes into account the annual report by representatives of the Twelve in Pretoria on the implementation of the Code.

The Community and its Member States noted with satisfaction:

- a) that a very large majority of European companies have resolutely adopted a policy of allowing their workforces to choose freely their representatives;
- b) that objective non-racial criteria are employed by all companies in determining wages and filling vacancies;
- c) that the majority of companies have achieved total desegregation;
- d) that, in line with the objective of encouraging black businesses, an increasing number of companies are members of, or support, local organizations established to promote black entrepreneurs.

The Community and its Member States are convinced that the measures taken by European companies to abolish segregation at the working place have substantially contributed to furthering their policy aimed at achieving the elimination of apartheid by peaceful means. In the expectation of the foreshadowed profound changes of the South African society, they reaffirm their commitment to promote the full implementation of the Code of Conduct.

**91/131. Statement concerning the quadri-partite meeting between the European Community and the Council of Europe**

Date of issue: 15 May 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

La 41ème réunion quadripartite entre la Communauté européenne ('les 12') et le Conseil de l'Europe ('les 25'), s'est tenue à Strasbourg le 15 mai 1991 avec la participation, pour la Communauté européenne, de M. Jacques Poos, Président du Conseil des Ministres et Ministre des Affaires étrangères du Luxembourg, et M. David Williamson, Secrétaire Général de la Commission, pour le Conseil de l'Europe, de M. Sten Andersson, Président en exercice du Comité des Ministres, Ministre des Affaires étrangères de Suède ainsi que Mme Catherine Lalumière, Secrétaire Général.

Les participants ont fait le point sur les développements récents de la coopération paneuropéenne, d'une part, sous l'angle de l'adhésion des pays d'Europe centrale et orientale au Conseil de l'Europe, et d'autre part, sous celui des accords d'association que la Communauté européenne envisage de conclure avec ces pays. Ils sont convenus de l'urgence d'amener définitivement ces pays dans l'orbite de la coopération et de l'intégration avec les démocraties européennes au fur et à mesure de la mise en œuvre des réformes tant politiques qu'économiques. Ils ont noté à cet égard que l'implantation définitive d'un régime démocratique est largement conditionnée par le succès des réformes économiques et la transition vers l'économie de marché.

Les participants ont également souligné que les programmes d'assistance et de coopération sont cruciaux pour faciliter ces réformes, notamment par la satisfaction des besoins en ce qui concerne la formation de fonctionnaires, de cadres et d'enseignants.

Ils ont exprimé leur préoccupation devant les récents développements de la situation en Yougoslavie et devant le recours à la violence qui constitue une menace pour l'intégrité [du] territoire. Ils ont également fait part de leur souci d'éviter des troubles qui mettraient gravement en cause le respect des droits de l'homme et la primauté du droit. Ils ont insisté pour que des solutions négociées soient trouvées.

En ce qui concerne l'U.R.S.S., les participants ont souhaité que la politique de réformes démocratiques et de respect des droits de l'homme en U.R.S.S. sera poursuivie et que l'on pourra, par la voie de la négociation et du dialogue, trouver des solutions appropriées aux problèmes constitutionnels et entre républiques.

Les participants se sont félicités de ce que la Charte, adoptée lors du Sommet de Paris de la C.S.C.E. (19 au 21 novembre 1990), ait jeté les bases d'une nouvelle coopération en Europe et reconnu la mission et l'importance du rôle des institutions respectives dans la nouvelle architecture européenne.

Les participants ont eu un échange de vues sur le déroulement des deux conférences intergouvernementales des 12 et sur leurs implications éventuelles pour les relations entre le Conseil de l'Europe et la Communauté européenne. Ils ont estimé qu'il importait plus que jamais de renforcer la coopération entre les deux enceintes afin d'assurer une complémentarité optimale de leur action.

Enfin, dans la perspective de l'Union Politique, l'éventualité d'une adhésion de la Communauté européenne au statut du Conseil de l'Europe a également été évoquée.

### **91/132. Annual memorandum on the activities of the Twelve in the field of human rights**

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Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Report to European Parliament

1. Depuis le mois de mai de 1987, la Présidence en exercice des Communautés Européennes transmet régulièrement au Parlement Européen un mémorandum sur l'activité de la Communauté et de ses Etats membres dans la défense et la promotion des droits de l'homme au cours de l'année écoulée. Par conséquent, le présent aide-mémoire est destiné à mettre à jour l'information des Honorables Parlementaires sur les tendances et développements de 1990 et des premiers mois de 1991.

2. Les activités de la Communauté et de ses Etats membres dans le domaine des droits de l'homme sont traitées ci-après sous deux titres plus larges, à savoir:

- a) la défense des droits de l'homme dans des cas et situations spécifiques;
- b) la promotion des concepts de droits de l'homme comme formant une partie essentielle de la conduite des relations internationales.

3. Dans la droite ligne des memoranda présentés au PE depuis cinq ans, et conformément aux dispositions pertinentes de l'Acte Unique européen qui prévoient une association plus étroite du Parlement Européen aux travaux de la Coopération politique européenne (C.P.E.), la Présidence a été soucieuse d'établir un rapport détaillé et qui a tenu compte, dans la mesure du possible, des demandes formulées dans les lettres que la Commission politique du Parlement Européen a adressées aux Présidences d[u] premier semestre de 1990 et 1991 en date des 18 janvier 1990 et 10 janvier 1991 respectivement. D'ailleurs, la Présidence souhaite réaffirmer à cet endroit l'importance que la Communauté et ses Etats membres attachent au dialogue constructif engagé avec le Parlement Européen particulièrement dans les domaines relevant des droits de l'homme.

4. Dans le cadre de ce dialogue, il importe de souligner que les résolutions adoptées par le Parlement Européen constituent une contribution précieuse au processus dynamique du développement et de la mise en œuvre de la politique de la Communauté et de ses Etats membres dans le domaine des droits de l'homme, en accord avec les principes fondamentaux ancrés dans la Déclaration ministérielle du 21 juillet 1986.

En outre, les questions parlementaires de plus en plus nombreuses posées à la Coopération politique européenne, et qui portent tant sur des cas spécifiques de violations des droits de l'homme que sur des thèmes d'ensemble ayant trait à ce domaine, ainsi que les réponses fournies par la Présidence en exercice, illustrent l'importance attribuée au respect des droits de l'homme, et par le Parlement, et par la Communauté et ses Etats membres. Cet échange entre les élus européens et l'organisme intergouvernemental qu'est la C.P.E. met en évidence la conviction partagée par les deux instances que la défense et la promotion des droits de l'homme sont devenues un élément crucial dans la conduite des affaires internationales et, partant, dans la coopération internationale. L'intérêt qu'attribuent les Honorables Parlementaires aux droits de l'homme est révélateur de la prise de conscience que cette question, comme l'a constaté le Secrétaire Général des Nations Unies dans son rapport sur l'activité de cette organisation, 'a cessé d'être un thème subsidiaire du débat international'. Les développements politiques au niveau mondial ont amplement souligné cette constatation.

5. Le groupe de travail Droits de l'homme de la C.P.E., établi par les Ministres des Affaires étrangères en 1987, est entré dans sa quatrième année. Depuis lors, ce groupe, qui permet des échanges de vues et d'information d'experts au niveau intergouvernemental, a établi des relations de travail fructueuses avec d'autres groupes de travail de la C.P.E., tels les experts de la C.S.C.E. et des Nations Unies ainsi qu'avec les groupes de travail régionaux. Il a ainsi été possible d'approfondir les réflexions de la Communauté et de ses Etats membres sur le sujet des droits de l'homme et des libertés fondamentales, de mieux coordonner leurs actions dans ce domaine et d'assurer que la question puisse recueillir l'attention requise et l'appui nécessaire à tous les niveaux de la Coopération politique européenne.

6. Dans un souci de précision, la Présidence tient à illustrer les attributions du groupe de travail Droits de l'Homme et son agencement par rapport à d'autres groupes de travail de la C.P.E., d'une part, et, d'autre part, les relations entre la Présidence en exercice et les missions des Douze et de la Commission dans les pays tiers.

– S'agissant du rôle du groupe de travail Droits de l'Homme au sein de la Coopération politique, il importe de souligner que les situations des droits de l'homme dans des pays spécifiques sont, en principe, d'abord discutées par les groupes de travail régionaux, dans une grande majorité de cas

sur base de rapports établis par les Chefs de mission sur place. Les résultats de ces échanges de vue et les rapports en question sont, le cas échéant, portés à l'attention du groupe de travail Droits de l'Homme, dans le cadre de son mandat de discuter des aspects généraux de la mise en œuvre de la politique de la Communauté et de ses Etats membres en matière de droits de l'homme.

– En ce qui concerne les rapports des Chefs de mission dans les pays tiers, ils sont établis, soit sur demande des organes de décision de la Coopération politique européenne, soit à l'initiative des Chefs de mission si la situation dans un pays ou un groupe de pays l'exige. Les rapports des Chefs de mission dans les pays tiers [...] directrices agréées en 1988. Pendant la période que couvre le présent aide-mémoire, la C.P.E. a été saisie de quelque quarante rapports de Chefs de mission dans des pays tiers traitant exclusivement ou en partie de questions ayant trait aux droits de l'homme.

7. La Communauté et ses Etats membres se sont résolument engagés en faveur du respect, de la protection et de la promotion des droits de l'homme et des libertés fondamentales, tant civils et politiques qu'économiques, sociaux et culturels. Ils portent une attention particulière aux droits fondamentaux de l'homme qui revêtent un caractère universel et qui sont indépendants de toute forme particulière de société. Ils accordent une grande importance aux libertés civiles et politiques, en rapport étroit avec le souci de démocratie et de participation populaire véritable et soulignent la nécessité impérieuse de promouvoir les droits économiques, sociaux et culturels. A cet égard, les principes de l'Etat de droit, qui prônent la garantie de la jouissance des droits de l'homme par l'autorité publique, notamment à travers l'indépendance du pouvoir judiciaire, sont des critères d'évaluation de la situation des droits de l'homme dans des cas spécifiques et dans des situations d'ensemble. Sur la base de ces paramètres, la Communauté et ses Etats membres continuent de suivre attentivement le respect des droits de l'homme universellement reconnus.

8. La préoccupation de la Communauté et de ses Etats membres [à] été reflétée dans leurs contributions aux délibérations sur des questions de droits de l'homme dans les fora internationaux, notamment à l'Assemblée Générale des Nations Unies (cf.: partie relative aux droits de l'homme dans l'aide-mémoire distribué parallèlement à l'intervention, au nom des Douze, de M. Gianni De Michelis, Ministre des Affaires étrangères d'Italie),<sup>1</sup> en Troisième Commission de l'A.G.N.U.,<sup>2</sup> au Sommet C.S.C.E. de Paris,<sup>3</sup> à la 47ème Commission des Droits de l'homme,<sup>4</sup> à l'E.C.O.S.O.C.<sup>5</sup> et à la tribune du Conseil de l'Europe.<sup>6</sup>

9. Au courant de l'année écoulée, la Communauté et ses Etats membres ont été sérieusement préoccupés par une série d'événements qui ont exigé de leur part une réponse ferme et non-équivoque, tels que:

- l'invasion du Koweït par l'Irak, la guerre du Golfe et le traitement dégradant des prisonniers de guerre ainsi que la situation d'après-guerre en Irak;
- les nombreuses exécutions d'opposants au régime en Chine;
- la détérioration de la situation des droits de l'homme dans les territoires occupés par Israël;
- les événements sanglants dans les pays baltes;
- les événements dramatiques en Roumanie;
- l'assassinat de plusieurs candidats présidentiels en Colombie;
- la situation catastrophique dans la Corne de l'Afrique;
- la situation en Birmanie;
- les violations des droits de l'homme en Amérique centrale.

10. D'un autre côté, la Communauté et ses Etats membres ont été en mesure d'accueillir avec satisfaction des développements positifs qui ont contribué à souligner le caractère inaliénable des droits de la personne humaine, notamment:

- la confirmation de l'évolution vers la démocratie dans la plupart des pays d'Europe centrale et orientale;

- les progrès considérables enregistrés dans l'abolition de l'apartheid en Afrique du Sud;
- les processus de négociation en cours dans certains pays africains et asiatiques;
- les progrès de la démocratie et l'intégration régionale en Amérique latine.

### *Les droits de l'homme dans des situations spécifiques*

11. La Communauté et ses Etats membres ont suivi de près l'application et le respect des normes internationalement reconnues en matière de droits de l'homme et les ont activement défendues en cas de violation. Leurs actions ont été conduites sur la base d'informations sur des situations spécifiques qui leur sont parvenues par des partenaires, à travers les rapports des Chefs de mission des Douze et de la Commission, ainsi que par les contributions du Parlement Européen. D'autres sources ont été les organisations internationales et leurs agences spécialisées et des organisations non-gouvernementales reconnues et respectées. Les réactions de la Communauté et de ses Etats membres ont été variées en fonction des événements et selon la gravité des violations et ont revêtu des formes diverses, allant de la déclaration publique largement diffusée à la démarche confidentielle.

12. A relever dans ce contexte que la Communauté et ses Etats membres ont publié, dans le domaine des droits de l'homme, quelque soixante déclarations se rapportant, soit à des situations ou à des pays spécifiques, soit à des questions d'ordre général. Ils ont par ailleurs effectué une centaine de démarches, soit par la Présidence et/ou la Troïka, soit par les Douze collectivement. En règle générale, les démarches effectuées par les représentants de la Communauté [...] et de ses Etats membres font l'objet d'un examen approfondi de la part des autorités des pays concernés. A cet égard, la Présidence tient à rappeler trois évidences:

- de façon générale, l'efficacité des démarches n'est pas quantifiable;
- la grande majorité de ces démarches ont revêtu un caractère confidentiel, du fait que la Communauté et ses Etats membres cherchaient à protéger les victimes de violations de droits de l'homme auxquelles ils venaient en aide;
- les démarches tirent leur valeur intrinsèque de leur approche discrète d'un gouvernement ou d'un groupement, approche qui permet à la Communauté et à ses Etats membres, individuellement ou collectivement, de faire état de leurs préoccupations, de rappeler un pays à l'ordre ou de plaider la cause de victimes de violations de droits de l'homme qui sont exposées à des poursuites ou sujettes à séquestration avec tous les abus que cela peut impliquer de la part des autorités qui violent les droits élémentaires défendus par la Communauté et par ses Etats membres.

13. Des situations spécifiques des droits de l'homme ont été signalées aux Nations Unies à maintes occasions au cours de l'année qui vient de s'écouler. Les principales manifestations de la Communauté et de ses Etats membres ont eu lieu à la Troisième Commission de la 45ème Assemblée des Nations Unies, à l'E.C.O.S.O.C. et devant la 47ème Commission des Droits de l'homme.

#### A) Troisième Commission de la 45ème A.G.N.U. (Septembre - Décembre 1990)

Il importe de rappeler à cet égard que les changements en Europe centrale et orientale, ainsi que la crise du Golfe et ses répercussions éventuelles au niveau régional et mondial, constituaient la toile de fond des travaux à New York. Ces événements ont néanmoins permis d'assurer une session constructive. Des contacts de bonne qualité ont pu être enregistrés avec des pays tels que la Hongrie, la Tchécoslovaquie et la Pologne ainsi qu'avec d'autres pays ou groupes de pays, notamment le Groupe latino-américain. Nonobstant les difficultés rencontrées dans les contacts avec certains pays africains et les problèmes posés par la Chine et Cuba, la Communauté et ses Etats membres se sont félicités qu'il n'y ait pas eu de véritable confrontation Nord/Sud.



En Troisième Commission, la Communauté et ses Etats membres ont pu, de façon générale, améliorer leur cohésion. Ils ont démontré leur position commune sur les questions sociales, sur les résolutions sur Myanmar, l'Irak, l'Irak, le Koweït occupé et le Salvador. La Communauté et ses Etats membres ont également co-parrainé et contribué à améliorer le projet marocain sur la Conférence Mondiale des Droits de l'Homme de 1993. En outre, lors de la session de la Troisième Commission, le nombre de discours communs a été porté de six (6) à huit (8) interventions. Un constat qui s'impose est que la Présidence et/ou la Troïka ont été de plus en plus sollicitées dans les contacts avec les autres Groupes régionaux. Cette présence accrue, ainsi que la cohésion que la Communauté et ses Etats membres s'étaient fixé comme objectifs, ont été réalisées grâce aux efforts déployés par les délégations sur place à New York, en liaison étroite avec les capitales des Douze.

#### B) 47ème Commission des Droits de l'Homme (28 janvier-08 mars 91)

Le momentum de la Troisième Commission a pu être sauvegardé et transféré à la 47ème C.D.H., notamment sur base d'un papier des experts de Genève définissant la stratégie de la Communauté et de ses Etats membres au sein du Groupe occidental et en relation avec les autres Groupes régionaux. A Genève, les représentants permanents et les experts ont su accroître la visibilité et la cohésion des Douze en mettant en œuvre dans ses grandes lignes la stratégie définie avant le début des travaux. La Présidence souhaite souligner à cet endroit le souci de coordination parfaite au sein du Groupe occidental (W.E.O.G.) et le climat de travail favorable pendant toute la 47ème session de la Commission. Dans la droite ligne de leur approche des années précédentes, la Communauté et ses Etats membres ont continué d'affirmer et de rehausser leur présence. Ils ont renforcé leurs contacts avec certains autres Groupes régionaux, notamment les Groupes africain, latino-américain et arabe. La cohésion accrue des Douze s'est surtout reflétée dans le nombre d'interventions communes (4 contre 2 à la 46ème C.D.H.) et de co-parrainages (6 contre 5 à la 46ème C.D.H.) ainsi que dans les résultats des votes (deux 'two way split-votes', sur 20 votes).

#### *La Promotion des concepts de droits de l'homme*

14. La Communauté et ses Etats membres considèrent que la défense des droits de l'homme dans des cas individuels doit être nécessairement assortie de la promotion des valeurs sur lesquelles reposent leurs actions dans ce domaine. Ainsi, la Communauté et ses Etats membres, dans leurs contacts avec les responsables de pays dans lesquels la situation des droits de l'homme donne lieu à préoccupation, ont comme principe de rappeler à leurs interlocuteurs l'exigence de voir sauvegarder et appliquer les libertés fondamentales et respecter les droits de l'homme.

15. La Communauté et ses Etats membres se refusent à voir dans cette attitude une ingérence politique indue dans les affaires intérieures d'un pays où les droits de l'homme sont bafoués. A la lumière du discours au nom de la Communauté et de ses Etats membres du Ministre des Affaires de la 47ème Commission des Droits de l'Homme, l'Europe et la communauté internationale se doivent, non seulement de consacrer leur énergie dans le domaine des droits de l'homme à la mise en œuvre des engagements existants, mais également de promouvoir le développement des critères internationalement reconnus, leur reconnaissance et leur application au niveau mondial.

16. De l'avis des Douze, plusieurs facteurs obligent la communauté internationale et chacun de ses membres à intervenir chaque fois que le respect des droits de l'homme n'est pas garanti dans un pays, fût-il ami:

- la solidarité avec les victimes individuelles de violations des droits de l'homme;
- l'application des principes de la Charte des Nations Unies et notamment de ses articles 55 et 56;

– en Europe, la mise en œuvre du mécanisme de la dimension humaine (C.D.H.) de la C.S.C.E., la Charte de Paris et la Convention européenne des Droits de l'Homme, du Conseil de l'Europe ainsi que la Déclaration Universelle des Droits de l'Homme.

17. Ces considérations sont renforcées par la conviction que le respect des droits de l'homme demeure un facteur essentiel pour la sauvegarde et le maintien de la paix dans le monde. En effet, les violations systématiques des droits fondamentaux engendrent des tensions et conflits susceptibles de dépasser le cadre national ou régional qui les a vus naître. Ainsi, la question des droits de l'homme est-elle devenue un élément crucial dans la coopération internationale. D'ailleurs, une réflexion a été engagée dans le cadre de la Coopération politique européenne et au niveau communautaire sur les concepts de droits de l'homme, de démocratie et de développement soutenu, sur la relation qui existe entre ces notions et sur les liens susceptibles d'être établis à l'intérieur de ce triangle.

18. Partant, il nous appartient de retenir que le respect des droits de l'homme dans les relations internationales se fait particulièrement sentir dans l'importance accrue que la Communauté et ses Etats membres leur accordent dans le domaine de leur politique économique et commerciale internationale ainsi que dans le contexte de leur politique de développement. Dans le cadre de celle-ci, un accent de plus en plus prépondérant est mis sur la dimension des droits fondamentaux, notamment des droits politiques et démocratiques. Ces concepts ont été clairement rappelés lors de la dernière conférence ministérielle dans le cadre de la Convention de Lomé, voire ont été inscrits dans cette Convention (article 5).

19. La persistance de sérieuses et nombreuses violations des droits de l'homme à travers le monde exige l'attention constante et critique de la Communauté et de ses Etats membres dans ce domaine. Au cours de l'année écoulée, ils ont démontré leur détermination et leur engagement de poursuivre sur la voie qu'ils se sont tracée et de renforcer encore leur politique de défense et de promotion des droits de l'homme, qui demeure une pierre angulaire de la Coopération politique européenne.

<sup>1</sup> *EPC Bulletin*, Doc. 90/338.

<sup>2</sup> *EPC Bulletin*, Docs 90/355, 90/401 et 90/438.

<sup>3</sup> *EPC Bulletin*, Doc. 90/407.

<sup>4</sup> *EPC Bulletin*, Doc. 91/042.

<sup>5</sup> *EPC Bulletin*, Docs 90/189.

<sup>6</sup> *EPC Bulletin*, Doc. 91/122.

**91/133. Statement concerning the difficulties of establishing a Middle East peace settlement and Question No O-57/91 by Ms Cassanmagnago Cerretti concerning the need for a common foreign and security policy<sup>1</sup>**

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*Question No O-57/91:*

1. What conclusion has European political cooperation drawn from the Gulf crisis as regards the urgent need to provide the Community with the necessary powers in the field of foreign policy and security?

2. What progress has been made so far by the Inter-governmental Conference on Political Union on defining the content of a common foreign and security policy, taking into account the position of the European Parliament?

3. How does European political cooperation intend to ensure that the European Community is able to contribute to reform of the United Nations and speak with one voice within the United Nations, particularly the Security Council, and other international organizations, in particular on situations of conflict or international crisis which directly concern the Community as a political entity and on which the Community must act to help ensure that political, diplomatic and peaceful solutions prevail?

4. Does not European political cooperation consider that the imminent end of the Gulf conflict requires the Community as such to play an appropriate part in post-conflict politics, by drawing up its own proposal for the Middle East, embracing the political, economic, social and ecological dimensions, and making its own contribution to reconstruction?

*Answer:*

*Mr Poos, President-in-Office of European political cooperation [Statement on the difficulties of establishing a Middle East peace settlement]:* Madam President, ladies and gentlemen, I think [it] altogether appropriate for me to continue what has been our habitual practice since the beginning of our Presidency and once again make a statement to the House reviewing the latest developments following the Gulf war.

In doing so, I propose to discuss the various issues that have come to the fore in this post-crisis period, in each case telling you of the attitude taken by the Twelve and any action they are planning. You will not be surprised if I start with brief comments on the Kurdish and Shi'ite refugees in Iraq.

Although we had reason to be disappointed with the rather slow start made on coordination while the humanitarian aid for the Kurdish refugees in particular was being set up, it is nevertheless now the case, as confirmed by the United Nations reports, that the distribution of aid and the early stages of transferring refugees from the mountains to the valleys are going ahead under satisfactory conditions. In this context, it is worth highlighting, as a parallel to the humanitarian action being undertaken by the American troops, the fact that many Member States of the Community have offered to help alleviate the Kurdish tragedy by providing military resources or troops. The WEU, a little belatedly, is trying to take on the role of maintaining liaison and coordination among the allied partners. The Presidency considers it inappropriate to criticise Turkey or Iran, whose authorities could be forgiven for feeling overwhelmed by the scale of the problems they have had to face.

The fact remains that effective cooperation from these two countries is essential if the various people in charge of distributing aid are going to be able to work under satisfactory conditions. At their informal meeting in Mondorf, the foreign ministers of the Twelve, looking beyond the immediate action, took the view that only a guarantee in the form of a UN peace-keeping force would be enough to give the refugees the reassurances they are demanding before returning to their towns and villages, which of course suffered very severe damage during the fighting there.

In other words, the Twelve look with hope but also with great circumspection on the agreements reached between the Baghdad authorities and certain Kurdish leaders. We know only too well how much value is to be attached to Saddam Hussein's signature.

As to the setting-up of an international court to conduct hearings on the personal responsibility of the Iraqi leadership, Saddam Hussein in particular, for the innumerable crimes committed both in Kuwait and against the Iraqi population, we are still awaiting an appropriate reply from the

United Nations legal staff, to which the matter was referred after I had delivered a letter to Mr Perez de Cuellar here in Strasbourg last month.

I am hopeful of being able to give you more information in the next few weeks on initiatives that the Community could take on this. Meanwhile, there is unanimous agreement among us on the decision to maintain a strict trade embargo against Iraq – apart, of course, from medical supplies and humanitarian aid.

On the peace process, the course we have adopted is to give our unreserved support to Mr James Baker's initiative. On my return from Strasbourg in April, as you will remember, my colleagues and I made a detailed analysis of the situation in the region with our American colleague. The Secretary of State was at the time just about to make his third tour of the Near East, which he had to break off for family reasons. The state of affairs at this stage is that the two remaining major obstacles to the convening of a peace conference have to do with the role to be assigned to the conference and the composition of the Palestinian delegation to take part.

On the first of these points, it has to be understood that the conference cannot be any substitute for the direct contacts that it is its very role to promote, on the one hand between Israel and the Arab States and on the other between Israel and a Palestinian delegation. However, it is equally true that this conference cannot be confined to purely academic opening sessions for bilateral discussions.

The Palestinian delegation's participation is something on which it is necessary to keep an open mind and therefore not insist on exclusions that would rule out all possibility of dialogue. According to the messages exchanged in recent days between the Presidency and the PLO, and in the light of the discussions that James Baker has had on three occasions with Palestinians in the occupied territories, the presence of a delegation representing the PLO as such is not on the agenda for the time being. As previously, however, an open mind is necessary on the status of the people who would make up a Palestinian or perhaps Jordano-Palestinian delegation. To maintain that none of these Palestinians can be a card-carrying member of the PLO is tantamount to refusing to talk.

A United Nations presence, along lines to be determined, is also called for, in our view. How could the results, the agreements reached on conclusion of the peace process, be guaranteed other than through UN intervention? Israel has everything to gain in having the conclusions of the peace conference endorsed by the international community, just as the very existence of the state of Israel is endorsed by the international community.

The Community, as you see, is most anxious to see a peace process started now. The momentum for such an initiative will not last for long. We are therefore in constant contact with James Baker to help him in his task. Only last weekend, for the first time, we got unreserved support for the Baker initiative from the six member states of the Gulf Cooperation Council. This is a breakthrough which, in my opinion, has not been given sufficient prominence by political observers. Six Arab countries are prepared to delegate their Secretary-General, as an observer, to a peace conference at which he will take his seat in the presence of Israel plenipotentiaries. The same Arab states of the Gulf Cooperation Council, with which the Community is seeking to develop closer relations through a trade agreement, to be signed shortly, which should lead to the creation of a free-trade area, have also stated their willingness to support specific interregional projects, in which Israel would take part. Iran, on its side, has been visited by the ministerial Troika and its Foreign Minister has recently been received in the Presidency's capital city; it too is showing openness and moderation, thereby inaugurating a new foreign policy founded on scrupulous respect for its neighbours.

Iran has just renewed relations with Saudi Arabia. Toplevel visits are planned between the two countries. The Damascus agreement between the six Gulf countries Syria and Egypt might be extended to Iran. This would undoubtedly be greatly to the benefit of stability in the region. Kuwait,

having recovered its prerogatives as a sovereign state, has undertaken to carry out the internal reforms that the very people who fought to free its territory are now expecting. The Community, in common with the United States, will be closely watching the promised process of democratization which is to culminate in the holding of free elections in 1992. In short, positive signs are currently emerging in the region which give reason for hoping that it will soon see greater security and stability, which will benefit the development of the other countries in the Near East.

President Mubarak is expected to take stock of the situation with the Presidency in the next few days. The Syrian Foreign Minister has accepted an invitation to visit Luxembourg next week. I have just relaunched the idea of another meeting with the five member states of the Maghreb Arab Union, which ought to be held next month.

In the case of Israel, following yesterday's discussions with the Foreign Minister, David Levy, and in the light of the news reaching us from our American colleague James Baker, we are able to find some grounds for optimism. I personally am convinced that the Israeli authorities are conscious that the international community is unanimous in its desire for peace to be established now in their part of the world.

Statements rejecting all forms of concession out of hand, while at the same time casting aspersions on those who are campaigning for a peaceful solution to the Israeli-Palestinian conflict, are neither helpful nor opportune. They are doubtless inspired by domestic political considerations, but they are nevertheless no substitute for valid proposals on how to continue the efforts of all those who sincerely want to put an end to the wars and conflicts that have blighted the lives of several generations.

Madam President, ladies and gentlemen, this brings me to the role of the Community in this post-crisis period, the last subject I want to discuss until I have heard your questions.

There has been a great deal of talk about the Community's place at the table among the representatives of the interested parties at the future peace conference. There has been talk of such ideas as 'co-sponsorship', a walk-on part, an extra, and so on. Allow me to give you the view of the Twelve on this. As early as 4 January, when the tragedy was looming, I clearly stated that the Community could not remain a bystander. The Community is in contact and dialogue with all the parties. It is probably unique in that. It has long had a clear and unequivocal position on the elements that are needed to guarantee lasting peace in the Near East. The Community is in a position to give appropriate assistance to each country in the region, either individually or, better still, collectively, as it is already doing with the Gulf Cooperation Council and soon will be, I hope, with the Maghreb Arab Union.

It is clear from all these contacts and discussions that the Community is expected to play a mediating role, bring its creativity to bear and making the kind of contribution that sometimes it alone is able to offer. Only three days ago James Baker was telling me how much he appreciated the results achieved at the meeting in Luxembourg with the six Gulf countries. In my capacity as President-in-Office, I am also in contact with the Soviet Foreign Minister, Mr Bessmertnykh, with whom the Twelve are hoping to have discussions in June, if possible. In the circumstances, consider it futile to go on questioning the usefulness of the Community being represented, when it has 340 million citizens and is a close neighbour of the Near East, from which it is only separated by sea. The natural markets on the two shores of the Mediterranean are complementary to each other. This is particularly true of a country as developed as Israel, which is anxious to tie its economy more closely to Europe. In a world in which the trend is ineluctably towards regional integration, with which trading bloc other than Europe could Israel associate itself? Europe alone is able to offer Israel prospects of integration such as it cannot expect either from the United States or from the Soviet Union.

Without prejudging the details of any future relationship between Israel and the Community, some people are already thinking in terms of the possibility of granting Israel treatment along the

lines of that deriving from the establishment of a European economic area currently under discussion with the six EFTA countries. Naturally, such a prospect is conceivable only in the context of a Near East rid of all warlike intentions. I got the impression from yesterday's discussions with my Israeli counterpart that this message was clearly understood. Israel cannot remain in isolation if it is to enjoy long-term success. Europe is in a position to offer it invaluable help in the tasks of maintaining a democracy in security and simultaneously developing the country as it faces a heavy inflow of immigration.

Madam President, I think what I have said makes one thing absolutely clear. Europe must naturally be involved in this peace process.

*Mr Poos, President-in-Office of European political cooperation:* Madam President, I thank everyone who has taken part in the debate and shall try to answer their questions as briefly as possible.

First, Ms Lenz and others asked what guarantee the Community could offer that its aid was reaching the intended destination. We have decided that a Commission representative will oversee the distribution of Community aid on the spot. In addition, the WEU countries have sent troops to the region, and the United Nations also has a presence, under Prince Sadrudin Aga Khan, to attend to coordination on the ground and in Iraq itself. Finally, I would remind the House that it was the Community that launched three initiatives that really got things going in response to the tragic plight of the Kurds.

The first initiative, on safe havens, was launched at the European Council meeting in Luxembourg. There was a lot of criticism on the very day this initiative was announced, and yet safe havens on Iraqi territory are now a reality – thanks to a European initiative. The second initiative was our proposal on replacing the allied military forces now operating in Iraq with United Nations peace-keeping forces. This is an important European proposal since it gives the Kurds a guarantee of security over the medium term in their country of origin, in Iraq itself. Just for the record, I mention a third European initiative, the one on examining the idea of an international tribunal to judge Saddam Hussein for crimes against humanity.

What means do we have at our disposal for ensuring that the United Nations resolutions are applied and that a start can be made on democratization of the regime in Iraq, which the whole civilized world wants to see? The only means at our disposal currently is maintenance of the economic sanctions against Iraq. The Community is determined, along with the majority of United Nations and above Security Council members, to keep the sanctions in force until such time as there are visible signs of a move towards elementary respect for human rights in Iraq.

There was a series of questions in relation to our attitude towards Israel. First, there was the matter of our participation in the international conference. I have to make it clear, before the European Parliament, that we have had American support on this from the outset. Both President Bush and Secretary of State Baker have assured us that they wish to have a European presence at this conference, whether it is to be called an international or regional conference or simply a peace conference.

It is also the case that Israel has recently said that it prefers to deal direct with us on the question of the European presence. Mr Levy said to us yesterday: 'we have no need of an American or Russian intermediary to settle the question of your involvement, we want to discuss it directly with you'. We accepted this proposal and we are keeping in touch with the Israeli Government to discuss the matter.

A number of questions concerned Israel's future economic status in relation to the Community. It is clear, as Mr Levy stressed, that Israel needs Europe. Israel needs to remain a democracy. Israel needs guarantees of its security. It needs to develop and, Mr Levy said, it cannot do that without close cooperation with us, with Europe.

So what kind of partnership should Israel be offered? That is an open question, a question that is being considered, although we do not yet have an answer. Various forms of closer association or cooperation are possible, and an association of the 'economic area' type is one possibility among others. I did not take any position in favour of this kind of partnership but simply indicated an avenue to be explored. And I added, to you as I did to Israel, that such a prospect is possible only in the context of a Near East rid of all warlike intentions. That was an important part of what I had to say. This prospect would only arise after peace was established, not before. I think this is an important detail which meets the objections raised on this subject.

I was asked to keep up the pressure on Israel, and I can assure you that we made ourselves quite clear in our discussions with Mr Levy. In line with the Community position with which you are familiar, we called on Israel to put an end to the policy of settling and colonizing the occupied territories. We called on it to ease further the restrictions on the movements of inhabitants of the occupied territories. We called on it to reopen all the universities in the occupied territories, and one of the European ministers said: 'Israel, take note, you are a democracy, you are a democratic state and you will be judged, you are being judged, by public opinion in Europe according to the standards that apply to a democracy'.

The Israel minister noted these comments. I hope action will follow.

A number of questions were asked about the CSCM. The CSCM is still on the agenda, but it would come after rather than before the peace conference James Baker is trying to set up.

*Mr Poos, President-in-Office of European political cooperation [Statement during the joint debate on common foreign and security policy]:* Mr President, it was not intended that I should speak in this debate. I have noted the speeches made, which will be reported to the members of the inter-governmental conference at which the questions raised will be discussed.

There is one question that I should like to answer today, and that is the last question, concerned with Cyprus. I have been asked about the views of the Community and the Presidency respectively on the United Nations Secretary-General's initiatives and attempts to find a solution by mediation.

I can assure you, Mr President, ladies and gentlemen, that the European Community supports the UN Secretary-General's initiative totally and unreservedly and will be doing everything it can to persuade the parties to accept the Secretary-General's proposals and to get all the interested parties to make concessions so that there can be a final settlement of this problem, which has been with us for far too long.

*[After the ensuing debate, Mr Poos stated:]*

Mr President, my information was that Ms Cassanmagnago Cerretti, Chairman of the Political Affairs Committee, had already put her question during one of your previous plenary sittings, and I myself, in my statement on the peace process in the Middle East, have already given part of the answer to her question. Nevertheless, I want to thank her for her four-part question, which deals with very important matters.

Long before the Gulf crisis, as the House is aware, the Member States of the Community set themselves the objective of achieving political union and developing, within that union, a common foreign and security policy. The motivations that originally prompted this new resolve on the part of the Community and its Member States to take European integration a qualitative step forward are fundamentally unchanged today, and a common foreign and security policy has become an absolute necessity in the eyes of public opinion.

It is nevertheless a fact that the Gulf crisis brought new considerations and arguments into the current deliberations aimed at giving our Community and its Member States a stronger and more effective presence on the world stage by establishing the necessary foreign and security policy powers. The lack of a genuine Community foreign policy has therefore had its effects on the action the Twelve have been able to take. However, I must stress that the Community and its Member States have shown remarkable cohesion on the basis of the arrangements set out in the Single Act. As regards the negotiations on political union, honourable Members are familiar with the framework that the Member States set for themselves at the European Council meeting in Rome. On the subject of a common foreign and security policy, a certain consensus already appears to be emerging, first of all on the common objective. The Presidency has brought forward a draft text, on which the ministers held an initial detailed discussion at their last meeting.

I must, however, report that there are still divergences of views in the conference. Some concern the structures of the union and others such aspects as the basis for decision-making, possibly a qualified majority, and above all security and the possibilities for common defence. Interfaces with the WEU and the Atlantic Alliance – in this specific area – are being examined in depth by the political directors and personal representatives. The important thing in my view, which gives me the conviction that a solution acceptable to all can be found, is that all the Member States are really coming to grips with this problem and are showing real political will to work out the answers. Your Parliament has certainly contributed and, I am convinced, will continue to do so. Let me make myself clear: my purpose here is not to give you a list of areas where opinions differ, but rather a list of areas where there are difficulties. What I can say is that the approach being taken by all partners is positive.

Given what is at stake, it is also prudent for understandable reasons. Quite clearly, the European Parliament's viewpoint is an important input to the discussions. The Presidency is confident that satisfactory results, acceptable to all, will be achieved within the time-limits we have set ourselves.

On the subject of the Twelve concerting their action in the United Nations, and in particular their ability to speak there with a single voice, I want to stress that significant progress has already been made in recent years, as is generally acknowledged.

In the organizations to which the question refers, the positions agreed in EPC are setting the tone for the Member States' behaviour, and the treaty on political union can only confirm this pattern. The exchange of information, between partners who are members of the Security Council and those who are not, has improved in recent years and is working well. The consequence of this cohesion is that the Community and its Member States now represent a sought-after talking partner and a reference for most UN members when defining their own positions. Eloquent testimony to this was given by the Secretary-General in his speech to the House on 16 April.

On the last part of the question, my answer can only be in the affirmative. The Community and its Member States have publicly and repeatedly committed themselves to contributing to the establishment of a situation of security, stability and economic and social progress in the Mediterranean, the Middle East and the Gulf. In addition, the Foreign Ministers have already approved the main thrust of the action that the Community and its Member States intend to pursue in future, in close contact with the countries in the region and other countries concerned.

I can therefore confirm to the House that the Presidency shares the view that the Community and its Member States must play a role in the post-war Gulf. They are actively assuming this role, not for narrow reasons concerned with the profile of the Twelve but for two much more important reasons. First, recent events have clearly demonstrated that the Community has a vital interest in stability in the region. Secondly, Europe, with its global approach, is in a position to make a distinctive contribution in support of all the countries concerned, and this contribution will be ac-



cepted all the more readily in that it will be offered by a Community that has authority to enter into dialogue without excluding any party and without setting any preconditions.

I wish to refer briefly at this point to our statement of 13 March on the strategies that the Community and its Member States intend to pursue in close consultation with the countries directly concerned and with the United States and other key players such as the Soviet Union, Turkey and Iran. On that occasion I gave some details of the meetings that the ministerial Troika had had with the Foreign Ministers of the Gulf Cooperation Council, Egypt and Syria, the Israeli authorities, Palestinian representatives, King Husain of Jordan and the Foreign Ministers of the Maghreb Arab Union. As you know, the ministerial Troika has since been to Tehran for consultations on the post-war situation.

The informal European Council meeting in Luxembourg on 8 April gave the Community and its Member States the opportunity for a top-level stock-taking of the situation, the prospects and future developments in the action we are taking. The Heads of State or Government made a detailed examination of the role of the Community in this new phase, which is making it clear to us that the peace is altogether as difficult to win as the war.

<sup>1</sup> Including debate on the report A3-107/91 by Mr Poettering and report A3-76/91 by Ms van der Brink (European Parliament, Session papers).

#### **91/134. Question No H-255/91 by Mr Arbeloa Muru concerning a CSCE in the Mediterranean**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

What immediate specific measures does the Community envisage taking to facilitate a CSCM for the Near and Middle East?

*Answer:*

As the Foreign Ministers indicated in the statement published after their meeting in Luxembourg on 19 February, the Community and its Member States are aware of the need for an overall approach to all the problems of the Mediterranean, the Middle East and the Gulf region. In this context they are also prepared to explore ways and means of setting in motion a process to establish rules and principles in the areas of security, economic cooperation, human rights and cultural exchanges.

This process could clearly derive inspiration from the European CSCE and benefit from the experience gained therein. The Community and its Member States are prepared to examine in detail, with the countries concerned, the extent to which the CSCE model can be applied to the problems of the region.

The Community and its Member States nonetheless recognize that a 'CSCM' for the Near and Middle East should not replace the search, within other institutional frameworks, for solutions to the most pressing problems affecting the region. It should be regarded an additional means of providing in the future an overall framework for a permanent forum for settling disputes.

**91/135. Question No H-375/91 by Mr Kostopoulos, H-431/91 by Mr Ephremidis, H-439/91 by Mr Paporopoulos and H-349/91 by Mr Alavanos concerning unwarranted interference by the United States in EC internal affairs on behalf of Turkey, preservation of the Greek element on the islands of Imvros and Tenedos, violation of the human rights of the Greek Christian minority in Istanbul, and settlement of Turkish citizens in the occupied part of the Republic of Cyprus**

Date of issue: 15 May 1991

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Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-375/91:*

The President of the United States, Mr George Bush, recently called for the immediate accession of Turkey to the European Community, at a time when Turkey is disregarding resolutions by the EC and other bodies on human rights, the situation in Cyprus, etc.

Is European political cooperation willing to accept such recommendations by the United States, thereby disrupting the planned timetable and strategy for the accession of other countries to the Community, and does it consider that reservations about Turkish accession to the EC (arising from the human rights situation and the occupation of Cyprus) are no longer justified?

*Question No H-431/91:*

In 1923 under the Treaty of Lausanne, Imvros and Tenedos, two islands with a Greek population, were ceded to Turkey for geostrategic purposes.

Despite the fact that the Treaty of Lausanne provided for self-rule under a Greek governor, minority education etc., Turkey has proceeded by a series of laws and unacceptable measures to abolish minority education, forcibly to expropriate the Greek population, to establish settlers on the islands, openly to take action which constitutes an obvious violation of human and democratic rights and to destroy churches so that the Greek element is being expunged.

What measures do the Foreign Ministers meeting in European political cooperation intend to take to protect the few remaining Greeks, to safeguard their Christian and Greek tradition on these islands?

*Question No H-439/91:*

On 30 and 31 March 1991, the Greek Christian minority in Istanbul held elections, exercising its right expressly laid down by the Treaty of Lausanne to elect parish committees and the governing bodies of 62 churches and other institutions. The press (including Turkish newspapers) reported that the Turkish authorities interfered in the elections by vetting candidates and prohibiting some from standing as well as by appointing their own supervisory committees.

Given that all the Community institutions recognize that the 1923 Treaty of Lausanne is still effective, what measures will the Ministers meeting in EPC take, in the context of EC relations with Turkey, to induce that country to comply with the Treaty and respect the rights of minorities?

*Question No H-349/91:*

The European Parliament and other institutions have condemned the settlement of Turkish citizens in the occupied part of the Republic of Cyprus as a transparent plan to upset the demographic structure in this area of the island.

Can the Foreign Ministers meeting in EPC say what measures they have taken to reverse this development which is contrary to international law?

*Answer:*

I shall answer Questions H-349/91 by Mr Alavanos, H-375/91 by Mr Kostopoulos, H-431/91 by Mr Ephremidis and H-439/91 by Mr Pagoropolous together.

The Presidency has repeated on several occasions in this Chamber the position of the Community and its Member States on Turkey's policy on human rights and the Cypriot question.

That position is well known to the Turkish authorities.

As the Presidency pointed out in its answer to Question H-1269/90 by Mr Roumeliotis<sup>1</sup>, the Turkish authorities are fully aware of the importance which the Community and its Member States attach to respect for human rights and minorities, particularly within the framework of the international agreements of which Turkey is a signatory.

With regard to the Cypriot question in general and the problem of settlers in particular, the Presidency can only reiterate its support for the efforts of the United Nations Secretary-General to find a just and viable solution to the Cypriot problem in line with the relevant UN resolutions.

With regard to Mr Kostopoulos' remarks, the honourable Member is clearly aware that the procedures followed in regard to requests for accession do not take account of the opinion of third country authorities, although they are free to express their views.

<sup>1</sup> *EPC Bulletin*, Doc. 90/466.

**91/136. Questions No H-376/91 by Mr Langer, H-443/91 by Mr Cot, and H-469/91 by Mr Simeoni concerning aid for the Kurds, the genocide against the Kurdish people, and negotiations between the Kurdistan Front of Iraq and the Iraqi regime: preparedness of the Community to offer international guarantees**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-376/91:*

What immediate measures will European political cooperation take to ensure that international organizations, in particular the United Nations Security Council, can effectively come to the aid of the Kurds in northern Iraq, whose very existence is at risk? What measures will it take to promote good relations between the Community and Turkey for this purpose? What arrangements has it made or will it endeavour to make with the Governments of the United States and Soviet Union in this connection?

*Question No H-443/91:*

What action has been taken under Political Cooperation to put into effect the intention to prosecute the perpetrators of the crime of genocide against the Kurdish people? Has this possibility

been referred to the Security Council or the General Assembly pursuant to Article 8 of the 1948 Convention? Will a referral be made to the International Court of Justice pursuant to Article 9 of the said Convention to secure implementation of the provisions under which perpetrators of the crime of genocide can be punished?

*Question No H-469/91:*

On 20 April 1991 the Kurdistan Front of Iraq opened negotiations with the Iraqi regime on setting up autonomous and democratic institutions throughout Iraqi Kurdistan, including the Kirkuk region, and establishing a democratic regime in Iraq.

What response will EEC Ministers meeting in Political Cooperation be prepared to make to the request by the Kurdistan Front of Iraq for international guarantees?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* The Community and its Member States believe that the United Nations has an important role to play in the protection of the Kurdish civilian population in Iraq. They fully support the action by the Security Council and the Secretary-General of the United Nations, in the framework of implementation of Resolution 688. For their part, the Community and its Member States, notably at the informal meeting of the European Council on 8 April, have condemned the brutal repression of Iraqi civilian populations, particularly the Kurds, which constitutes a threat to peace. They have demanded that the Iraqi authorities comply with Resolution 688, which involves their personal responsibility, and have stressed that sanctions against Iraq will be maintained, should the Iraqi Government's policy and practices persist. The Community and its Member States have welcomed with satisfaction the call by the Secretary-General of the United Nations and have affirmed that they will cooperate fully with him in ensuring a rapid response and effective provision of humanitarian aid. In that context they have approved Community aid to the tune of ECU 155 million, of which ECU 105 million will be drawn from Community funds and ECU 50 million will be furnished through bilateral agreements by Member States; and they have stressed the importance of close coordination between the Commission and Member States and the role of WEU in transporting humanitarian aid to the refugees, and, in the case of countries that are not members of WEU, transportation of that aid by civil aviation.

Following these decisions, the Community and its Member States are participating actively in the efforts to protect the refugees in the context of humanitarian aid. In accordance with the proposals by the European Council, the Community and its Member States are contributing actively to the establishment of safe conditions for refugees with a view to securing their return to their homes. To that end they have, *inter alia*, envisaged the creation of safe havens under United Nations surveillance, and several Member States have sent troops to northern Iraq to ensure protection of the refugees, as well as to Iran and Turkey to participate in the humanitarian aid effort.

The Community and its Member States are in principle in favour of the deployment of a United Nations police force capable of protecting the Kurdish refugee camps. They consider that it is for the authorities of the United Nations to act accordingly. The Community and its Member States are continuing their consultations on this whole range of issues with the countries concerned, particularly the United States, Turkey, Iran and the Soviet Union.

The Ministers for Foreign Affairs have also examined the question of the personal responsibility of the Iraqi leaders under the Convention on the Prevention and Punishment of the Crime of Genocide and the Fourth Geneva Convention.

The Presidency has brought this matter to the attention of the Secretary-General of the United Nations. That was at the last part-session of your Parliament, in April. The Community and its

Member States will be receiving an opinion which, at the request of the Presidency, the Secretary-General has requested from his Office of Legal Affairs.

*Mr Langer (V):* Mr President of the Council, obviously the main problem at the moment is to see to the return of the refugees. What is the European Community doing to support the Office of the UN High Commissioner for Refugees, which at the moment is clearly not adequately represented in the area, but could give effective assistance? Is the Community prepared to put staff and resources at the disposal of the Office of the High Commissioner so that they can deal with their proper tasks? Is the Community committed to supporting the autonomy negotiations, because granting actual autonomy to the Kurds is probably one of the most important pre-conditions for their return home?

*Mr Wohlfart:* First, with regard to aid to the Kurdish refugees in both Iran and Turkey, I should like to say a few words about a mission of inspection I made with representatives of the Commission in the region affected.

I made this inspection on behalf of the Presidency at a time when around 50% of the Community aid had already been committed. Those ECU 50 million were distributed as follows: 70% for Iran and 30% for Turkey, having regard to the fact that in Turkey efforts are also being made by other nations outside the European Community.

Everywhere we encountered the same problem, that of coordination. Faced with a tragedy of whose extent you are all aware, effective coordination is absolutely imperative at a number of levels: between the regional, local and central authorities of the countries concerned; and also between those authorities and the representatives of the Commission; and between the Commission and the organization[s] in the field that are responsible for the aid financed by the Community. And here I am speaking not only of the ICRC, but also of UNHCR and NGOs such as Médecins sans Frontières and Médecins du Monde.

I can tell you that we had discussions that were often quite difficult, sometimes even arduous, with some local or regional authorities in order to reach a consensus, to get across the message that it is effectiveness that counts, and I think that certain problems were resolved. The fact remains that at present we are genuinely trying by every means to coordinate the return of the Kurdish populations to the safe havens, and sometimes, also, to their former villages.

At this level it is clear, as you have just stressed, that the Office of the High Commissioner for Refugees has certainly developed some very interesting programmes – humanitarian and medical aid, etc. – but that the logistical back-up is lacking; and here, I think, things are now improving and, with regard to coordination of aid, we are working more and more effectively.

With regard to the second part of your question, you asked me, if I am not mistaken, whether the Community supported the negotiations taking place between the Baghdad regime and its opponents. I can tell you that the Community and its Member States are following closely the negotiations between the Baghdad regime and its Kurdish opponents, although the affirmations by Iraq need not be viewed as firm commitments and, in my opinion, should be treated with the greatest circumspection for reasons of which we are all well aware. I would simply remind you of two dates: 1971, when the promised autonomy failed to materialize; and the date everyone remembers, the massacres of 1987. Any outline plans likely to contribute to the future security of the Kurds must be taken into consideration, but, for the moment, we are being fairly cautious, because we would not wish to stand surety for the Baghdad regime.

*Mr Cot (S):* Mr President-in-Office of the Council, I should like to begin by asking you to accept my apologies for the printed text of my question, but when Sessional Services set about correcting a professor of international law on legal questions, it deserves to score nought out of ten.

That remark was addressed, not to you, but to our Session Services.

Your reply calls for a supplementary question, Mr President-in-Office. Do you regard your own service, the Legal Service of the Council of Ministers, as so mediocre that you preferred to turn to the Office of Legal Affairs of the United Nations for a reply to the question whether it is possible to apply articles 8 and 9 of the Genocide Convention? Do you seriously expect, Mr President of the Council of Ministers, that the United Nations administration will be able to offer you, indicate to you, provide you with a legal remedy, given that the Genocide Convention has never been applied since 1948? In actual fact, does not all this indicate a lack of political will to prosecute the perpetrators of the crime of genocide against the Kurdish people, and would not the Presidency of the Council have done better to remain silent rather than indulging in a wealth of declarations of intent, without providing itself with the means or the will to put them into practice?

*Mr Wohlfart:* I am surprised at the supplementary question put to me. I have no doubts as to the competence of the Council's Legal Service, but I think that everyone in this House has been pleased to stress the role the United Nations should play. In the same framework we approached the Secretary-General of the United Nations, who, for obvious reasons, instructed his Office of Legal Affairs to draft an opinion, which will be submitted to the legal services of the Council. It is thus not a question of the Presidency doubting the effectiveness of the Council's Legal Service.

I am somewhat surprised that, if I have understood aright, the Presidency appears to have made some untimely declarations, but I do not know to what declarations you refer, and I think we must be prudent.

To begin with, Mr Cot, the various initiatives taken, the sanctions adopted against Saddam Hussein, were also submitted to Mr Perez de Cuellar. The idea of creating safe havens in northern Iraq was originally floated within the Community, before being taken up by the United Nations. Furthermore, if the European Community is active in the field not only as a Community, releasing ECU 155 million, but also, additionally, through its concrete action aimed at protecting the refugees and securing their return to their country of origin, then one cannot simply speak of declarations of intent on the part of the Community. Without the massive presence of personnel, both civilian and military – all of them volunteers – from Member States of the Community, I think that the Kurdish problem, which, I agree, is extremely distressing and which requires still further efforts, would be even more serious. These people – I have been there – do not all want to return to the safe havens. They have experienced horror, they have been killed, they have been attacked with napalm, less than a month ago. So it is only too understandable that many of them still have a major psychological problem, and that they should be afraid to return. That is another problem. These people need to be looked after for many months to come. But I agree with you, Mr Cot, that once the first phase of the emergency and the return is complete, we shall have to turn seriously to the question of resolving the Kurdish problem, which has affected this displaced population for too many years.

*Mr Simeoni (ARC):* I have not had adequate answers in the various replies by the Council. Here, tomorrow, the European Parliament will probably [...adopt...] a joint resolution on the problem of the Kurds in Iraq, in which it requests the Security Council of the United Nations to take all necessary steps to ensure the security of the Kurdish population in northern Iraq and thereby to establish the conditions for the return of the refugees to their homes.

If that resolution is passed, it is a request by the European Parliament, which therefore takes up the request by the Kurdistan Front of Iraq, which is also addressed to the Member States of the Community: to France and the United Kingdom first and foremost, of course, since they are Permanent Members of the Security Council: but also to the Community as such, since we are the Community and it has embarked upon the path of a common external policy.

How can that Community, whose duty it is to foster the provision of international guarantees desired by the political representatives of the Kurds of Iraq without which, as we know, the problem of the refugees, the problem of the political status of the Kurdish people, and its guarantees against repeated acts of genocide, will find no satisfactory solution – how, then, can the Community provide its own international guarantees?

*Mr Wohlfart:* First of all I should like to stress one thing. Without the effective presence of military personnel from the various countries of the European Community, the concept of a safe haven would not exist at the present time. That is an established fact.

To return to your question, you are aware of the support by the Twelve for this security solution, and you are no doubt referring to the United Nations police force: You also know that we are not in a position to impose such a plan. The United Nations will have to discuss it and find common ground. I have no doubt that the two Permanent Members of the Security Council that represent Europe in that forum – France and the United Kingdom – will attempt to exert all necessary and desirable influence, and I should like once again to remind you that the idea of a United Nations police force originated in the Community. It is not inconceivable that there may be difficulties – and I do not conceal the fact – in getting a new resolution on the question through the Security Council. I can assure you that the Community and its Member States will support any initiative to achieve that aim. They put their trust in the sustained efforts being made by the Member States present in the Security Council. I apologize for overlooking a third state, Belgium, which currently has a seat on the Security Council.

*Mr Habsburg (PPE):* Mr President of the Council, I should just like to ask you to look a little further, because it really looks rather as if we were wanting to treat cancer with aspirin. There is mention only of a security zone, but in the last resort we have to get to the root of the problem.

So would it not be sensible – Mr President of the Council, I am convinced that your point of view is the same as mine – for the Council and the Foreign Ministers to take up the question of how it is possible to get to the root of this whole question by means of an international convention? We must arrange for the adoption of a convention in the framework of the UN through which people like Saddam Hussein – though he is not the only one – who are responsible for crimes are excluded from the international community. But without international action we shall never cope with the problem of the refugees.

*Mr Wohlfart:* If I am not mistaken, Mr Habsburg, you said that to administer aspirin to the sick was not an adequate treatment. I agree with you, but I think that the present situation with regard to emergency aid has top priority. Fortunately, we have now gradually moved away from the emergency stage, or, if you wish to speak in medical terms, from intensive care, and the patient is now coming round. In other words, people will be able to return to the safe havens.

You will recall that, since 1924, if I am not mistaken, several international conventions dealing with the same subject, attempting to bring about a peaceful solution to the problem, a settlement, or even providing for the establishment of a state of Kurdistan, have failed. I agree with those who say that Europe bears some responsibility, heavy responsibility even, for some of those failures. The Community is entirely willing to do everything in its power to find a lasting solution, at world level, to the problems of the Kurdish people. But we must not delude ourselves, even if it is our duty to try everything. Unfortunately, the outcome will not depend solely on the will of the Twelve, or of their representatives in the Security Council; nor on the goodwill of other states.

The fact that the Kurdish people, who have suffered so much over the past 50 years, are scattered over five territories, will not render our task any easier. I saw this for myself when I travelled to Turkey and to Iran. Few people there speak of ‘Kurdish refugees’; but many speak of ‘displaced Iraqis’. Some will tell you that there are no minorities in their country. Others will show you reso-

lutions passed by a national parliament that simply mention the right of the Kurdish people to some measure of self-determination, without violation of the existing frontiers; that is to say, they do not even mention the existence of a future Kurdistan. The only reference is to the right to self-determination. So, many more actions will be needed, and we will often have to resort to persuasion if we are to convince certain protagonists in the region that a solution must be found to the problem.

I have told you that, as regards the Kurdistan Front, talks are certainly once again under way with the Baghdad authorities. There is no need for me to tell you that we are following these developments with interest, but that extreme caution is undoubtedly needed, for reasons of which everyone is aware.

*Mr Arbeloa Muru (S)*: I am taking up where the previous speaker left off. Exactly one month ago, at this same time, we adopted a resolution in the European Parliament calling for the Kurdish question to be studied at a conference, whether regional, international or ad hoc. Have you forgotten that idea? Do you not think it a good idea? Does it seem too bold to you? Is it simply that you do not dare say anything that has not already been said by the United States?

*Mr Wohlfart*: I am genuinely surprised, after all the explanations I have just given, that anyone should still accuse us of not being sufficiently bold to want a conference on this question.

And I will tell you again, and allow me to repeat myself, that an exceptional situation and an emergency situation must be remedied by emergency measures. First we must give, first we must come to the aid of the people who have been displaced, after which comes the second phase – I spoke of it and it was also the initiative of the European Communities: the safe havens.

After concentrating our efforts on this first phase, we will be able to concentrate on the second. I agree with all those who say that a follow-up is needed. We have now done what was necessary to help those who are destitute, to save them from death – for I can tell you that, to begin with, conditions in the camps were quite unimaginable. I believe one of your colleagues presented us with a quite tragic account of it about a month ago. I think that the situation has improved.

Now we can pass to the second phase, that of stabilization, and I think that the Community – and here I agree with you – must do what is necessary to avoid a recurrence of the Palestine situation. We must redouble our efforts because, as I have said, we have a major share of historical responsibility for the fate of the Kurdish people.

*Mr Maher (LDR)*: Is the President-in-Office not being rather cautious? I am concerned about the security of these unfortunate people while Saddam Hussein remains in power in Baghdad, given his atrocious record and criminal treatment of these people. A United Nations police force would admittedly be very useful, but it would not be much good if Saddam Hussein decided to attack these people again. Would you support the idea of an allied strike force which could take swift action against Saddam Hussein and the army still under his command if he attacked these people again? I do not think a UN police force would be sufficient to deter Saddam Hussein.

*Mr Robles Piquer (PPE)*: I have the greatest respect for humanitarian activities, for legal principles and for international conventions. But my question is clearly political and is directed, of course, to European political cooperation, to that body whose proper functioning we failed to secure during the Gulf War and which, I consider, is failing to function as such in the peace following that war. Do the Ministers not consider that the time has come for European political action to free the world, and particularly the Iraqis, whom I do not regard as a nation of criminals and murderers, from Saddam Hussein and his system? Must we content ourselves with saying – as Mr Langer rightly says – that the very existence of the Kurdish people is threatened; or – as Mr Cot



says – that we must prosecute the perpetrators of the genocide; as Mr Simeoni says – that the Kurdistan Front wishes to install a democratic regime? Can nothing be done to help those Iraqis who would like to see a democratic regime within which Kurds, Sunnis and Shiites can live together as civilized citizens on the eve of the 21st century?

[...]

*Mr Pagoropoulos (S):* I should like to ask the Presidency of Political Cooperation what measures, if any, have been taken to ensure that there will be no further thefts by Turkish soldiers of the aid which we, as a European Community, are sending to the Kurds.

*Mr Ephremidis (CG):* We are all taking a heartfelt interest in the question of that unfortunate people, the Kurds. The answers given by the Minister responsible are valid, but valid questions still remain with regard to humanitarian aid, putting a stop to the genocide, etc.

I would like to put a pertinent question, to which I would like an answer. Will Political Cooperation recognize that the tragedy of this people is not confined to Iraq? There are 3 to 4 million of them there. There are 12 million Kurds in Turkey, and I do not know how many million in Iran, and how many more in Syria. Will Political Cooperation now give higher priority to the question of this people, so that they may finally enjoy the right to autonomy in cultural, national, linguistic and other affairs, in whatever country they may be, and in particular in Turkey, Iraq, Syria and Iran? This is the problem that must be addressed, from which a solution to the other problems will follow as a natural consequence. At the root of the problem is the fact that a people numbering more than twenty-five million has been denied the inalienable right to autonomy for more than a hundred years.

Can you say definitely if Political Cooperation is addressing this question? We would like a definite answer on this point. The question must, of course, be addressed within the framework of the United Nations and of international law.

*Mr Wohlfart:* I am not surprised at the number of questions put to me, given that we have been dealing with a highly topical and extremely sensitive matter which affects everyone here.

Nevertheless, I am somewhat surprised that I am still being asked supplementary questions to which I thought I had already given answers. I thought I had emphasized the right of the Kurdish people to self-determination. I also thought I had stated, Mr President, that after the first phase of intensive care, the patient is going to wake up in the resuscitation unit. We must deal effectively, at an international conference, with solving the problem facing us. I have answered all that.

Now I am again being asked about the problem of security, and I note that we have now been dealing with this undoubtedly very important question for 45 minutes. Unfortunately, this will prevent us from speaking of other matters that would also have merited our attention.

Turning again to this problem, you are well aware that the idea of a United Nations police force has been mooted. Nor are you unaware that there is some genuine reluctance to install that United Nations police force. If the question arises whether a United Nations police force could be deployed in the region, the question must also arise whether the allied forces should remain in place. I think I can reply in the affirmative, because otherwise I do not see how we could effectively guarantee the security of those returning to their villages.

Once again, and to conclude, I should like to draw your attention to the fact that the Treaty is currently being revised with a view to providing the European Community with a common external and security policy. I hope that we shall be able truly to go beyond what has been done in this field up until now, and to speak with one and the same voice on external and security policy in the near future.

**91/137. Question No H-395 by Mr Desmond concerning disappearance of detainees in Morocco**

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Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Amnesty International has recently reported that over a period of 15 years several hundred persons have been detained by Moroccan security forces and many of these persons have not been seen since. Relatives seeking to find them have themselves been threatened with 'disappearance'. Some of the persons arrested are believed to be alive in secret detention centres, held in appalling conditions. The Moroccan Government has repeatedly denied that these 'disappearances' have taken place.

Has EPC been aware of these allegations about the 'disappearance' of Moroccan detainees and has it made any representations to the Moroccan Government concerning them? If it has not done so, will it do so?

*Answer:*

The Moroccan Government is aware of the policy of the Community and its Member States on human rights and the importance which they attach to it in their relations with third countries.

The Community and its Member States are closely monitoring the development of the human rights situation in that country. However, the specific matter raised by the honourable Member has not been discussed within the context of Political Cooperation.

The Community and its Member States will not fail to raise the matter or make representations to the competent authorities whenever they feel that intervention on their part would have the desired effect or serve the interests of the persons concerned.

**91/138. Question No H-412/91 by Ms Banotti concerning EC aid for Sudan and Ethiopia**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Could the Foreign Ministers inform the House what action they will take to alleviate the suffering of millions of people in Ethiopia and Sudan who presently are facing starvation. Will they provide 750 000 extra tonnes of grain as a matter of urgency, to the famine-stricken areas by June 1991, as advocated by numerous NGOs working in the area?

*Answer:*

The honourable Member is bound to be aware that the Community and its Member States have at no time been insensitive to the suffering of the people of Ethiopia and Sudan. They have made many appeals, both at political and humanitarian level, to the Ethiopian and Sudanese authorities and to the opposition movements in these countries to urge them to place humanitarian priorities above all political considerations. They have also made numerous moves to have the parties concerned ensure that aid operations are allowed to proceed under satisfactory conditions and that aid

reaches its intended recipients. The difficulties surrounding the humanitarian action undertaken by the international community have been exacerbated by the accumulated delays in the transport of food and medical products because of the question of opening up the port of Massawa.

The honourable Member will also be aware that Ethiopia and Sudan are not the only countries currently affected by drought and famine. Since the end of 1990 there have been signs of a widespread food crisis in sub-Saharan Africa.

The Development Council of 5 November 1990 stressed the danger of an unprecedented famine throughout the Horn of Africa, triggered by drought and linked to the political situation dominating this part of the continent. The Horn of Africa is not in fact the only region where the effects of the drought are being felt. Southern Africa, including the countries traditionally self-sufficient or even exporters, the Sahel and Western Africa are also currently experiencing serious shortages which require immediate and substantial food aid.

The Presidency would point out the fact that the General Affairs Council of 15 April 1991 recognized the need for additional food aid for Africa and instructed the Commission to submit a specific proposal to the Council for such an increase, part of which must be charged to the Community budget.

The Commission stressed what populations were at risk and what their food needs were. Though the effects of natural disasters are difficult to quantify, the Commission estimated that some 31 million people were affected and some 4.5 million tonnes of cereal products are required.

The combined response of donors currently totals two million tonnes, and could reach three million tonnes on the basis of declared intentions. By this reckoning the food shortfall would therefore be between one and a half and two million tonnes of cereals.

Under the terms of the special programme proposed by the Commission and endorsed by COREPER on 3 May 1991, the Community and its Member States should cover between 35 and 40 percent of overall needs. This also represents their relative share in other international relief efforts, such as aid to the Kurds (ECU 150 million out of 400 million, i.e. 37.5 percent). Given the needs of sub-Saharan Africa, the amounts made available would be between 1.5 and 1.8 million tonnes, the Community's and the Member States' shares being about two thirds and one third respectively.

The decision of 3 May provides for an extra 400 000 tonnes (ECU 160 million) from the Community and between 150 000 and 200 000 tonnes (ECU 60 million to 100 million) from the Member States. The additional action by the Community and its Member States would therefore represent at least ECU 220 million, i.e. ECU 160 million from the Community budget and ECU 60 million from the Member States.

In view of the scale of the programme, it has been proposed that Community and national aid should be coordinated by the Commission, which will work in close collaboration with the FAO, the World Food Programme (WFP), the ICRC, the UNHCR and the NGOs.

**91/139. Question No H-418/91 by Ms Ruiz Gimenez Aguilar concerning possible involvement of the Community in the 'Initiative for the Americas' plan proposed by President Bush**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Is European political cooperation planning to support President George Bush's 'Initiative for the Americas' by contributing to the special fund proposed under the plan, in which the US has in-

vited the Community and Japan to take part? Japan has already expressed its willingness and interest with regard to contributing to the fund.

*Answer:*

As the honourable Member will be aware, the Rome ministerial conference and the statement of 20 December 1990 gave official status to the dialogue between the European Community and the Rio Group and initiated a new stage in relations between the two regions.

One of the areas of particular importance for these relations is that of investment. At the first official Ministerial Meeting with the Rio Group in Luxembourg on 26 and 27 April, the Ministers reaffirmed the importance which they attach to increasing the flow of capital and productive investments to South America. Paragraph 23 of the final communiqué of the Luxembourg meeting dealt with several aspects of cooperation on finance and investment, particularly the role which the European Investment Bank might play and possible initiatives for cooperation with regional financial institutions.

Within this context the Community and its Member States are prepared to coordinate their efforts with any initiative aimed at economic recovery in the region.

**91/140. Question No H-420/91 by Mr Robles Piquer concerning the attendance by France at the NATO Defence Committee**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Does European political cooperation consider that the decision by the French Government to attend the meetings of the NATO Defence Committee is of any political significance in the context of European security?

*Answer:*

The honourable Member's question does not fall within the framework of European political cooperation.

The Presidency wishes to point out that the French Government has not decided to take part in the meetings of the Defence Committee, but in the meetings of the *ad hoc* strategy review group.

Matters relating to European security are being considered within the framework of the Inter-governmental Conference on Political Union.

**91/141. Question No H-427/91 by Lord Inglewood concerning the balance between civilian and defence research**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Pursuant to Title III of the Single European Act, has any Member State raised the balance between civilian and defence research?

*Answer:*

*Mr Wohlfart, President-in-Office of the Council:* The question put to the Council by the honourable Member calls for two replies if I am to avoid disappointing him: one on behalf of the Council, the other on behalf of Political Cooperation.

In the first place, I must draw your attention to the fact that Title III of the Single European Act does not relate to Community matters and that, consequently, the Council is unable to give a reply to the question put to it.

Secondly, and in the context of European political cooperation, I can only confirm that such a question has not been raised in the framework of Political Cooperation, which, incidentally – and I would like to stress the fact – has no competence in military matters as the Treaties currently stand.

*Lord Inglewood (ED):* I must confess I was surprised by the reply I was given. As I understand it, a question's admissibility is determined by Rule 60 (2) of the Rules of Procedure, which states that it is the President of the Parliament who decides whether it is within the scope of the institution concerned. In this case, it appears that the Council is referring the question to the EPC and the EPC is referring it back to the Council. Bearing in mind his reply to an earlier question, I am glad that Mr Wohlfart has been able to proffer me some advice in his capacity as a Member of the Luxembourg Government.

But there is, in fact, a serious point here. For example, in my own constituency the city of Barrow-in-Furness, with its extremely specialized technological skill base, centred on the submarine yards, it is important that there be proper provision to transfer these skills into the civilian sector. Failure to do so would not only be a social disaster, but it would also be a considerable waste of existing human resources.

**91/142. Question No H-434/91 by Ms Garcia Arias concerning the referendum in the Western Sahara**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

During the meeting at the European Parliament between the Secretary-General of the United Nations, the Enlarged Bureau and the Bureau of Parliament's Delegation for Relations with the UN, Mr Perez de Cuellar, referring to the plan to hold a referendum in the Western Sahara, made mention of economic difficulties and, among other matters, the need for voluntary contributions for the repatriation of refugees, in order to enable them to vote.

Does European political cooperation intend to help find a solution to these problems? Is it prepared to make generous financial contributions to encourage this long-awaited decolonization process?

*Answer:*

The Community and its Member States welcomed the adoption by the United Nations Security Council of Resolution 690 approving the Secretary-General's report on the organization of a referendum on self-determination for the people of the Western Sahara. They regard it as an important stage on the road to finding a just and lasting settlement of the conflict in that region.

They confirmed their firm support for the efforts of the United Nations to implement the final phases of his plan.

The Community and its Member States will in due course consider the question of voluntary contributions to meeting the costs of repatriating refugees on the basis of a proposal to be presented by the United Nations Secretary-General.

**91/143. Question No H-449/91 by Ms Ewing concerning Indian brutality against the Kashmiri people**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers meeting in Political Cooperation issue a joint statement deploring the excessive use of force and violence, including torture, by Indian Government security forces against civilians in the States of Jammu and Kashmir? Will the Foreign Ministers also state what action, if any, they have taken to condemn this repression?

*Answer:*

The Community and its Member States are closely monitoring the situation in Kashmir.

They have welcomed and encouraged the efforts of the Indian and Pakistani authorities to defuse the tension between the two countries. They hope that these initiatives will lead to increased dialogue and a settlement of this problem.

In addition, the Community and its Member States have repeatedly informed the Indian authorities of their position on human rights.

**91/144. Question No H-453/91 by Mr Crampton concerning UK hostages in Lebanon**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

John McCarthy is entering his sixth year in captivity in the Lebanon.

What efforts are the Foreign Ministers making to ensure his release (and that of other UK hostages)?

*Answer:*

The Commission and its Member States are making every effort to obtain the release of all those held in Lebanon. In their contacts with all the parties concerned in the region they have continued to raise the question of the hostages and to appeal to all those who can do so to use their influence to obtain their immediate and unconditional release. In particular, they have made representations to the authorities concerned both during bilateral contacts and at the Troika meetings. The[y] are hopeful that the new situation which has arisen as a result of the end of hostilities in the Gulf will make it easier to find a solution.

**91/145. Question No H-457/91 by Mr Melandri and H-249/91 by Ms Dury concerning sanctions against South Africa and action taken by the Council on a European Parliament resolution**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-457/91:*

What political considerations prompted EPC practically to remove the sanctions against South Africa before obtaining the opinion of the European Parliament?

How does it intend to make reparations for this institutional impropriety?

*Question No H-249/91:*

At its February part-session, Parliament made it clear, by adopting the Capucho Report<sup>1</sup>, that it wished economic sanctions against South Africa to be maintained and rigorously enforced.

However, the representatives of the Twelve in the Council have recently rescinded the ban on new direct investment by the Member States in South Africa, by formally adopting a measure approved on 15 December 1990 – before Parliament took up its present position – by the Heads of State or Government of the Twelve.

What importance does the European political cooperation therefore attach to the positions taken up by the European Parliament, particularly in the field of foreign policy?

*Answer:*

As they deal with similar topics, I shall answer Mr Melandri's and Ms Dury's questions together.

As the honourable Members are aware, the Community and its Member States have, for many years, been committed to the abolition of apartheid by peaceful means and to the creation of a new, united democratic and non-racial South Africa.

In line with these objectives, all the decisions adopted by the Rome European Council of 14 and 15 December 1990<sup>2</sup> were aimed at giving practical encouragement to the process of change begun in South Africa and, at the same time, helping to combat unemployment and improving the economic and social situation in that country. The lifting of the ban on new investments is intended both to support momentum of the reforms undertaken by President De Klerk and improve the social and economic situation of the vast majority of the population of South Africa.

We note that the South African authorities are actively continuing their efforts to bring about substantial reforms. As the honourable Members are aware, the Pretoria Government introduced legislation on 12 March 1991 aimed at revising the laws on separate living areas (Group Areas Act), land ownership (Land Acts) and the development of black communities (Black Communities Development Act). Moreover, on 9 April the South African authorities put before Parliament the Population Registration Act Repeal Bill which is designed to abolish registration by race and which contains transitional provisions to enable the existing constitution to be implemented until a new basic law has been adopted.

These are clearly important steps towards the abolition of apartheid which the Foreign Ministers noted on 15 April 1991 when deciding, with one Member State reserving its decision

pending consultation of the legislative authorities, to lift the ban on the importation of certain iron and steel products and Krugerrands. The Community and its Member States are determined to monitor closely the process currently under way and to provide appropriate encouragement.

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<sup>1</sup> See Minutes of the sitting of 21 February 1991.

<sup>2</sup> *EPC Bulletin*, Doc. 90/472 and Doc. 90/473.

**91/146. Question No H-471/91 by Mr de Rossa concerning Euro-Palestinian dialogue and relations with the PLO**

Date of issue: 15 May 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the EPC state its view on the future course of direct Euro-Palestinian dialogue and its plans for direct diplomatic contacts with the PLO in the wake of the Gulf War.

*Answer:*

The honourable Member is requested to refer to the joint reply given at the February part-session to the oral questions by Ms Aulas, Mr Melandri and Ms Valent<sup>1</sup> on the same subject.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/063.

**91/147. Opening address at the Association for Development and Democracy**

Date of issue: 16 May 1991

Place of issue: Washington

Country of Presidency: Luxembourg

Status of document: Statement in international forum

Monsieur le Président,

1. J'ai l'honneur de m'adresser à vous au nom de la Communauté Européenne et de ses Etats membres.

2. Il y a un peu plus d'un mois que nous avons décidé, à San Antonio de Belen, dans votre pays, Monsieur le Président, de créer une Association pour la Démocratie et le Développement (A.D.D.) en Amérique centrale. Nous nous [en] sommes félicités du fait que des pays, extérieurs à la région, se sont joints aux Centraméricains au sein de l'A.D.D. pour confirmer et augmenter leur appui à l'Amérique centrale.

3. La réunion de San Antonio de Belen était un succès et nous nous réjouissons que notre réunion d'aujourd'hui, la première du Groupe coordinateur de l'A.D.D., nous permette déjà d'entamer un échange de vues sur les façons de réaliser au mieux les objectifs de notre Association.



Monsieur le Président,

4. Comme vous le savez, la Communauté Européenne et ses Etats membres soutiennent activement le processus de paix et le développement économique en Amérique centrale depuis 1984, où nous avons lancé, dans votre capitale, un dialogue politique et économique entre la Communauté et les Etats centraméricains. En 1985, nous avons institutionnalisé ce dialogue à Luxembourg. Ce dialogue, dit de 'San José', a connu depuis lors un essor important. Il a été depuis, et est toujours, un facteur important et un instrument original de rapprochement politique, de développement économique et d'intégration régionale en Amérique centrale. Vous avez vous-même participé, Monsieur le Président, à la VIIème Conférence Ministérielle de San José qui s'est tenue les 18 et 19 mars dernier à Managua. Nous avons alors fait le point de notre dialogue politique et de notre coopération économique mais, en plus, nos Ministres ont affirmé leur volonté d'intensifier et d'approfondir encore davantage ce dialogue direct.

5. La Communauté et ses Etats membres considèrent que l'A.D.D. pourra jouer un rôle fort utile comme mécanisme de consultation et de coordination sur des actions d'aide et de coopération économiques, actuellement existantes. L'A.D.D. devrait, à notre sentiment, se concentrer prioritairement sur un meilleur agencement et, dès lors, une plus grande rationalisation des flux d'aide. Elle devrait aussi assurer une meilleure complémentarité entre les actions des Gouvernements et Organisations internationales qui souhaitent y participer.

6. La Communauté est également confiante que l'A.D.D. peut, à travers son action coordinatrice, apporter une dimension nouvelle à l'action d'aide et de coopération internationales en faveur de l'Amérique centrale et y apporter une amélioration qualitative.

7. L'intérêt de l'A.D.D. résidera, à notre sentiment, dans sa complémentarité par rapport aux mécanismes et dialogues déjà existants, comme par exemple celui de San José. Elle nécessitera sans doute une approche graduelle et systématique dont une première étape pourrait consister, à notre avis, en l'établissement d'un inventaire de programmes et actions déjà existants. Il s'agira ensuite d'arrêter les domaines prioritaires dans lesquels l'A.D.D. pourra utilement exercer son action coordinatrice.

Monsieur le Président,

8. Je me permettrai d'ajouter quelques réflexions sur la structure de fonctionnement de l'A.D.D. et, en particulier, de notre groupe coordinateur.

9. Le Groupe coordinateur est, à nos yeux, un organe flexible dont les rencontres ont un caractère de réunions de travail. Notre groupe devra notamment veiller, au cours de ses travaux, à ce que l'A.D.D. ne se développe en un instrument qui doublerait ou se substituerait à des efforts entrepris dans d'autres fora ou dans le cadre d'autres initiatives. Nous garderons à l'esprit le caractère complémentaire de l'A.D.D. par rapport, notamment, aux dialogues existants avec l'Amérique centrale.

10. De toute évidence, notre groupe de travail ne pourra outrepasser les engagements pris à la réunion constitutive de San Antonio de Belen. Nous sommes un groupe de travail restreint avec une mission coordinatrice, mais non un organe dirigeant de l'A.D.D. Il en découle que notre Groupe ne pourra arriver à des conclusions que par consensus de tous les participants, à l'exclusion de toute autre forme de prise de décision.

Monsieur le Président,

11. Comme j'avais déjà l'occasion de l'indiquer au début de mon intervention, j'ai l'honneur de m'adresser à vous au nom de la Communauté Européenne et de ses Etats membres. Mon mandat ne me permet cependant pas de prendre, aujourd'hui-même, des engagements au nom de la Communauté. En effet, en raison de l'absence d'un ordre du jour diffusé suffisamment longtemps à l'avance, il ne nous a pas été possible de coordonner nos positions sur toutes les questions qui pourraient être évoquées au cours de notre réunion d'aujourd'hui. Ainsi, les vues que ma délégation exprimera au cours de nos travaux, sont ad referendum et seront soumises aux organes compétents de la Communauté pour leur permettre de s'exprimer sur l'ensemble des points. La Présidence luxembourgeoise ne manquera pas d'informer, dans les meilleurs délais, les membres du Groupe coordinateur des positions que la Communauté Européenne et ses Etats membres prendront à l'égard de nos discussions d'aujourd'hui.

Monsieur le Président,

12. Il ne me reste plus qu'à espérer que notre réunion nous permettra de lancer, sans tarder, la concrétisation de l'A.D.D. pour renforcer notre soutien aux peuples centraméricains.

Merci, Monsieur le Président.

**91/148. Statement at the First Ordinary Session of ECOSOC concerning the advancement of women [agenda item 9]**

Date of issue: 16 May 1991

Place of issue: New York

Country of Presidency: Luxembourg

Status of document: Statement in international forum

Monsieur le Président, j'ai l'honneur d'intervenir au nom de la Communauté européenne et de ses douze Etats membres sur le point 9 de l'ordre du jour 'Promotion des femmes'.

La Communauté européenne et ses Etats membres sont fermement attachés au principe de l'égalité de chances entre hommes et femmes et à son application concrète et intégrale. Ce principe est ancré dans l'article 119 du Traité de Rome et il a été largement appliqué dans les politiques communautaires. Les Douze sont conscients que la participation active et globale des femmes au développement est importante pour la cohésion économique et sociale de l'Europe.

A cet égard, les Douze se félicitent de l'adoption par la Commission européenne du troisième programme d'action à moyen terme (1991-1995) sur l'égalité des chances entre les femmes et les hommes. L'objectif fondamental de ce programme est la promotion de la pleine participation des femmes sur le marché du travail européen et dans tous les aspects de la société. La période couverte par le programme d'action coïncidera avec l'achèvement du marché intérieur et les changements économiques et sociaux qui l'accompagneront.

Les stratégies prospectives d'actions adoptées lors de la Conférence Mondiale en 1985 à Nairobi ont proclamé des priorités et des intérêts communs pour la promotion de la femme, malgré les différences de méthodes et de stratégies existant entre les pays du fait de spécificités culturelles, économiques et politiques. La Communauté européenne et ses Etats membres sont conscients que la problématique de la condition de la femme ne doit pas être abordée in abstracto, mais en tenant compte de ses aspects culturels, politiques, économiques et sociaux. Elle doit donc être perçue comme un élément constitutif à part entière de toutes les stratégies et activités politiques, économiques et sociales.

Depuis la Conférence de Nairobi, le thème dominant des travaux de la Commission de la condition de la femme est l'application des stratégies prospectives d'action par les politiques et les programmes nationaux et internationaux.

Les rapports qui ont été soumis à la Commission révèlent que, malgré les progrès réalisés, de nombreux objectifs de Nairobi ne pourront être atteints d'ici à l'an 2000. Les Gouvernements devront s'efforcer de réduire au mieux les obstacles majeurs à la réalisation de ces stratégies. Ils devraient notamment contribuer aux efforts pour éliminer la forte résistance contre l'égalité des femmes qui subsiste dans de nombreuses sociétés et qui constitue une entrave à la promotion des femmes.

Les Douze se félicitent des travaux effectués par la Commission de la condition de la femme à sa trente-cinquième session. Elle doit assumer un rôle directeur en matière du soutien aux Gouvernements dans le domaine de l'application des Stratégies prospectives d'action, et en matière de promotion des échanges entre les Gouvernements aux niveaux régional et international. Il est également nécessaire d'associer les organisations nongouvernementales à toutes ces activités, et d'encourager le dialogue à la base. Les travaux de la Commission cette année, se sont concentrés sur l'application des stratégies prospectives d'action de Nairobi, sur les thèmes prioritaires, ainsi que sur la préparation de la Conférence Mondiale sur les femmes de 1995.

Nous soutenons les réunions annuelles de groupes d'experts sur les thèmes prioritaires.

Concernant le thème prioritaire sous *l'Égalité*: 'les femmes vulnérables, notamment les femmes migrantes', qui vise plus particulièrement les victimes de la pauvreté, la Communauté européenne et ses Etats membres apportent leur appui aux résolutions 'Femmes handicapées'; 'les femmes et la lutte contre le syndrome d'immunodéficience acquise (S.I.D.A.)' ainsi qu'à celle 'les travailleuses migrantes', adoptées lors de cette trente-cinquième session. La question clef pour tous les groupes de femmes vulnérables est souvent l'éducation et la formation.

Une attention particulière doit être accordée aux femmes uniques soutiens de famille, aux femmes jeunes pour lesquelles le S.I.D.A. risque de constituer un problème sérieux, et aux femmes migrantes. Elles devraient pouvoir bénéficier de l'information concernant leurs droits. Dans certaines régions, elles rencontrent des difficultés pour accéder à un emploi et doivent faire face à des situations pouvant conduire à leur exploitation sur le marché du travail. Il ne faut pas oublier non plus les femmes âgées et les femmes handicapées qui peuvent apporter une contribution importante à la société dans les activités où leur âge ou handicap ne constituent pas un obstacle.

Sous le thème prioritaire concernant le *Développement*: 'les mécanismes nationaux, régionaux et internationaux, pour l'intégration effective des femmes au processus de développement, y compris les organisations non-gouvernementales', ont été adoptées des résolutions telles que 'les femmes et le développement', et 'Mécanismes nationaux, régionaux et internationaux pour la promotion de la femme' que la Communauté européenne et ses Etats membres appuient pleinement. La Communauté européenne et ses Etats membres sont convaincus qu'il ne peut pas y avoir de développement sans la participation effective des femmes. L'action doit porter avant tout sur la mise en place d'une infrastructure et d'un dispositif propres à permettre aux femmes de participer à la croissance économique, en les intégrant davantage à tous les niveaux du processus de décision et de gestion. Le développement de cette participation exige à son tour l'adoption de mesures sociales appropriées (telles que le planning familial, les garderies d'enfants, le congé parental, la protection sociale pour les personnes âgées, etc.). Il convient d'assurer également le respect effectif des droits juridiques reconnus aux femmes, de façon à rendre possible un partage plus équilibré des responsabilités familiales ainsi que de meilleures chances de promotion personnelle et professionnelle des hommes et des femmes. Il importe de veiller à ce que la question de la condition des femmes soit prise en compte dans tous les programmes et politiques pertinents au niveau national, régional et international.

S'agissant du thème prioritaire [sur] *La paix*: 'les femmes et les enfants réfugiés et déplacés', la Communauté et ses Etats membres se félicitent de l'adoption d'une résolution sur ce sujet, et estiment que l'accent doit être mis sur les mesures nécessaires pour éliminer les causes profondes qui sont à l'origine des courants de réfugiés. Les Douze s'accordent à penser que la situation vulnérable des femmes et des enfants appelle des mesures spécifiques de secours immédiat, surtout dans les pays de premier asile. Les rapatriés doivent continuer à bénéficier d'assistance et de programmes spécifiques de secours, et les Douze appuient les activités du H.C.R., de l'U.N.I.C.E.F. et des autres organismes des Nations Unies dans ce domaine. La Communauté européenne et ses Etats membres soulignent que les Nations Unies et autres institutions – gouvernementales et non-gouvernementales – concernées doivent continuer à étudier de façon cohérente le sort des femmes et des enfants réfugiés, en vue d'intégrer des initiatives particulières dans leurs mandats et programmes. Ils considèrent que le HCR a un rôle primordial à jouer à cet égard.

La coopération entre les Nations Unies et ses Etats membres dans le domaine de la promotion des droits de la femme, ont enregistré des progrès considérables. Il reste encore beaucoup à faire dans le domaine de l'information et de la formation de services consultatifs, en vue de faciliter la coopération entre les gouvernements et les organisations internationales ainsi que les organisations non-gouvernementales. La Communauté européenne et ses Etats membres considèrent qu'une attention adéquate doit être portée à la présence des femmes à des postes de haut niveau au Secrétariat de l'O.N.U. Nous notons à cet égard que la Commission a adopté la résolution 'Amélioration de la situation des femmes au Secrétariat'.

La Communauté européenne et ses Etats membres accueillent avec satisfaction la convocation en 1995 de la quatrième Conférence mondiale sur les femmes. L'objectif de cette Conférence est de formuler des directives concrètes et claires pour les actions à entreprendre avant l'an 2000 et d'identifier les moyens nécessaires pour la mise en œuvre des stratégies. La Conférence offrira une excellente opportunité aux Gouvernements et à la communauté internationale de démontrer leur volonté politique d'apporter les changements sociaux et économiques susceptibles d'éliminer le déséquilibre culturel dont les femmes sont victimes dans notre société. Les Douze considèrent qu'une telle Conférence doit être préparée et organisée avec le plus grand soin, notamment par la mise en œuvre d'une stratégie coordonnée sur le plan de l'information, à développer par les Nations Unies et les Gouvernements. Comme cela avait été le cas pour la Conférence de Nairobi, les O.N.G. devront participer activement à la Conférence de 1995. Il est donc nécessaire qu'elles contribuent pleinement aux préparatifs de la Conférence de 1995.

Quant à l'intérêt du public, il pourrait être éveillé par le canal des médias nationaux et internationaux.

Dans les pays de la Communauté européenne, les organisations de femmes ont apporté une contribution importante, sur le plan national, au développement des politiques concernant la condition féminine. L'établissement en Europe du Lobby Européen des Femmes en tant que forum informel, sert d'échange de vues sur les questions relatives aux femmes. Ce Lobby Européen des Femmes est constitué d'organisations non-gouvernementales, régionales et nationales.

Les Douze attachent une grande importance à la résolution 'Violence contre les femmes sous toutes ses formes'. Ils soutiennent l'amélioration de la procédure de communication concernant la condition de la femme. Dans ce contexte, ils espèrent que la Commission, à sa prochaine session, sera capable d'adopter une résolution à ce sujet.

Finalement, il ne faut pas oublier la question des femmes et de l'environnement. Elle revêt une importance particulière, notamment dans le contexte du développement et la Communauté européenne et ses Etats membres se félicitent de l'intention de la Commission d'examiner ce sujet lors de sa trente-sixième session en 1992.

En ce qui concerne les travaux du Comité sur l'élimination de la discrimination contre les femmes, la Communauté européenne et ses Etats membres sont convaincus de la corrélation qui existe entre la mise en œuvre des stratégies prospectives d'action de Nairobi et l'application des dispositions de la Convention sur l'élimination de la discrimination contre les femmes. Ils souhaitent exprimer leur soutien aux activités du Comité sur l'élimination de la discrimination contre les femmes ainsi qu'aux recommandations XVI, XVII, XVIII adoptées par ce Comité.

En conclusion, Monsieur le Président, les Douze réaffirment leur volonté politique de prendre les mesures nécessaires à la promotion de la femme aux niveaux national, régional et international.

Merci Monsieur le Président.

### **91/149. Statement concerning Western Sahara**

Date of issue: 17 May 1991

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Country of Presidency: Luxembourg

Status of document: Declaration

Monsieur le Président, j'ai l'honneur de prendre la parole au nom de la Communauté européenne et de ses douze Etats membres et d'intervenir sur le point 2 de l'ordre du jour intitulé 'Application du Programme d'action pour la deuxième Décennie de la lutte contre le racisme et la discrimination raciale'.

Nous avons toujours condamné et réitérons notre condamnation de toute forme de discrimination fondée sur la race, la couleur, la naissance, l'origine ethnique ou nationale. La Communauté européenne appuie fermement tous les efforts visant à l'élimination des préjugés raciaux, du racisme et de la discrimination raciale et elle l'a notamment réaffirmé dans la Déclaration sur l'antisémitisme, le racisme et la xénophobie du Conseil Européen de Dublin, les 25 et 26 juin 1990.<sup>1</sup> Le racisme et la discrimination raciale sont en effet inconciliables avec les idéaux poursuivis par des sociétés libres et démocratiques fondées sur les principes de l'égalité, de la justice et de la liberté.

La lutte contre le racisme et toute forme de discrimination raciale est une des préoccupations majeures de l'Organisation des Nations Unies: elle découle des principes mêmes de la Charte, de la Déclaration Universelle des droits de l'homme et des instruments internationaux relatifs aux droits de l'homme.

La Communauté européenne et ses Etats membres considèrent que les Nations Unies ont un rôle essentiel à jouer dans la prise de conscience, par les nations, des fléaux que sont le racisme et la discrimination raciale. L'Organisation des Nations Unies doit se montrer particulièrement active dans la vérification de l'application des instruments juridiques et des mécanismes internationaux destinés à les vaincre.

La Convention internationale sur l'élimination de toutes les formes de discrimination raciale, qui a été ratifiée par plus de 130 Etats, ainsi que le consensus ayant conduit la communauté internationale à instaurer deux décennies de lutte contre le racisme et la discrimination raciale, témoignent de l'engagement des membres des Nations Unies pour garantir les principes de dignité et d'égalité de tout être humain.

La Communauté européenne et ses douze Etats membres adressent au Secrétaire général leurs remerciements pour le rapport sur l'application du Programme d'action pour la deuxième Décennie de la lutte contre le racisme et la discrimination raciale. Ils ont de même pris

connaissance avec la plus grande attention de la note du Secrétaire général sur les résultats obtenus et sur les obstacles rencontrés pendant la première Décennie. Ils estiment qu'une éventuelle troisième Décennie devrait permettre d'intensifier les efforts nationaux et internationaux de lutte contre toute forme de racisme et de xénophobie. A ce sujet, ils rappellent leur attachement à ce que les décisions relatives au racisme soient prises sur base d'un consensus.

Parmi les mécanismes dont s'est dotée la communauté internationale pour lutter contre le racisme, nous attachons la plus grande importance à l'action à mener par le Comité pour l'élimination de la discrimination raciale qui a célébré cette année son vingtième anniversaire. Nous nous félicitons de la tenue cette année, pour la première fois depuis 4 ans, du Comité à Genève. Nous regrettons cependant que le fonctionnement de cet organe reste entravé par le manque de ressources financières, dû essentiellement au défaut de paiement d'un trop grand nombre d'Etats parties de la Convention.

N'est-il pas paradoxal que, d'un côté, tous les Etats parties à la Convention soient unanimes à condamner la discrimination raciale et que, de l'autre côté, l'organe chargé de l'application de la Convention voie son fonctionnement perturbé par le manque de ressources financières?

C'est pour cette raison que la Communauté européenne et ses douze Etats membres prient à nouveau, instamment, les Etats parties qui se trouvent en défaut de paiement de leurs contributions, de remplir sans délai leurs obligations financières de telle sorte que le Comité puisse continuer d'exercer ses importantes fonctions.

Les Douze soutiennent que, compte tenu de la responsabilité particulière des Nations Unies dans la mise en œuvre des divers instruments juridiques relatifs aux droits de l'homme, élaborés et adoptés sous leurs auspices, notre Organisation et ses Etats membres partagent la responsabilité de s'assurer que les difficultés financières auxquelles sont actuellement confrontés le CERD et d'autres organes conventionnels soient abordées et résolues de façon appropriée.

Dans ce contexte, la Communauté européenne et ses Etats membres se félicitent de l'adoption de la résolution 1991/20 de la C.D.H. intitulée: 'Bon fonctionnement des organes créés en application des instruments des Nations Unies relatifs aux droits de l'homme'.

Monsieur le Président, Dans la plupart des pays, la discrimination raciale existe non pas en vertu mais en dépit de la loi. Tel n'est pas le cas de l'Afrique du Sud, comme nous le savons tous. En effet, l'Apartheid constitue un système institutionnalisé de racisme étatique qui prive la majorité de la population de l'Afrique du Sud de ses droits civils, politiques, économiques et sociaux, en leur déniaient toute liberté d'expression politique et toute participation à l'exercice du pouvoir.

La condamnation de ce système par la Communauté européenne et ses Etats membres a toujours été sans équivoque. Leur objectif est le démantèlement complet de l'Apartheid et l'établissement d'une société unie, non-raciale et démocratique dans laquelle tous les Sud-africains jouissent des mêmes droits. L'abolition de l'Apartheid doit être réalisée par des moyens pacifiques à travers des négociations. Le dialogue positif entre les autorités sud-africaines et les organisations représentatives de l'ensemble des communautés vivant dans le pays, est la seule voie pour parvenir à l'établissement en Afrique du Sud d'une démocratie non raciale. Nous soulignons à cet égard le rôle important joué par l'A.N.C. et son dirigeant, M. Nelson Mandela.

La Communauté européenne et ses Etats membres ont déjà eu l'occasion d'exprimer leur satisfaction quant aux progrès importants qui ont été accomplis par le Gouvernement sud-africain, en concertation avec l'A.N.C. La Communauté européenne et ses Etats membres se félicitent de la déclaration faite le première février 1991 par le Président de Klerk, annonçant l'abrogation du 'Group Areas Act', des deux 'Land Acts' et du 'Population Registration Act'. Ils se félicitent de

même que le Gouvernement sud-africain vienne de présenter des projets de loi relatifs à l'abrogation de toute restriction basée sur des critères raciaux concernant les lieux de résidence et la propriété foncière, et espèrent que les décisions relatives à leur adoption pourront intervenir dans les meilleurs délais.

Nous souhaitons que le Gouvernement sud-africain renonce, dès à présent, à toute mesure répressive contre la majorité de la population sud-africaine. Nous lançons un appel pressant pour qu'il respecte son engagement à libérer tous les prisonniers politiques, autorise le retour de tous les exilés et abroge définitivement les dispositions restrictives de l'Internal Security Act. Il apporterait de cette façon une contribution importante au processus de cicatrisation des blessures causées par le régime de l'Apartheid. La Communauté européenne et ses Etats membres regrettent les incidents violents qui ont eu lieu dans les townships. Ils réitérent leur appel à tous, de ne recourir qu'à des moyens pacifiques pour résoudre les différends.

La Communauté européenne et ses Etats membres continueront à mettre en œuvre et à renforcer leur programme d'assistance pour les victimes de l'Apartheid et à promouvoir la coopération économique avec la Conférence de coordination du développement de l'Afrique australe et ses neuf Etats membres.

En conclusion, Monsieur le Président, je voudrais souligner, que nous continuerons à nous engager, avec détermination, en faveur de l'élimination de toute manifestation de racisme et de discrimination raciale où qu'elle se produise. A cet égard, face aux manifestations croissantes de racisme et de xénophobie dans le monde, la Communauté européenne et ses Etats membres estiment qu'il convient d'élargir les buts et les programmes d'action de lutte contre le racisme de l'Organisation des Nations Unies. Il importe en outre de rappeler que tous les Etats sont concernés, sur leur territoire, par le racisme et la xénophobie et qu'il leur appartient, au-delà des activités mises en œuvre par l'O.N.U., de mener une politique nationale de prévention et de protection. Il faudra faire en sorte que la diversité des races, des couleurs, des origines ethniques ou nationales ne constitue plus une source de conflit pour l'humanité mais, au contraire, une source d'enrichissement mutuel dans un monde fondé sur la tolérance et le respect des différences.

Merci Monsieur le Président.

<sup>1</sup> *EPC Bulletin*, Doc. 90/264.

**91/150. Statement at the First Ordinary Session of ECOSOC concerning the application of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination**

Date of issue: 17 May 1991  
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 Status of document: Statement in international forum

The Community and its Member States welcome the adoption by the UN Security Council of Resolution 690 approving the report of the UN Secretary-General on the referendum to be held concerning the self-determination of the Saharan people. They believe this represents an important step towards a just and lasting settlement of the conflict in Western Sahara.

They also confirm their firm support for the Secretary-General's efforts to implement the final stages of his plan.

**91/151. Statement at the First Ordinary Session of ECOSOC concerning questions related to human rights**

Date of issue: 20 May 1991

Place of issue: New York

Country of Presidency: Luxembourg

Status of document: Statement in international forum

Monsieur le Président, j'ai l'honneur de prendre la parole au nom de la Communauté européenne et de ses Douze Etats membres et d'intervenir sur le point 8 de l'ordre du jour: 'Questions relatives aux droits de l'homme'.

Pendant l'année écoulée, la Communauté européenne a constaté des tendances contrastées et des résultats différents dans le domaine des droits de l'homme.

Le mouvement de démocratisation qui se développe dans de nombreux pays, a créé un contexte politique plus favorable au respect des droits de l'homme. L'émancipation politique des pays d'Europe centrale et orientale, symbolisée par la chute du mur de Berlin, a mis fin à l'ordre européen et international issu de la deuxième guerre mondiale et source de 45 ans d'antagonisme et d'affrontements. La Communauté et ses Etats membres se félicitent de cette évolution positive qui a transformé les données politiques de l'Europe et du monde. Ils constatent également avec satisfaction que le dialogue a été renoué en Amérique centrale avec des résultats encourageants au Salvador et au Guatemala, et que des progrès ont été réalisés en Afrique dans la recherche du pluralisme. Les Douze espèrent que pour la solution des conflits, tant internes qu'externes, le recours au dialogue et au principe de l'Etat de droit pourra se substituer à l'usage de la force. Tel n'est malheureusement pas toujours le cas.

Des violations massives des droits de l'homme ont été commises par l'Irak, lors de l'invasion et de l'occupation du Koweït. Victime d'une agression brutale, la population de Koweït a subi des exactions et des violences, ainsi que l'a rapporté M. Farah, représentant du Secrétaire général.

La crise du Golfe a également durement éprouvé la population civile irakienne. Au moment du cessez-le-feu, des soulèvements ont été violemment réprimés. La répression à l'égard des populations de confession chiite, l'exode massif des populations civiles, notamment kurdes, témoignent de graves et persistantes violations des droits de l'homme en Irak. Dans des conditions dramatiques, plus d'un million de personnes se sont réfugiées en Iran, 400 000 ont fui vers la Turquie. Malgré les efforts des pays d'accueil et l'aide de la communauté internationale, les enfants et les personnes les plus vulnérables ont particulièrement souffert de cette tragédie.

La gravité de ces événements a amené la Communauté européenne à examiner la question de la responsabilité personnelle des dirigeants irakiens, notamment au titre de la 4ème Convention de Genève et de la Convention sur le Génocide.

La Communauté européenne, qui n'a pas ménagé ses efforts pour porter assistance aux réfugiés et populations irakiennes déplacées, notamment kurdes, a décidé de leur accorder une aide extraordinaire de 150 millions d'E.C.U., soit environ 185 millions de dollars. La communauté internationale et l'Organisation des Nations Unies se sont par ailleurs mobilisées pour faire face à cette situation insoutenable qui a été condamnée dans la résolution 688 du Conseil de sécurité.

Les Douze appellent de leurs vœux la mise en place en Irak d'une société démocratique, pluraliste, respectueuse des droits de l'homme et des identités culturelles. Ils considèrent que de tels développements seraient de nature à permettre la normalisation tant à l'intérieur du pays qu'avec le monde extérieur.

S'agissant du Koweït libéré, les Douze espèrent que les droits de l'homme pourront être également intégralement respectés dans ce pays.



La promotion et la protection des droits de l'homme constituent une des priorités des Nations Unies. Cette priorité se reflète notamment à travers le pacte international relatif aux droits civils et politiques et le pacte international relatif aux droits économiques, sociaux et culturels ainsi qu'à travers la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, la Convention contre la torture et d'autres instruments résultant de la Déclaration universelle des droits de l'homme dont l'adoption en 1948 a été une étape décisive pour l'action de l'O.N.U. dans ce domaine. Mentionnons finalement la Convention relative aux droits de l'enfant qui constitue une contribution très positive à la protection des droits de l'enfant et au bien-être de celui-ci. Nous soulignons que c'est seulement en adhérant à ces obligations internationales et surtout aussi en les respectant et en veillant à leur stricte application que les Etats assument réellement leurs responsabilités. Les Douze se félicitent de l'entrée en vigueur, le 11 juillet de cette année, du 2ème Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques visant à abolir la peine de mort.

Il n'est pas acceptable de prétendre que les préoccupations exprimées par la communauté internationale, notamment dans le cadre des Nations Unies, pour ce qui touche au respect des droits de l'homme, constituent une ingérence dans les affaires intérieures des pays concernés. Une telle affirmation va directement à l'encontre des articles 55 et 56 de la Charte qui stipulent: article 55: 'les Nations Unies favoriseront... c) le respect universel et effectif des droits de l'homme (...)'; article 56: 'les membres s'engagent, en vue d'atteindre les buts énoncés à l'article 55, à agir, tant conjointement que séparément, en coopération avec l'organisation'. De son côté, la Cour Internationale de Justice a soutenu sans équivoque, la légitimité de l'action des Nations Unies dans ce domaine. Pour la Communauté européenne les liens réciproques entre droits civils et politiques, les droits sociaux, économiques et culturels, sont bien établis.

Face à l'immense détresse des individus, des actions urgentes s'imposent. Les Douze tiennent à réaffirmer leur conviction que cet état de détresse interpelle la communauté internationale tout entière, et qu'il existe dans les situations extrêmes un devoir d'assistance de celle-ci envers les victimes.

Nous réaffirmons que le lien entre la démocratie, les droits de l'homme et le développement soutenu, est devenu de plus en plus évident dans le contexte de la coopération économique internationale et de la politique de développement. Il est maintenant largement reconnu par la communauté internationale que le respect des droits de l'homme et des valeurs démocratiques n'est pas seulement un impératif juridique et moral, mais qu'il est également nécessaire pour permettre une croissance économique et un développement soutenu. Nous réaffirmons notre engagement à venir en aide aux pays en voie de développement et plus particulièrement aux pays les plus pauvres. Mais nous considérons que le respect des droits de l'homme, la primauté du droit, le pluralisme politique ainsi que le fonctionnement efficace d'institutions politiques responsables et démocratiques sont nécessaires pour créer une base favorable au développement économique et à la justice sociale. Ces paramètres ont été repris à la fois parmi les buts et les objectifs de la Stratégie internationale du développement pour la 4ème Décennie des Nations Unies pour le développement, ainsi que dans les résultats de la 2ème Conférence des Nations Unies sur les pays les moins avancés adoptés en septembre dernier et enterinés par l'Assemblée générale. Ces mêmes principes ont été repris dans plusieurs dispositions de la 4ème Convention de Lomé signée en décembre 1989 pour la période 1990 - 1995 entre la Communauté européenne et 69 Etats A.C.P. (Afrique, Caraïbes, Pacifique) parmi lesquels trois nouveaux signataires: Haïti, la République dominicaine, la Namibie.

La même approche a également été retenue dans les accords-cadre de coopération économique récemment conclus entre la Communauté européenne et certains pays d'Amérique latine. En outre, ces principes ont été repris, à l'occasion de la Conférence ministérielle entre la Communauté et les pays membres du Groupe de Rio, par l'adoption et la signature de la 'Déclaration de Rome' du 20 décembre 1990. Le lien entre la démocratie, les droits de l'homme et

le développement soutenu a été réaffirmé lors de la première réunion ministérielle institutionnalisée entre la Communauté et les pays du groupe de Rio qui s'est tenue à Luxembourg les 26 et 27 avril 1991.

Monsieur le Président, la Communauté européenne et ses Etats membres croient au rôle primordial de la Commission des droits de l'homme. La participation de nombreux M.A.E., et d'autres personnalités politiques aux travaux de la Commission des droits de l'homme, ainsi que l'intérêt croissant des médias et de l'opinion publique, prouvent que la communauté internationale accorde une priorité de plus en plus élevée aux droits de l'homme. La Commission des droits de l'homme bénéficie aussi de la participation des O.N.G. dont la contribution ne se reflète pas seulement à travers leur engagement profond mais également à travers leurs expériences concrètes. Les membres de ces organisations qui s'engagent très souvent personnellement – parfois même au péril de leur vie – à dénoncer les violations des droits de l'homme, rendent un service inestimable à la cause des droits de l'homme et à la communauté internationale.

Parmi les moyens dont dispose la Commission des droits de l'homme pour faire respecter les droits de l'homme, la Communauté européenne tient à relever l'action des Rapporteurs spéciaux, des représentants spéciaux et des groupes de travail. Elle insiste sur la nécessité pour les Gouvernements de coopérer avec eux. Grâce à ces Rapporteurs et représentants spéciaux, la communauté internationale se trouve mieux informée et donc mieux préparée à faire face à de nombreuses situations dans lesquelles les droits de l'homme sont violés et à faire évoluer la situation dans les pays en difficulté. La Communauté européenne lance un appel pressant aux Gouvernements pour qu'ils apportent leur concours et leur assistance aux Rapporteurs spéciaux dans l'accomplissement de leurs tâches et pour qu'ils fournissent tous les renseignements demandés, y compris en donnant dûment suite aux appels urgents des Rapporteurs spéciaux.

Le projet de résolution VII, contenu dans le rapport de la C.D.H., relatif au renforcement de l'indépendance des experts de la SousCommission de la prévention de la discrimination et de la protection des minorités, revêt une importance particulière aux yeux des Douze. Ce texte est l'aboutissement d'une initiative prise par les experts eux-mêmes, qui s'interrogeaient depuis plusieurs années sur les moyens d'améliorer leur processus de prise de décision. Notre Conseil trouve donc aujourd'hui devant lui, un projet destiné à répondre aux besoins particuliers d'un organe spécifique de l'O.N.U. Les Douze souhaitent que ce projet, entouré de toutes les garanties du droit et fort des décisions prises en sa faveur par la Sous-Commission et par la Commission des droits de l'homme, fasse l'objet d'un consensus.

Au cours de la même session, la Commission des droits de l'homme a d'ailleurs confirmé qu'elle souhaitait voir le Secrétaire général s'assurer que les immunités et privilèges prévus sous l'article 6 section 22 de la Convention des immunités et privilèges de l'O.N.U., soient étendus aux Experts de la Sous-Commission et de ses groupes de travail.

La Communauté européenne veut insister à nouveau sur l'importance du Rapporteur spécial sur la torture et sur la nécessaire coopération de tous les Etats avec celui-ci. Elle appuie ses recommandations et plus particulièrement celles qui contribuent à la prévention de la torture et celles traitant des dispositions nécessaires pour les services consultatifs. Les Gouvernements pourront être ainsi assistés dans leurs efforts afin de remédier à des situations existantes ou d'éviter les erreurs du passé. Dans ce contexte, la Communauté européenne se rallie pleinement à l'idée de l'institution d'un système de visites périodiques effectuées par des agents indépendants sur les lieux de détention ou d'emprisonnement.

Ainsi la relance de l'étude du projet de Protocole facultatif se rapportant à la Convention des Nations Unies contre la torture mériterait-elle toute notre attention à la 48ème Commission des droits de l'homme. En outre, la Communauté européenne partage l'inquiétude de la Commission relative aux allégations sur la torture d'enfants et d'adolescents. Elle soutient la coopération entre

le Rapporteur spécial et le Comité contre la torture, et fait appel à tous les Etats membres pour qu'ils adhèrent à la Convention contre la torture.

Nous regrettons la situation financière critique du Comité contre la torture. Nous faisons appel à tous les Etats membres de la Convention pour qu'ils remplissent sans délais leurs obligations financières afin que le Comité puisse exercer ses fonctions de façon efficace.

S'agissant de la question de la détention préventive ou arbitraire, les Douze se félicitent de la décision de la C.D.H. de créer pour une période de 3 ans un Groupe de travail composé de 5 experts indépendants, chargés d'enquêter sur les cas de détention imposés arbitrairement ou de toute autre manière incompatibles avec les normes internationales énoncées dans la Déclaration universelle des droits de l'homme.

Un trop grand nombre de pays continuent à être le lieu d'exécutions sommaires et arbitraires. La Communauté européenne voudrait marquer son appréciation pour l'action du Rapporteur spécial, chargé d'examiner cette question en enquêtant sur place, sur invitation des Gouvernements. Il est regrettable qu'une minorité de Gouvernements seulement réponde à ses demandes. Même si cette proportion a nettement augmenté, elle reste encore insuffisante. Nous lançons un appel à tous les Etats concernés pour qu'ils coopèrent et s'efforcent de faire toute la lumière sur les exécutions signalées par le Rapporteur spécial et d'en prévenir de nouvelles, en liaison avec le Rapporteur spécial.

Nous voulons redire toute l'importance que nous attachons à l'action du Groupe de travail sur les disparitions forcées ou involontaires. Le Groupe a pu attirer l'attention de certains Gouvernements et notamment, grâce à sa procédure d'urgence, il est parvenu à sauver un certain nombre de personnes. L'impartialité et l'approche humanitaire qui caractérisent ses travaux en font un instrument incontesté de défense des droits de l'homme et d'aide aux victimes. Nous nous félicitons de l'initiative de certains Gouvernements d'inviter le Groupe de travail à venir enquêter sur place.

En outre, nous soutenons la formation du Groupe de travail, décidée lors de la 47ème Commission des droits de l'homme, qui sera chargé d'examiner le projet de déclaration sur la protection de toutes les personnes contre les disparitions forcées ou involontaires en vue de son adoption à sa 48ème session.

Le Rapporteur spécial sur l'intolérance religieuse signale que de nombreuses et graves violations subsistent quant à la liberté religieuse. Nous prions instamment les Gouvernements de se montrer plus conscients des impératifs de la Déclaration sur l'élimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou la conviction et d'en exécuter scrupuleusement les dispositions.

Les Douze se félicitent du 1er rapport soumis par le Rapporteur spécial sur la vente d'enfants.

Il est important, de même, que les Rapporteurs spéciaux par thèmes de notre Organisation puissent disposer du soutien et des moyens qu'exigent leurs missions.

Nous réitérons notre appréciation pour les services consultatifs ainsi que les programmes d'assistance technique. Nous considérons qu'ils constituent un important instrument potentiel de prévention de même qu'un moyen d'assistance aux pays dans leur processus de transition vers la démocratie et le pluralisme. Nous notons avec satisfaction la demande croissante pour une telle assistance. Nous nous félicitons de ce développement et espérons qu'une réponse rapide et satisfaisante pourra être donnée à ces demandes notamment à travers le Fonds volontaire pour les services consultatifs. A ce sujet, nous exprimons notre satisfaction quant à l'augmentation des contributions à ce Fonds. Celui-ci devient de plus en plus nécessaire face à la demande croissante d'assistance adressée par les pays concernés au Centre des droits de l'homme.

Les Douze se félicitent de l'adoption lors de la 47<sup>ème</sup> Commission des droits de l'homme d'un projet d'ensemble de principes pour la protection de personnes atteintes de maladies mentales et l'amélioration de soins de santé mentale. Nous espérons que le Conseil économique et social soumettra pour adoption le projet d'ensemble de principes à l'A.G.

Monsieur le Président, durant la C.D.H., les Douze ont fait des déclarations sur un grand nombre de sujets et il n'y a pas lieu de les répéter ici. Les Douze souhaitent se concentrer sur les activités de la Commission. Chaque session s'inscrit, qu'on le veuille ou non, dans un contexte d'actualité. Celui-ci a été marqué cette année, plus particulièrement par le conflit entre l'Iraq et le Koweït. Nous tenons à marquer notre soutien à la désignation d'un Rapporteur spécial sur la situation des D.H. en Iraq et d'un Rapporteur spécial sur la situation des D.H. pendant la période d'occupation du Koweït.

Les travaux de la Commission ont traité cette année des événements qui se sont produits en Lituanie et en Lettonie en janvier 1991. Nous notons avec satisfaction qu'un accord est intervenu sur une déclaration du Président qui a exprimé sa profonde préoccupation au sujet des actes tragiques de violence dans les Etats baltes.

Nous regrettons qu'au Myanmar, un an après la tenue d'élections libres, le Gouvernement vienne d'annoncer qu'il se refusait toujours à accepter le résultat de ces élections et à prendre les mesures nécessaires pour permettre au peuple de ce pays de déterminer son propre destin. Nous restons également extrêmement préoccupés par la situation des droits de l'homme qui prévaut dans ce pays.

En ce qui concerne la situation des droits de l'homme à Chypre, la C.D.H. a décidé de reporter à nouveau la question à sa prochaine session. La division tragique de Chypre, membre de la famille européenne, ainsi que ses conséquences dans le domaine des violations des droits de l'homme et des libertés fondamentales, continuent à inspirer de profondes préoccupations à la Communauté et à ses Etats membres. Nous réitérons aussi l'appui exprimé par le Conseil Européen de Dublin le 26 juin 1990 en faveur du rétablissement de l'unité, de l'indépendance, de la souveraineté et de l'intégrité territoriales de Chypre, conformément aux résolutions pertinentes des Nations Unies.

La Communauté européenne se félicite de l'adoption, pour la première fois par consensus, des résolutions 'Situation des droits de l'homme en Afrique australe', et 'Utilisation de mercenaires comme moyen d'empêcher l'exercice du droit des peuples à disposer d'eux-mêmes'. Nous espérons que cette base de consensus pourra être maintenue et même élargie à l'avenir. En outre, elle a fait adopter à nouveau une résolution sur les 'Colonies israéliennes dans les territoires occupés'.

La Communauté et ses Etats membres se félicitent de la prorogation des mandats des Rapporteurs spéciaux concernant l'Iran, l'Afghanistan, le Salvador et la Roumanie.

La C.D.H. a demandé au Secrétaire général de désigner un représentant pour la situation des droits de l'homme à Cuba. Concernant le Guatemala, il a été décidé de suivre la situation dans ce pays au moyen de services consultatifs dans le domaine des droits de l'homme et de proroger le mandat de l'expert indépendant pour qu'il continue d'examiner la situation des droits de l'homme dans ce pays. La nomination d'un expert indépendant pour suivre la situation des droits de l'homme en Haïti a également été demandée.

Nous nous félicitons de l'adoption pour la première fois par consensus, des résolutions sur l'Albanie et sur le Liban du Sud.

Le renforcement des mécanismes en faveur d'un meilleur respect et d'une application plus efficace des droits de l'homme constitue une des priorités que nous nous étions fixées pour la 47<sup>ème</sup> Commission des droits de l'homme.

Dans ce contexte, nous considérons que la Conférence mondiale des droits de l'homme en 1993 revêt une grande importance. Elle constitue une initiative positive qui dans le futur pourra donner une impulsion nouvelle au respect des droits de l'homme. Elle sera amenée à examiner les moyens d'assurer une meilleure protection et promotion des droits de l'homme. La Commission des droits de l'homme est parvenue à adopter par consensus une résolution quant aux travaux préparatoires en vue de la Conférence mondiale sur les droits de l'homme. Elle a été co-parrainée par plus de 80 pays dont les 12 Etats membres de la Communauté européenne. L'enjeu de la Conférence justifie pleinement une préparation substantielle et détaillée à laquelle la Communauté européenne et ses douze Etats membres entendent s'associer activement. Nous estimons que tous les pays participants doivent aborder cette phase préliminaire, dans un esprit d'ouverture, de dialogue et de coopération, mus par la seule volonté de faire progresser le respect des droits de l'homme dans le monde.

La Conférence mondiale constituera certainement une véritable charnière dans l'évolution des droits de l'homme dans le monde en cette fin de siècle.

Un des objectifs des Nations Unies est de réaliser la coopération internationale en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous sans distinction de race, de sexe, de langue ou de religion.

Nous nous félicitons de l'adoption par la C.D.H. d'une résolution qui pose notamment la question des ressources financières du Centre pour les droits de l'homme.

Malheureusement, les ressources allouées aux programmes de promotion et de protection des droits de l'homme sont inférieures à 1% du budget total des Nations Unies, ce qui est insuffisant face à l'augmentation des tâches à accomplir. Compte tenu de l'importance du Centre pour les droits de l'homme, et en particulier du fait que sa charge de travail a fortement augmenté, et que les ressources ne se sont pas accrues au même rythme, nous insistons pour que des mesures appropriées soient prises le plus rapidement possible.

L'accélération extraordinaire de l'histoire et l'évolution rapide des relations internationales ont conduit à conférer une importance nouvelle aux problèmes des droits de l'homme. C'est dans ce contexte qu'il convient, pour conclure, Monsieur le Président, de citer le Secrétaire général qui a dit, ce qui suit, dans son dernier rapport sur l'activité de l'Organisation:

« Au cours de l'année, la question des droits de l'homme a cessé d'être un thème subsidiaire au débat international pour devenir une préoccupation dominante. Partout dans le monde, se renforce l'idée qu'une pratique sociale ou politique qui ne respecte pas la dignité et la valeur de la personne humaine, l'égalité des droits des hommes et des femmes – ainsi que des nations, petites et grandes ne peut, ni ne doit survivre. »

Merci, Monsieur le Président.

#### **91/152. Statement concerning the death of Mr Rajiv Gandhi**

Date of issue: 22 May 1991  
 Place of issue: Brussels, Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Declaration

The Community and its Member States are deeply dismayed at the news of the attempt on the life of Mr Rajiv Gandhi. They condemn this cowardly act of terrorism against the leader of the Congress Party and the persons who were with him. They recall the statesmanship qualities and the hope-bearing personality of the man who led India between 1984 and 1989, succeeding his mother, Indira, herself a victim of political violence.

**91/153. Statement concerning Ethiopia**

Date of issue: 23 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

Following the resignation of President Mengistu, the Community and its Member States strongly appeal to all parties to the conflict to endeavour to achieve a cease-fire and to participate in a constructive manner in the peace-talks due to open on 27 May in London.

The Community and its Member States are convinced that a negotiated settlement of the conflict is the only possible road to peace, stability and economic and social development for the Ethiopian nation.

They are willing to lend their support to this process of appeasement in whatever ways might be appropriate.

The Community and its Member States also recall the necessity to secure the continuation of effective humanitarian relief operations.

**91/154. Statement concerning Somalia**

Date of issue: 24 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are following with concern the development of the situation in Somalia. In view of the separatist tendencies of recent days, they reiterate their urgent appeal to all the parties concerned to maintain the territorial integrity and the unity of the country and underline the urgent necessity of a peaceful solution to the internal conflict, which is the only guarantee for cohesion and national stability.

The Community and its Member States urge all the parties concerned to participate as rapidly as possible in talks which should deal in particular with political reconciliation, institutional reorganization and the reconstruction of the country. They note with interest all regional and international efforts to this end and reaffirm their willingness actively to support the search for a negotiated settlement acceptable to all the parties concerned.

The Community and its Member States also reaffirm their commitment to pursue efforts to provide humanitarian relief to the populations affected by famine. They call upon all the parties concerned to do everything in their power to guarantee the efficient delivery of aid directed to the civilian populations.

**91/155. Statement concerning Burma**

Date of issue: 27 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

A year ago, free elections enabled the Burmese people to demonstrate in the clearest fashion their wish to see established a democratic, multi-party system.

At that time the Community and its Member States expressed their satisfaction and called on the military rulers to respect the results of the elections. They called for power to be transferred without delay to a government designated by the newly elected parliament and for political leaders in detention to be released immediately.

The Community and its Member States have, since then, through *démarches* and statements, made clear on several occasions their concern at the prolonged absence of a positive response from the Burmese authorities and at their continuing refusal to accept the requests made by the elected representatives of that country for the initiation of a democratic process. The Community and its Member States have condemned the numerous shortcomings in respect of internationally accepted rules of conduct and of human rights, the continuing harassment, detention and house arrest of opposition leaders, and the refusal to free political prisoners.

The Community and its Member States take this opportunity to reiterate their appeal to the military government to bring about a democratic solution to the present situation in Burma and one which would respect the mandate given by the people on 27 May 1990. They confirm their readiness to re-establish constructive relations, including a resumption of their programmes of development assistance, with a Burma at last democratic and respectful of human rights.

#### **91/156. Statement concerning the elections in Suriname**

Date of issue: 27 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The European Community and its Member States note with satisfaction that free and fair elections took place in Suriname on 25 May 1991. They congratulate the Surinamese people on their having taken an important step on the path back to democracy and they hope that a democratic government will soon be formed which will do justice to the clearly expressed will of the Surinamese people. The European Community and its Member States express the fervent hope that the people of Suriname will be spared any further military interference in the democratic process of their country. They trust that as a result Suriname will shortly regain its place as a respected member of the international community.

#### **91/157. Statement concerning Mozambique**

Date of issue: 27 May 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States are following closely the course of the peace negotiations that are taking place in Rome between the Government of Mozambique and RENAMO.

They have welcomed the opening of this dialogue which has led already to the declaration of a partial cease-fire in December and the establishment of a verification commission in which the Government of Mozambique, RENAMO, certain of its Member States, the United States, the Soviet Union and several African States participate.

They have noted that the discussion which has just been resumed turns on the examination of the political and military components of a definitive agreement.

In this perspective, the Community and its Member States reiterate their support for those who are mediating, express the desire to see a rapid conclusion to negotiations, and invite the two parties to deply every effort to reach an agreement on national reconciliation in the framework of the democratic development of the country.

The Community and its Member States consider that the continuing of an armed confrontation in Mozambique is incompatible with the peace process which seems at last to be prevailing in the region and that it poses a threat to the effectiveness of their cooperation.

**91/158. Opening statement at the colloquium on cultural heritage, held in Cracow**

Date of issue: 28 May 1991

Place of issue: Cracow

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*M. Steichen:* Monsieur le Président, au nom de la Communauté Européenne et de ses Etats membres, j'ai l'honneur de saluer tous les distingués représentants des Etats participants, ainsi que les représentants de l'U.N.E.S.C.O. et du Conseil de l'Europe. Je voudrais également saluer les représentants des Organisations non gouvernementales dont nous apprécions l'appui utile pour favoriser une meilleure compréhension réciproque entre nos peuples, si indispensable à la création d'un climat d'entente et de coopération.

Il me tient particulièrement à cœur de remercier vivement le Gouvernement et le peuple polonais de leur accueil chaleureux et de leur généreuse hospitalité, comme aussi de tous les efforts déployés pour l'organisation de ce Colloque sur le Patrimoine Culturel dans le cadre de la Conférence sur la Sécurité et la Coopération en Europe.

Pour abriter ce colloque, les Etats participants à la C.S.C.E., à l'occasion de leur réunion de Vienne, en janvier 1989, ont choisi la ville de Cracovie, un choix significatif et symbolique. Troisième ville de Pologne, Cracovie est à la fois une ville d'art de réputation européenne, remplie de trésors architecturaux prestigieux, et une ville industrielle avec d'immenses installations, situées au abords de la vieille cité qui constituent, ensemble avec l'usure du temps, une menace constante pour la survie des admirables vestiges de son passé. Capitale royale pendant des siècles, Cracovie a toujours été intimement liée à l'histoire de la Pologne, histoire à la fois glorieuse, turbulente et douloureuse d'un pays dont nous rendons hommage au rôle de premier plan qu'il a joué dans la maturation et le déclenchement du mouvement libérateur de 1989, et, depuis lors, à l'installation, dans l'ordre et la discipline, d'institutions démocratiques et au rétablissement, laborieux sans doute, mais prometteur, de l'économie de marché. Enfin, Cracovie est une vieille ville universitaire, avec une vie intellectuelle et culturelle rayonnante. C'est donc une ville qui, par son passé, son présent et par les espoirs comme les appréhensions de son avenir, reflète par excellence la matière, les tâches, les aspirations et les défis de notre colloque.

Permettez-moi de faire ici, en ma qualité de représentant du Luxembourg, une brève considération à l'intention de nos hôtes et amis polonais. Ce furent des spécialistes polonais qui, il y a quelques années, ont restauré la façade de la cathédrale de Luxembourg, le principal sanctuaire marial de notre pays qui, à ce titre, a joué, depuis quatre siècles, un rôle considérable dans la création et le développement de notre identité nationale. Ce seront encore des spécialistes polonais qui, sous peu, entreprendront la restauration du palais grand-ducal, siège du Souverain, symbole et incarnation de la Nation.

Monsieur le Président, la Communauté et ses Etats membres attachent une grande importance au succès de ce colloque sur le patrimoine culturel et ils sont décidés [à] contribuer à son succès,



conformément à leur constante intention d'apporter une contribution active à toutes les discussions menées dans le cadre du processus de la C.S.C.E.

Nous croyons que le patrimoine culturel dans tous ses aspects, matériel et spirituel, est ce que les peuples d'Europe et d'Amérique du Nord ont de plus précieux et de plus essentiel.

Le patrimoine culturel n'est pas seulement la mémoire, c'est vraiment l'âme de nos peuples et en même temps l'expression la plus authentique de cette âme. Cela est juste pour les peuples les plus petits comme pour les nations les plus grandes.

Nous sommes également convaincus qu'au-delà des manifestations visibles et perceptibles du patrimoine culturel, comme les monuments et le patrimoine mobilier, les sites et les ensembles, les lieux de mémoire, les documents, le patrimoine ethnologique, si différents et si variés d'un pays et d'une région à l'autre, il existe entre les Etats participants un état d'esprit commun, une communauté spirituelle et morale fondée sur des valeurs partagées, telles que le respect de la personne humaine dans toutes ses dimensions, la reconnaissance de la liberté de conscience et d'expression, la primauté de l'esprit, l'attachement au règne du droit, la tolérance, le libre exercice de la critique, l'ouverture aux autres civilisations. Ce patrimoine commun et l'adhésion constante à ces valeurs partagées constituent les liens qui unissent les Etats de l'Amérique du Nord et d'Europe.

C'est précisément la reprise de conscience de cette communauté d'esprit, comme également l'attachement profond aux valeurs spécifiques des patrimoines nationaux et régionaux, qui ont contribué largement aux changements démocratiques en Europe et à la victoire sur la division du continent.

Or, l'aspect matériel du patrimoine culturel, dans ses multiples versions nationales et régionales, est aujourd'hui sérieusement menacé, voire partiellement déjà en voie de disparition. La sauvegarde, la préservation et la restauration de ce patrimoine sont donc devenues une des tâches les plus urgentes de notre époque. En même temps, il nous faut préserver la dimension spirituelle du patrimoine culturel qui est à la fois racine de notre façon d'être et de notre conception de l'avenir et héritage pour les générations futures.

Cela comporte évidemment des efforts supplémentaires sur le plan national et local mais, dans un monde interdépendant et dans le cadre toujours plus solidaire de la C.S.C.E., cela exige une collaboration accrue et élaborée, des échanges culturels plus denses et plus variés. Cela demande aussi une meilleure sensibilisation de nos opinions publiques au patrimoine culturel et à sa protection.

Monsieur le Président, conformément au mandat fixé par le document de clôture de la réunion de Vienne de janvier 1989, le colloque de Cracovie sur le patrimoine culturel des peuples des Etats participants est chargé d'examiner les caractéristiques communes du patrimoine culturel des peuples des Etats participants, en tenant dûment compte de l'originalité et de la diversité de leurs cultures respectives. Dans ce contexte, il étudiera la possibilité d'améliorer, à la fois la sensibilisation à l'existence de ce patrimoine, et sa connaissance mutuelle, et de susciter une coopération accrue pour sa protection et sa préservation.

D'autre part, la Charte de Paris souligne l'importance accrue du colloque de Cracovie eu égard aux changements intervenus en Europe et exprime son espoir que le colloque puisse examiner des orientations pour une coopération accrue dans le domaine culturel.

Les Chefs d'Etat et de Gouvernement se sont également exprimés en faveur de l'établissement de centres culturels dans des villes d'autres Etats participants, une collaboration accrue dans le domaine audio-visuel, un échange plus étendu dans les secteurs de la musique, du théâtre, de la littérature, de l'art ainsi que l'encouragement de la compréhension réciproque, notamment auprès de la jeunesse, ainsi qu'une collaboration dans tous les domaines de l'éducation.

Enfin, la Charte de Paris contient une invitation explicite au Conseil de l'Europe dont l'importante contribution au développement de la coopération culturelle est reconnue.

Nous estimons qu'il convient de se maintenir dans les limites du mandat de Vienne, tout en tenant compte des indications supplémentaire fournies par la Charte de Paris. Ce mandat est déjà suffisamment vaste et explicite, de sorte qu'il serait dangereux de le dépasser au risque de disperser nos efforts et nos moyens.

Dans ce contexte, il sera également nécessaire d'éviter les doubles emplois. Il existe déjà un certain nombre de documents proposant des orientations pour assurer la coopération culturelle prônée par la C.S.C.E., soit dans le cadre communautaire des Douze, soit dans celui du Conseil de l'Europe ou de l'U.N.E.S.C.O. Ces documents définissent, à des degrés divers, des positions communes aux signataires dans le domaine de la culture et devraient être pris en considération pour décider des conditions, ou de la possibilité même, d'une poursuite de ce processus par le colloque de Cracovie.

Enfin, il est essentiel, en ce domaine où les ressources sont limitées, de veiller à ce que les efforts entrepris au niveau international ne viennent pas se substituer à ceux engagés par les Etats participants, mais les complètent.

A cet effet, la Communauté Européenne et ses Etats membres s'attendent à ce que d'éventuelles propositions ou recommandations de ce colloque [soient] de nature à utiliser les structures et institutions existantes ou à élargir les relations bilatérales entre les Etats participants.

Quant au résultat de ce colloque, nous estimons qu'il devrait se conclure par un document final dont la forme et le caractère restent à préciser à la lumière des conclusions des experts dont les contributions dans les groupes de travail constituent le but essentiel de ce colloque. Un tel document pourrait être soumis au Conseil des Ministres des Affaires Etrangères de la C.S.C.E. qui se réunira à Berlin vers la mi-juin.

Monsieur le Président, dans le cadre de notre mandat, la Communauté Européenne et ses Etats membres estiment qu'il serait utile de concentrer nos efforts, de préférence sur les domaines fondamentaux et en premier lieu, sur la sauvegarde de notre patrimoine culturel avec tout ce que cette sauvegarde comporte en actions collatérales: protection de l'environnement, sauvegarde et encouragement des métiers d'art, échange d'informations sur les procédés de préservation et de restauration. Cette sauvegarde est inséparable de la création contemporaine, car le patrimoine culturel n'est pas statique; c'est une réalité vivante en perpétuel devenir.

A son tour cela exige la sensibilisation du public au patrimoine culturel, une meilleure connaissance mutuelle de ce patrimoine, à la fois de ses traits communs et de la diversité extrême de ses expressions nationales et régionales, une prise de conscience plus aiguë de sa signification pour notre identité.

Enfin, la sauvegarde du patrimoine culturel, l'encouragement de la créativité, la sensibilisation aux valeurs culturelles, base de nos systèmes démocratiques, exigeront une intensification générale des contacts entre institutions et personnes dans le domaine culturel.

Ces idées n'ont rien d'exclusif, nous sommes ouverts à toutes les suggestions et initiatives de la part des autres Etats participants.

Ensemble, nous espérons ainsi contribuer à la création d'une base plus solide et plus articulée à partir de laquelle pourra se poursuivre, à l'avenir, la coopération culturelle dans le cadre de la C.S.C.E. Nous sommes confiants que cette collaboration dans un domaine vital pour la survie et le développement de notre patrimoine culturel renforcera la compréhension mutuelle entre nos peuples et, par là-même, favorisera l'établissement d'un ordre de paix, de sécurité et de démocratie pluraliste dans une Europe fondée sur les principes de liberté et de justice.

**91/159. Opening address at the Ninth Meeting of the Foreign Ministers of the European Community and its Member States and of the Association of South-East Asian Nations (ASEAN) in Luxembourg held on 30 and 31 May 1991**

Date of issue: 30 May 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*M. Santer:* Au nom de la Présidence luxembourgeoise des Communautés européennes, je tiens à remercier de leur venue nos invités des six pays membres de l'ASEAN: leurs Ministres des Affaires étrangères, M. le Secrétaire Général de l'ASEAN ainsi que les autres membres des délégations.

Je salue aussi, bien entendu, les Ministres européens ainsi que Monsieur Matutes, membre de la Commission.

La première réunion entre les Ministres des Affaires étrangères de l'ASEAN et ceux de la Communauté s'était tenue à Bruxelles, les 20 et 21 novembre 1978. Après Kuala Lumpur, Londres, Bangkok, Dublin, Djakarta, Dusseldorf et Kuching, le Luxembourg, capitale européenne et ville de la Présidence, est heureux de pouvoir accueillir cette année la 9e édition de ce forum.

En 1978, il s'agissait, rappelons-nous, d'une première. L'expérience d'un tel dialogue politique et économique riche et confiant, entre des hommes politiques représentant deux régions importantes du monde, était alors sans précédent.

Depuis, notre bonne entente a fait école. Suivant le modèle créé avec les partenaires de l'ASEAN, les Ministres des Douze et le Commissaire ont entamé un dialogue régulier avec l'Amérique centrale d'abord, puis avec les démocraties d'Amérique latine, avec les pays du Golfe aussi.

La démonstration est donc faite de la valeur, nouvelle et irremplaçable, à la fois de l'expression commune des voisins d'une région et de la portée au niveau de la diplomatie mondiale du dialogue entre régions. Dans la Communauté, nous ne nous lasserons pas de continuer par tous les moyens à ainsi encourager les regroupements régionaux. Notre monde, en effet, tend à devenir multipolaire. Il exige des mécanismes diplomatiques nouveaux correspondant à cette nouvelle situation.

La deuxième raison de notre satisfaction de vous accueillir ici, aujourd'hui, est que l'ASEAN qui, l'an prochain, va fêter ses vingt-cinq ans, est pour la Communauté un partenaire de choix.

L'ASEAN, en effet, a acquis une haute stature politique: à l'intérieur, elle constitue, du fait même de son existence, un mécanisme permanent de sécurité et de confiance entre ses membres. Elle permet de résoudre par le dialogue les frictions toujours possibles entre voisins et d'assurer, ainsi, la stabilité et la paix en Asie du Sud-Est. A l'extérieur, l'ASEAN est marquée par sa visibilité politique: c'est l'unique forum régional en Asie qui s'attache à assurer une réelle cohérence diplomatique, en défendant ses positions tant auprès de ses interlocuteurs qu'au sein des organisations internationales.

Dans la question du Cambodge, l'opinion de l'ASEAN est particulièrement avisée, ses opinions recherchées, son rôle reconnu. L'ASEAN parle aussi d'une seule voix sur des sujets qui impliquent d'autres parties du globe: Moyen-Orient, Afrique australe, Afghanistan, négociations commerciales internationales, désarmement, relations Nord-Sud tant en ce qui concerne le développement que la protection de l'environnement...

Elle sait que sur toutes ces questions, elle sera écoutée et qu'elle est susceptible d'exercer une influence bénéfique sur les événements en cours.

Il est toujours particulièrement satisfaisant dans ce contexte de constater le caractère vivant – vivace même – et ouvert de vues politiques au cours de nos réunions ministérielles. Il convient aussi de se féliciter du haut degré de convergence qui caractérise ces rencontres.

La Communauté et ses Etats membres, qui se sont fixés l'objectif de parvenir à l'Union politique et de réaliser, dans le cadre de cette Union politique, une politique étrangère et de sécurité commune, attachent une importance particulière à la coopération avec des organisations régionales parmi lesquelles l'ASEAN joue un rôle exemplaire.

D'un point de vue économique, aussi, l'ASEAN est un partenaire de tout premier ordre, la 10<sup>e</sup> puissance exportatrice au monde en fait, si l'on additionne les exportations de tous ses membres, exportations qui désormais se montent à cent milliards de dollars par an. Mais l'ASEAN est aussi un compétiteur dont la balance commerciale, avec la Communauté, est bénéficiaire. D'où la vigueur de nos discussions.

La Communauté, cependant, préfère bien évidemment débattre avec un regroupement d'Etats aux économies diversifiées, insérées dans le commerce international, en pleine croissance, promettant d'assurer le bien-être de toute une région du monde, plutôt qu'avec un regroupement de nations qui serait marqué par des traits contraires, quitte à être moins ambitieux d'un point de vue commercial.

L'ASEAN, enfin, se trouve au centre d'un océan que bordent plusieurs puissances tantôt stratégiques, tantôt économiques, tantôt à la fois stratégiques et économiques. Ce Pacifique dont les augures prédisent que son émergence marquera le 21<sup>e</sup> siècle. La Communauté, qui elle-même est en train de se renforcer, voit donc en l'ASEAN un de ses tout premiers amis dans la région et elle compte renforcer cette amitié, dans une perspective à long terme.

Il n'est pas jusqu'à la dimension humaine – la Communauté et l'ASEAN comptent chacune autour de 320 millions d'habitants – qui nous rapproche.

Il nous faut continuer à construire sur le fondement solide que symbolise l'accord de coopération conclu le 7 mars 1980 entre la C.E. et l'ASEAN, en multipliant les liens concrets:

- dans la coopération politique, industrielle, scientifique et technique;
- en matière de développement des ressources humaines et de projets régionaux;
- concernant les questions de l'environnement.

Je tiens dans ce contexte à rappeler les orientations pour la coopération avec les pays en voie de développement d'Amérique latine et Asie, adoptées par la Communauté le 4 février 1991, orientations qui mettent l'accent sur le remarquable potentiel scientifique et technologique des pays de l'ASEAN.

Nos entreprises privées devront investir plus encore dans les pays de l'ASEAN. Notre aide au développement devra s'accroître.

Le Marché Unique avance à grands pas. Il a déjà, avant même la date fatidique du 1<sup>er</sup> janvier 1993, suscité un surcroît de croissance appréciable. Des craintes ont été émises par nos amis de l'ASEAN, à Kuching notamment, quant à la perspective du Marché Unique et à la contribution de la Communauté au relèvement de ses voisins de l'Europe centrale et orientale.

M. le Commissaire Matutes abordera plus en détail cette question. Mais, je tiens à rappeler que les exportations des pays de l'ASEAN vers la Communauté, dans les années quatre-vingts, ont pratiquement doublé. Le Marché Unique, mais aussi, à un stade ultérieur, l'Union Economique et Monétaire tendront à simplifier, à faciliter et à augmenter les échanges avec tous nos partenaires.

Ceci prouve qu'une Europe renforcée et plus unie présente des chances accrues aux pays de l'ASEAN. Vous en profiterez encore plus dans l'avenir. Il est temps aussi que certaines de vos entreprises pensent à s'engager davantage en investissant chez nous.

Il convient de voir nos efforts d'intégration économique pour ce qu'ils sont – à savoir la preuve de l'engagement des Etats de la Communauté en faveur d'un avenir commun – et non pour ce qu'ils ne sont pas, à savoir la volonté de simplement déplacer les barrières, tarifaires ou autres. Nos peuples, d'ailleurs, ne l'accepteraient pas. Ils entendent voir leurs gouvernements décloisonner et harmoniser.

La contribution de la Communauté et de ses Etats membres à la reconstruction de l'Europe centrale et orientale est un engagement politique et moral auquel nous ne saurions nous soustraire.

Elle créera de nouvelles possibilités pour toutes les économies, y compris pour celles de l'Asie. Dans un contexte d'économies ouvertes, il existe une étroite corrélation entre la croissance des uns et celle des autres.

Je ne pense pas, d'autre part, que des investisseurs avisés soient susceptibles de se concentrer sur la seule Europe centrale et orientale: la stratégie des grandes entreprises d'aujourd'hui est mondiale. Les investissements – et les risques – sont nécessairement distribués entre plusieurs sites. Je suis convaincu que l'ASEAN saura continuer à faire valoir les excellentes conditions qui sont réservées aux investissements dans ses pays membres.

J'escompte que la réunion d'aujourd'hui et de demain, mais aussi la réunion ministérielle C.E./ASEAN des Ministres de l'Economie, qui – répondant à un vœu maintes fois exprimé par nos partenaires de l'ASEAN – se tiendra immédiatement après la présente réunion, le 1er juin donc, permettront de formuler des éléments de réponse plus concrets sur tous ces points.

Je conclus en vous souhaitant une bonne réunion et un agréable séjour à Luxembourg. Je passe maintenant la parole à M. Jacques F. Poos, Ministre des Affaires étrangères et Président en exercice du Conseil des Ministres des Communautés européennes.

**91/160. Statement at the Ninth Meeting of the Foreign Ministers of the European Community and its Member States and of the Association of South-East Asian Nations (ASEAN) in Luxembourg, held on 30 and 31 May 1991**

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*M. Poos:* En ma double qualité de Président du Conseil des Ministres des Communautés européennes et de co-Président, avec mon nouveau collègue de la Malaisie, de la présente réunion ministérielle, je tiens à souhaiter la bienvenue à mes collègues ainsi qu'à Monsieur Matutes, Membre de la Commission.

Nos discussions politiques cette année seront d'une importance toute particulière, au vu des nombreux dossiers qui, aux quatre coins du globe, nous interpellent.

Permettez-moi de brosser un rapide tableau de la situation internationale, en introduisant les différents points qui figurent à l'ordre du jour de nos discussions de cet après-midi et de demain.

Vous avez tous en mémoire, très certainement, la Guerre du Golfe, les terribles conséquences qu'elle a entraînées et qui continuent à fixer notre attention. Je pense au drame kurde et à la situation difficile que vit le peuple irakien.

Il nous faut rappeler notre dénonciation de l'intervention armée de l'Irak contre son voisin, intervenue en violation flagrante du droit international et nous féliciter de ce qu'elle ait été mise en échec. Des puissances étrangères ne doivent impunément imposer par la force leur volonté à des Etats indépendants.

Vous vous souviendrez que voici 11 ans déjà, d'une même voix, la Communauté et l'ASEAN avaient condamné dans le communiqué conjoint de leur réunion ministérielle de Kuala Lumpur l'invasion du Cambodge par le Vietnam, intervenue en décembre 1978 et l'invasion par l'U.R.S.S. de l'Afghanistan, qui avait eu lieu en décembre 1979. Ce message, aujourd'hui comme hier, demeure d'actualité.

La légalité internationale est à ce prix.

Cela pour autant ne saurait nous empêcher de diriger nos regards vers l'avenir. La Communauté entend contribuer activement à la sécurité, à la stabilité et au développement pour tous les pays de la région du Moyen-Orient. Elle souhaite que le conflit israélo-arabe et la question palestinienne, qui sont la source fondamentale de l'instabilité dans la région, soient réglés avec plus de détermination encore qu'avant la crise, afin d'éviter de futures tragédies.

Tout règlement devra prévoir le respect des résolutions des Nations Unies, le droit du peuple palestinien à l'autodétermination et celui d'Israël à des frontières sûres et reconnues. Aucune solution ne pourra être écartée de prime abord, aucun a priori empêcher le dialogue. Un règlement devra [être] précédé par l'établissement de mesures de confiance réciproques et par la convocation d'une conférence de paix.

Si les Douze entendent être activement présents et associés au processus de paix, personne cependant ne pourra réussir seul. Le concours de tous est essentiel. Toutes les parties méritent d'être encouragées et l'ASEAN, au cours de nos discussions, aura certainement des suggestions à nous communiquer. J'en appelle à un échange de vues approfondi sur cette question.

Mesdames, Messieurs, l'année 1989 a sans conteste été celle de l'Europe, marquée par des événements qui, deux ans plus tard, résonnent encore de tout leur poids.

Mais l'Europe, déjà, a franchi une nouvelle étape: après les bouleversements heureux qui ont signifié la fin des dictatures, elle organise sa future configuration.

Alors que la Communauté des Douze songe à se renforcer, en posant les jalons d'une Union Politique et d'une Union Economique et Monétaire, l'Europe centrale et orientale, pour sa part, a mis en œuvre une véritable reconstruction politique et économique à laquelle nous entendons contribuer par les moyens qui sont à notre disposition.

Tournons-nous du côté de l'Asie: je tiens tout d'abord à relever la contribution de l'ASEAN à la stabilité et au développement de la région. Son rôle modérateur, mais aussi son effet dynamique n'échappent à personne.

Je souhaite de même me féliciter des pas qu'ont franchi récemment plusieurs pays asiatiques vers la démocratie représentative.

Nous avons pu constater avec une satisfaction évidente les élections en Mongolie, les premières dans l'histoire de ce pays. Nous avons applaudi au succès du mouvement démocratique au Népal qui a permis d'y organiser, voici quelques semaines, le premier recours aux urnes pleinement démocratique. Nous avons noté les progrès du système démocratique en Corée du Sud, jusqu'au niveau local, par opposition à la situation qui règne en Corée du Nord. Nous avons tous suivi avec satisfaction le déroulement exemplaire, en février de cette année, des élections au Bangladesh, et la confirmation de l'attachement tant de l'Inde que du Pakistan à la démocratie représentative.

Mais nous avons tous assisté, en spectateurs attristés, aux événements désolants en Birmanie, où le résultat des élections libres de mai 1990 – les premières en trente ans – ont jusqu'à ce jour été totalement ignorées par la junte militaire au pouvoir. Un tel comportement n'est plus, aujourd'hui, acceptable pour la communauté internationale. Je rappelle que le dirigeant de

l'opposition, Madame Aung Suu Kyi a reçu le prix Sakharov attribué par le Parlement Européen et que V. Havel vient de la nommer pour le prix Nobel. Nous aimerions travailler avec nos amis de l'ASEAN à trouver une approche commune dans cette question, allant dans le sens d'un dialogue entre les tenants du pouvoir et les représentants élus du peuple.

Il me faut aussi rappeler la situation dans cet autre pays, un grand pays, un pays que nous respectons pour son apport à la civilisation mondiale, mais dont nous ne pouvons constater avec bonheur l'évolution politique. J'entends parler de la Chine. Autant la vigueur du mouvement démocratique nous avait agréablement surpris en 1989, autant la répression qui lui a succédé et qui s'est confirmée en 1990 nous a attristés. La Chine s'est délibérément isolée, pour un temps, du mouvement dominant cette fin du 20e siècle. Nous l'appelons à retrouver le chemin des réformes politiques. Nous souhaiterions, sur ce point également, avoir l'opinion de nos invités de l'ASEAN.

Arrivé à ce point de mon discours, je souhaiterais préciser notre souci d'intégrer le respect des droits de l'homme et la promotion de la démocratie dans nos relations avec les Etats tiers et dans notre politique d'aide au développement. Il s'agit de convaincre nos interlocuteurs, par le biais d'un dialogue permanent et positif, que travailler dans le respect des droits de l'homme avec le soutien le plus large possible de leur population n'est pas seulement une question de légitimité mais aussi le chemin le plus approprié pour en arriver à un bon développement économique.

Nous sommes convaincus que des politiques nationales orientées vers la mise en œuvre d'une certaine catégorie de droits ne sauraient servir de prétexte au non octroi d'autres droits fondamentaux.

Il s'agit pour nous de mettre en œuvre l'obligation morale qu'a la communauté internationale d'intervenir dans des questions qui conditionnent aussi bien la dignité d'êtres humains que le maintien de la paix dans le monde.

Aussi, la question des droits de l'homme est-elle devenue pour les Douze un élément crucial du dialogue et de la coopération avec les autres pays.

Nous estimons qu'il faut accorder le plus grand respect aux institutions démocratiquement élues, là où elles existent. Les moyens militaires ne sont certainement pas appropriés pour résoudre des problèmes politiques.

Ces précisions faites, je reviens à la situation dans certains pays de l'Asie.

Le Vietnam a accompli de remarquables pas en avant. Actuellement, ont lieu des débats internes nourris sur le choix politique et économique d'un pays qui pourrait avoir devant lui un grand avenir, y compris – je présume – au sein de l'ASEAN s'il ne limitait pas ses efforts de libéralisation au seul domaine économique. La coopération avec les pays de la Communauté dépendra de l'issue de ces débats.

La plus grande déception de l'année 1990, en Asie, a été le Cambodge, marqué par la continuation d'un conflit ancien, meurtrier, source de tragédies humaines indescriptibles et point de fixation instable dans une région qui n'aspire qu'au bien-être et à la paix.

Après le retrait vietnamien, et surtout vers l'automne de l'année passée, l'accumulation de signaux diplomatiques positifs, on aurait pu croire enfin venu le moment où pourrait s'enclencher la négociation finale. Parmi ces signaux, je tiens à relever:

- l'amélioration des contacts entre les Etats-Unis et le Vietnam, entre la Chine et le Vietnam;
- l'accord au niveau des cinq membres permanents du Conseil de Sécurité sur un plan de règlement global du conflit, accord avalisé par l'Assemblée générale des Nations Unies;
- la création du Conseil National Suprême et l'acceptation du plan des Nations Unies par les parties cambodgiennes.

Mais, alors que nous escomptions tous la convocation du comité de coordination de la Conférence Internationale de Paris sur le Cambodge, nous avons dû assister à un nouveau blocage du processus de paix en fin d'année.

Au-delà des discussions sur les mesures transitoires relatives aux pouvoirs respectifs de l'ancienne et de la nouvelle administration ou au désarmement des factions, il apparaît qu'autant entre les parties impliquées qu'entre les Etats qui les entourent la confiance fait défaut.

La route tracée par les Nations Unies est évidente. Mais les parties se mettront-elles d'accord pour abandonner leurs petits chemins à sens unique, dominés par le recours aux armes et le refus de la volonté populaire, pour emprunter la voie montrée par les Nations Unies? Le dernier pont à franchir sur cette route est celui de la convocation de la Conférence de Paris sur le Cambodge, suspendue depuis l'été 1989.

Nous appelons les parties, mais aussi les Etats qui ont pour habitude de les assister, à enfin se concerter en vue de franchir le pas décisif qui sépare un simple processus de paix de la paix tout court. La communauté internationale ne dispose pas d'une patience infinie: elle ne peut se substituer aux Cambodgiens eux-mêmes. Il faut espérer que les parties n'auront pas, déjà, attendu trop longtemps.

Toute attitude – quelque confortable intellectuellement qu'elle puisse paraître – qui se satisferait de moins que d'un règlement politique global ne serait qu'un second choix. Elle impliquerait l'acceptation du partage de facto du pays, de la guerre civile, de l'afflux dans d'autres pays de demandeurs d'asile, d'une source de tension permanente dans la région.

Le sort des 'boat people' préoccupe la Communauté, qui a lancé un grand programme de réinsertion de ceux qui n'ont pas été reconnus comme réfugiés. Nous estimons de notre devoir de contribuer à une solution de la question.

Quelle promesse formidable d'un développement économique substantiel dans toute cette partie du monde si les armes pouvaient enfin s'y taire!

Ne laissons donc pas se refermer ce que le Ministre des Affaires étrangères de l'Australie, le sénateur Evans, avait si justement qualifié de 'the window of opportunity'.

Que les co-présidents de la Conférence de Paris, mes collègues Ali Alatas et Roland Dumas, me permettent donc de leur souhaiter bonne chance pour la prochaine réunion avec le C.N.S., qui aura lieu dans quelques jours à Djakarta. Nous connaissons leurs talents de négociateurs infatigables, au service d'une cause difficile.

Sur ce dossier, comme sur ceux que j'ai énumérés plus haut, nos amis de l'ASEAN nous soumettront certainement des propositions qui nous permettront de progresser d'un même pas, comme nous n'avons cessé de le faire depuis 1979, date de l'invasion vietnamienne.

Je m'en voudrais enfin de [ne pas] mentionner, dans cette liste malheureusement trop longue déjà de situations préoccupantes, la question afghane. La guerre civile qui y perdure, dans un pays écartelé, a quitté le devant de l'actualité. Nous avons parfois l'impression que plus d'efforts diplomatiques devraient y être déployés, afin de nouer un dialogue menant à l'établissement d'un gouvernement représentatif.

Mesdames, Messieurs, les deux journées que nous consacrerons à nos travaux seront vouées aussi à des dossiers plus encourageants:

– l'ultime vestige de la guerre froide que constituait depuis 35 ans la péninsule coréenne semble touché lui aussi par le mouvement de rapprochement général: des rencontres politiques – et même, désormais, sportives – entre les deux Corées augurent bien d'une détente entre frères séparés par



une idéologie qui a fait son temps. La République Populaire de Corée essaie d'élargir ses contacts diplomatiques. Nous savons que la République de Corée a annoncé pour sa part qu'elle souhaitait rejoindre l'Organisation des Nations Unies dès cet automne.

Il sera utile de savoir si, avec l'ASEAN, nous pouvons définir une réponse commune qui, dans le chef de la Communauté, sera appelée à être positive.

– avec l'accord de nos partenaires de l'ASEAN, nous nous intéressons également à la sécurité dans et autour de l'Océan Pacifique.

Lors de la conférence post-ministérielle de l'ASEAN, qui s'est réunie en juillet 1990 à Djakarta, nous avons noté que plusieurs participants, membres de l'ASEAN d'une part mais aussi 'dialogue partners' – je pense à l'Australie et au Canada – avaient évoqué cette question. La possibilité d'une C.S.C.E. de l'Asie ou d'une conférence des Etats du Pacifique Nord destinée à permettre à la fin de la guerre froide de se manifester aussi en Asie avait été mentionnée. La présidence en exercice de l'ASEAN avait alors rappelé sa proposition d'une zone de paix régionale (ZOPFAN).

Le Japon était également intervenu pour clarifier la conception qu'il a de son rôle dans la région.

A l'occasion d'une conférence informelle à Bali, au mois de mars de cette année, les pays de l'ASEAN avaient poursuivi plus en détail l'examen d'une approche commune face aux questions de sécurité et de défense.

En avril, des experts se sont réunis à Vancouver, inaugurant un dialogue régional centré sur le Pacifique Nord.

Le mois prochain la question sera discutée à Manille, à l'invitation de mon collègue des Philippines.

L'équilibre stratégique mondial étant en mouvement, en Europe comme autour du Pacifique, il est légitime que les questions de sécurité figurent en tête de l'agenda des rencontres tant de la Communauté que de l'ASEAN.

Tout en prenant en compte les différences aussi bien dans l'histoire et dans la géographie que dans la culture des pays d'Asie – nous savons tous qu'en Asie le monde n'a jamais été bipolaire comme chez nous – il sera certainement instructif de comparer l'approche européenne avec l'approche des pays asiatiques. Ce volet de la question implique également la considération du rôle de l'ASEAN dans un environnement stratégique en recomposition.

En tenant compte d'avancées toujours possibles cette année encore dans le dossier du Cambodge, dans celui de l'Afghanistan, dans celui de la détente sur la péninsule coréenne et dans celui de la promesse d'un nouvel horizon pour la paix autour du Pacifique, l'année 1991 pourrait donc entrer dans l'histoire comme l'année de l'Asie.

Mesdames, Messieurs, pleinement conscients de notre convergence de vues en de nombreux domaines, de la complémentarité de nos intérêts, de notre conscience commune de pouvoir exercer une influence positive sur le cours des événements, il nous faut, Communauté et ASEAN, approcher en commun les défis qu'annonce le 21e siècle, en traduisant en des actions communes nos intérêts communs.

Il est important pour nous, Européens, de savoir où les membres de l'ASEAN voient des perspectives favorables ou croient découvrir, au contraire, des menaces et des dangers.

Il nous intéressera certainement, pareillement, d'apprendre dans quel environnement politique nous évoluons et quelle est notre vue de l'avenir.

Voilà brièvement esquissé le programme des deux journées que nous passerons ensemble. Je suis convaincu que nos travaux seront à la fois enrichissants et concluants.

#### **91/161. Statement concerning Angola**

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Status of document: Declaration

The Community and its Member States welcome the signature by the Government of Angola and by UNITA of the peace agreements of Estoril which, in marking the end of the civil war, give promise of a new era in Angola.

They congratulate the two sides and encourage them to pursue in a constructive spirit the dialogue thus begun, which constitutes an important milestone on the road to establishing a new framework of peace and stability for the country and for the whole region.

This stage is the point of departure of a long and difficult process. Many questions will thus need to be addressed in the coming months. In particular, the Community and its Member States appeal to both parties to spare no effort to facilitate the putting in place of the joint political military commission.

The Community and its Member States reiterate their commitment to participate, as their means allow, in the reconstruction of the country.

They note, finally, the exemplary role played by the mediator and the observers and warmly congratulate Portugal in particular which has succeeded, by its tireless commitment, in reconciling in less than a year the divergent positions of the Angolan Government and UNITA.

#### **91/162. Statement concerning Ethiopia**

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Status of document: Declaration

The Community and its Member States welcome the joint *communiqué* issued in London on 28 May and the commitments subscribed to on this occasion. They reiterate their conviction that only a negotiated, political solution acceptable to all the parties will guarantee peace, stability, and the economic and social development of Ethiopia.

The Community and its Member States appeal to all the parties to exercise restraint so as to allow a smooth transition to a democratic system. They support the convening of a conference open to all political groups, with the participation of international observers, with a view to establishing a national government of transition. They hope that an undertaking will be given on this occasion to hold free elections, duly scrutinized, on the future organization of the country and its institutions.

The Community and its Member States recall the commitments to which they have subscribed in the framework of the Lomé Convention and consider that the economic aid to Ethiopia would be all the more effective if democratic institutions were rapidly established. To this end, they look to the provisional administration to respect its commitments regarding human rights and the progressive democratization of the country.

The Community and its Member States recall their readiness to support any appropriate process of political negotiation and electoral consultation which will be organized. They also confirm

their commitments to meet the humanitarian needs whilst stressing again the necessity to ensure free access to the populations benefiting from assistance.

**91/163. Joint Political Declaration of the Ninth Meeting of the Foreign Ministers of the European Community and its Member States and of the Association of South-East Asian Nations (ASEAN) in Luxembourg, held on 30 and 31 May 1991**

Date of issue: 31 May 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Joint Declaration

The ninth meeting of the Foreign Ministers of the European Community (EC) and the Association of Southeast Asian Nations (ASEAN) was held in Luxembourg on 30 and 31 May 1991, under the co-chairmanship of Luxembourg and Malaysia.

The Ministers had a comprehensive exchange of views on a number of political and economic subjects. They reviewed the progress in EC/ASEAN relations since their last meeting which was held in Kuching from 16 to 17 February 1990.<sup>1</sup> The Ministers expressed their satisfaction at the continued cooperation that exists between the EC and ASEAN. The meeting demonstrated the strong commitment of the two sides to strengthen further their relations.

*International Political Issues*

I. International Situation

The EC and ASEAN Ministers had an extensive exchange of views on the latest international developments in Europe, the Middle East, South Africa and the Asia Pacific region. They noted that the world had changed fundamentally in the last few years.

They warmly welcomed the changes in Central and Eastern Europe whose people have shown their strong aspirations towards freedom, multiparty democracy, respect for human rights, prosperity, social justice and peace, as well as their desire to decide their own destiny and to choose the path of their development. They noted that the Paris Charter adopted in November 1990 by Heads of State or Government of the 34 CSCE participating states marked the overcoming of the cold war divisions, strengthening peace and opening a new era of confidence and cooperation. They underlined that these developments contributed to a more conducive atmosphere in resolving regional conflicts through dialogue and negotiations. They stated their conviction that the signature of the Treaty on conventional armed forces in Europe represents a major contribution to the common objective of increased security and stability in Europe.

The Ministers also reviewed the positive developments in Asia. They noted that the dynamic economies of Asia have positively contributed to the process of enhancing regional as well as international peace and stability. They welcomed the ongoing efforts to solve the outstanding problems in North Asia. They took cognizance of the growth of democratic practices, respect for human rights, increased political and economic participation of all people which enhances the productive process and contributes to a more equitable sharing of economic benefits. The Ministers felt that the new opportunities arising from these positive and dynamic developments would further contribute to cooperative action between the EC and ASEAN countries.

While responding positively to these developments as hopeful auguries for a better future, and looking forward to a significant promotion of peace, security and cooperation among states, the Ministers also recognized that several uncertainties still exist, which call for increased international cooperation.

The Ministers were of the view that international cooperation to promote and encourage respect for human rights and for fundamental freedoms for all without distinction to race, sex and religion should be enhanced. In this context, the Ministers reviewed the developments in Burma and Vietnam and expressed the hope that the situations there would evolve in such a way as to enable them to take their place among the dynamic Asian economies.

The Ministers also addressed the serious social and economic problems of concern to international stability. The Ministers recognized that North-South cooperation efforts needed to be revitalized, in order to promote a favourable environment for growth and sustainable development in a world economy which is becoming increasingly interdependent and integrated.

## II. Kampuchea

The Ministers discussed the latest developments regarding the situation in Kampuchea and the continuing efforts within the Paris International Conference on Kampuchea negotiating process to achieve a comprehensive political settlement which would put an end to the tragic conflict in that country and to ensure its independence, sovereignty, territorial integrity and neutrality. They support the continuing efforts of the Co-Chairmen of the Paris International Conference on Kampuchea and other concerned parties to create the conditions in which the Paris International Conference on Kampuchea can be successfully reconvened.

They once again stressed the fundamental right of Kampuchean to choose their own government in free and fair elections. They further underlined the need for human rights to be fully protected in Kampuchea. They reaffirmed their condemnation of those responsible for the policies and practices which led to the extermination of hundreds of thousands of Kampuchean from 1975 to 1978 and expressed the view that any settlement should prevent the return to the genocidal practices and policies of the past and that no Kampuchean group should be allowed to seize or retain power through force of arms.

The Ministers reviewed the progress of the negotiating process since their last meeting in Kuching. In this context, they warmly welcomed the efforts of the Five Permanent Members of the UN Security Council and the role of the UN Secretary-General. They fully supported the New York Framework for a comprehensive political settlement elaborated by the Five Permanent Members of the UN Security Council. They also expressed their appreciation to the Secretary-General of the UN for his constructive role.

They noted with satisfaction the agreement by the Kampuchean parties at the Jakarta Informal Meeting on 10 September 1990 to the New York Framework in its entirety as the basis for settling the Kampuchean conflict, which was unanimously endorsed on 20 September 1990 and on 15 October 1990 by the United Nations Security Council and the General Assembly respectively. They welcomed the establishment of the Supreme National Council (SNC) at the Jakarta meeting.

They further noted with satisfaction that draft agreements for the comprehensive political settlement had been completed at the meeting in Paris from 23 to 26 November 1990, between the Five Permanent Members of the UN Security Council and the Co-Chairmen of the Paris International Conference on Kampuchea.

They were greatly encouraged that the members of the SNC reiterated their acceptance of the New York Framework in its entirety and that they concurred on most of the fundamental points in the documents when the Co-Chairmen presented the draft agreement to the SNC in Paris on 21 to 23 December 1990. They also expressed their regret that not all the involved parties were able to accept it in its entirety.

They noted, however, that while there is now a considerable degree of agreement among the Kampuchean parties and within the international community concerning core elements of a nego-

tiated settlement, several elements necessary for reaching a comprehensive settlement were still contentious issues among parties.

The Ministers welcomed the cease-fire appeal by the Secretary-General of the UN and the two Co-Chairmen of the Paris International Conference on Kampuchea issued on 22 April 1991 and the sending of a three-men team and the military advisor of the Secretary of the UN, General Dibuama, assisted by Lt. Col. Edouard Castagnet-Cazalis and Lt. Col. Sutarto to observe its implementation.

The Ministers welcomed the planned meeting between the Co-Chairmen with the members of the SNC to further discuss the remaining questions in Jakarta with a view to finalizing the agreements at the Coordinating Committee of the Paris Conference, as anticipated in the Joint Communiqué of the Co-Chairmen of the Paris Conference published after their 2 February 1991 mission to Vietnam.

They strongly urged the Kampuchean parties, in accordance with the communiqué of the Paris Meeting of 21 to 23 December 1990, to continue to exercise genuine self-restraint on the battlefield for the Paris Conference to be reconvened in an atmosphere conducive to national reconciliation. The Ministers called on the countries involved to make all possible efforts to bring their influence to bear in support of the peace process.

### III. Indochinese Asylum Seekers

The Ministers expressed their deep concern that despite sustained efforts over the past two years to implement the Comprehensive Plan of Action (CPA) agreed at the United Nations international Conference on indochinese refugees held in Geneva in June 1989, no durable solution is yet in sight, while the situation is deteriorating sharply: the number of vietnamese asylum seekers in the camps in Southeast Asia is now higher than at any time since 1979. As for Hong Kong, new arrivals are being registered at a rate approaching the crisis levels of 1989.

They reaffirmed the importance of the balanced and coordinated implementation of the CPA, including in particular the fundamental principle that non-refugees are not eligible for resettlement and must return to their country of origin, rather than remain indefinitely in detention camps in the region. They recalled that as long ago as January 1990, the Steering Committee set up under the CPA, reached agreement on modalities for the return of all non-refugees to their country of origin and that in Kuching, one month later, the Ministers called upon the parties directly concerned to settle, as soon as possible, the outstanding issue, namely the date prior to which voluntary return alone should take place.

While welcoming the statement reaffirming the CPA issued by the Steering Committee meeting in Geneva on 30 April and 1 May, the Ministers stressed the importance of early consultations on alternatives and additional measures which must bring about greatly accelerated rates of return of non-refugees to the country of origin if the CPA is to survive as an effective instrument. They called on concerned governments to approach these consultations in an imaginative and positive spirit.

The Ministers noted with appreciation that the initial phase of the repatriation and reintegration assistance programme for returning Vietnamese announced by the European Commission in July 1990 was now being implemented. They called on the international donor community to contribute generously to this programme which directly supports and enhances the Comprehensive Plan of Action.

They further stressed the important part which the United Nations High Commissioner for Refugees plays in supporting international efforts to solve this problem and welcomed the High Commissioner's readiness to monitor all non-refugees back in Vietnam, regardless of their mode of return.

The EC and ASEAN Ministers recalled their determination to maintain their coordinated response to the situation.

#### IV. Middle East

The Ministers discussed the situation which had resulted from Iraq's occupation of Kuwait in violation of international law.

They welcomed the restoration of the legitimate Government in Kuwait and reaffirmed their commitment to the sovereignty, unity, independence, and territorial integrity of all countries of the region. The Ministers expressed their support for emergency relief efforts undertaken by various countries and the United Nations to assist the civilian population in northern and southern Iraq. They expressed their hope that these refugees and displaced persons will be able to return to their former homes soon. They condemned the unacceptable treatment inflicted on those refugees and displaced persons.

The Ministers emphasized that the immediate post war phase is an opportune moment for all concerned to address the fundamental causes of instability within the region, in particular the Arab-Israeli conflict and the Palestinian question. They agreed that efforts to foster relations of mutual trust and cooperation between parties concerned with the Arab-Israeli conflict would promote dialogue and confidence-building.

In this connection the Ministers exchanged views on the continuing efforts of the United States in promoting a peaceful settlement of the Arab-Israeli conflict and the Palestinian question. They expressed their support for these efforts as a means of relaunching the Middle East peace process. They agreed that the EC had a useful role to play in this process.

The Ministers reaffirmed their support for the convening of an International Conference involving the UN, which would provide an appropriate forum for negotiations on a peace settlement. They stressed the urgency of a settlement in accordance with UN Security Council Resolutions 242 and 338 which would uphold the right to security of all States in the region, including Israel, to live within secure, recognized and guaranteed frontiers, and would uphold justice for all the peoples of the region. This settlement includes recognition of the legitimate rights of the Palestinian people, including their right to self-determination with all that this implies.

The Ministers expressed their deep concern about the deteriorating situation in the Occupied Territories. They deplored the continuing establishment of illegal Israeli settlements in these territories, which is in defiance of UN Security Council resolutions. They also considered that any further Israeli settlement in the Occupied Territories would be especially prejudicial at a time when all parties should be adopting a flexible and realistic approach so as to bring about a climate of confidence favourable to the launching of negotiations.

The Ministers reaffirmed their commitment to the full sovereignty, territorial integrity and national unity of Lebanon. They expressed their strong support for the full implementation of the Ta'if agreement to achieve national reconciliation in a Lebanon free of all foreign troops.

They had an exchange of views on the Conference on Security and Cooperation in the Mediterranean, which the EC Ministers considered to be a contribution to economic and social progress, non-proliferation of weapons and peaceful coexistence of different cultures and civilizations.

#### V. South Africa

The Ministers reiterated their total rejection of the system of apartheid and reaffirmed their commitment to its complete eradication, so that in its place a new, non-racial, united and democratic

society could be built. The Ministers reviewed developments in South Africa and welcomed the reform measures already taken by President De Klerk including the release of Mr Nelson Mandela and other political prisoners, the unbanning of the ANC and other opposition groups, the tabling of legislation to repeal the Group Areas and Land Acts, and the Population Registration Act, subject to certain transitional measures. However, the Ministers expressed their concern that the continuing instability which prevails over the political process could impede the achievement of irreversible change desired by all.

The Ministers noted with concern the continuing high level of violence which poses a threat to negotiations on a new constitution. They called on the leaders of all parties to restrain their followers and promote an atmosphere of political tolerance, whilst acknowledging the primary responsibility of the South African Government for the maintenance of law and order.

The Ministers recognized the urgent need for economic growth to underpin the process of political change and to begin to address the pressing social and economic problems which racial oppression and violence have bred.

The Ministers took note that some countries have lifted sanctions to encourage further reforms while others maintain that current developments in South Africa do not as yet warrant the lifting of sanctions. The Ministers agreed to the use of all measures aimed at the complete abolition of apartheid, including the encouragement of the movement underway, and the maintaining of effective pressure in a variety of ways (including restrictive measures) on South Africa.

### *Economic Issues*

#### I. EC/ASEAN Relations

Having agreed at the 8th AEMM in Kuching, Malaysia on 16 and 17 February 1990 on the need to review the existing cooperation agreement and to chart the future course of EC/ASEAN relations, the Ministers noted the impressive progress in EC/ASEAN relations since the signing of the Cooperation Agreement in 1980, they agreed that the revision of the Agreement was now necessary and they decided that the new Agreement be broadened in scope to cover all domains of cooperation between the two regions so as to better reflect the new conditions and priorities in both regions.

#### II. Economic and Development Cooperation

The ASEAN Ministers noted the new EC guidelines for financial and technical cooperation with developing countries in Asia and Latin America. They noted in particular the balanced package of instruments covering both economic cooperation and development aid, the introduction of a multi-annual approach and the special emphasis on assistance for environmental protection.

In the light of the profound changes in the ASEAN region, the ASEAN Ministers found the re-focusing of economic cooperation especially timely. The future concentration on:

1. improving the flow of technical, economic and cultural exchanges between the EC and developing countries, including the strengthening of their scientific and technical potential;
2. to assist in the up-grading of the general economic and regulatory environment for the development of modern industry and services including satisfactory conditions for foreign investment;
3. direct assistance to economic operators in order to facilitate the access to technology, markets and finance including the creation of joint ventures with foreign partners were found to be of special interest for ASEAN. Such concentration could help lead to a strengthening of industrial and investment cooperation between the two regions.

The Ministers reaffirmed that industrial and investment cooperation should be accorded high priority in EC/ASEAN relations as they are the thrust of economic cooperation between the two groupings in the future. The Ministers noted the fact that the EC International Investment Partners (EC-IIP) scheme (which completes a 3 year experimental phase this year) had met wide acceptance in the ASEAN region. In this context the ASEAN Ministers expressed their hope on an early prolongation and improvement of the scheme as well as EC assistance in organizing investment missions to ASEAN. The ASEAN Ministers recommended the establishment of a European Information Centre in each ASEAN country that would further strengthen industrial and investment cooperation between ASEAN and the EC.

The Ministers also noted that the Joint Investment Committees are useful in facilitating EC's investment in ASEAN countries. In this regard, it was agreed that their functioning be improved and their scope of activities broadened to make them more effective.

The EC Ministers agreed to encourage their private sector to participate in the ASEAN Industrial Joint Ventures (AIJVs) in which the duration of a 60% [...] non-ASEAN equity participation has been extended from 31 December 1990 to 31 December 1993 upon the EC's request. The Meeting was of the view that with this encouragement, more AIJV projects would be realized.

The Ministers reaffirmed the importance of the private sector's participation in the EC/ASEAN industrial cooperation programmes and agreed on the following:

1. for both sides to consult with their own private sectors directly;
2. for private sectors of both regions to find effective ways for joint consultations;
3. to involve the private sectors of both sides in EC/ASEAN programmes.

### III. Commercial Cooperation

The ASEAN Ministers noted the development and progress towards the achievement of the European Single Market. They recognized it as a major exercise in trade liberalization within the region and expressed the hope that it will continue to contribute to a more liberal trading environment and provide new opportunities for suppliers with comparative advantage such as ASEAN.

The Ministers noted the increase in EC/ASEAN trade and investment that has taken place since the 8th AEMM and recognized the mutual benefits that flowed from this.

They noted the shift in ASEAN exports towards industrial products with a higher added value. The Ministers shared the view that joint efforts by EC and the ASEAN to maintain this positive development should be made through improvement in market access, trade and investment promotion and effective technology transfer.

The Ministers agreed that the EC GSP Scheme was an important tool by which ASEAN's exports to the EC could be diversified and increased. They welcomed the significant increase in benefits arising from the use of GSP. The ASEAN Ministers noted that the EC is revising the GSP Scheme in order to make it simpler and more transparent. They urged the EC to take into account ASEAN interests *inter alia* the inclusion of the donor country content.

The Ministers noted the results of the Third EC/ASEAN Trade Experts Meeting which was held in Kuala Lumpur on 19 February 1991. They welcomed this meeting which had allowed for an in-depth discussion of trade and investment trends as well as various trade issues thereby leading to a better understanding of the opportunities and challenges in both regions. They noted a number of difficulties encountered in bilateral trade relations discussed at the Trade Experts Meeting and agreed that further examination would need to be undertaken to resolve them.



The ASEAN Ministers expressed their appreciation to the EC for its assistance in ASEAN's trade promotion programmes which were found to be an important element in the process towards the diversification of exports.

#### IV. Uruguay Round

The Ministers exchanged views on the latest developments in the Uruguay Round. They expressed their desire for an early conclusion of the Uruguay Round with a balanced package of results that would be meaningful and beneficial to all participants. They took note that the EC/ASEAN Economic Ministers would also be discussing this matter at their extraordinary meeting on 1 June 1991 in Luxembourg.

#### V. Commodities

The Ministers underlined the importance of the conservation and sustainable use of the world's forest. They agreed that specific programmes and projects on sustainable forest management and conservation are important and desirable and should take into account the development needs of developing countries. The EC Ministers agreed to provide technical assistance to ASEAN in the areas of tropical forest management and conservation, processing and marketing of timber products as well as research and development activities on tropical forest.

They agreed on the importance of enhancing cooperation in the development of resource-based industries in the ASEAN region. The EC Ministers agreed to consider the requests from ASEAN for technical assistance to intensify downstream activities on commodities of interest to ASEAN countries.

The Ministers agreed to strengthen cooperation and collaboration in the area of research and development on the major commodities from ASEAN, particularly between research institutions of the two regions.

The Ministers agreed to continue to enhance cooperation in the various International Commodity Agreements and Arrangements to address commodity related problems, in particular price instability, and in this context they underscored the importance of continued cooperation towards a more effective operation of the second window of the Fund.

#### VI. Drugs

The Ministers stressed the importance they attach to systematic and continued action against the abuse of drugs and against organized crime related to illicit production and trafficking of narcotic and psychotropic substances. The EC Ministers appreciated and supported the serious and active efforts undertaken, at regional level, by ASEAN in all aspects towards the control and prevention of the deadly scourge.

The Ministers agreed that the coming into force of the 1988 UN Convention on the Illicit Production and Trafficking of Drugs and Psychotropic Substances is an important step. They encouraged all ASEAN and EC Member States, which have not yet done so, soon to adhere to this convention.

The Ministers also agreed on the need for closer EC/ASEAN cooperation on drug control and prevention efforts, particularly in the implementation of programmes under the Comprehensive Multidisciplinary Outline (CMO) for Future Activities in Combatting Drug Abuse and the UN Global Programme of Action Against Drug Abuse. They agreed that the European Plan against Drugs, approved in December 1990, constitutes an important contribution to the implementation of that internationally concerted strategy.

The ASEAN Ministers welcomed the measures taken in 1990 by the EC to control and regulate the trade in chemical precursors and other essential chemicals, in application of the 1988 UN Convention, as well as its intention to take this year comparable measures against money laundering. They expressed the hope that the EC would share its expertise in these fields as well as others with their ASEAN counterparts.

The EC Ministers stressed the importance of the guidelines in the field of money laundering which have been defined by the International Financial Task Force, and they expressed the hope to see them widely adopted.

The Ministers welcomed the forthcoming Meeting of EC/ASEAN Senior Officials on Drug Matters to discuss specific fields of cooperation and concrete methods and measures of cooperation in the joint fight against drugs.

The Ministers noted with satisfaction the continued cooperation and collaboration between the EC and ASEAN on drug matters. The ASEAN Ministers expressed their appreciation to the EC for its assistance for the EC/ASEAN projects in the areas of drug prevention, detection, treatment and rehabilitation.

## VII. Cooperation in Environmental Protection

The Ministers reaffirmed the importance of environment and sustainable development, both for the present and future generations. They reiterated that environment and sustainable development were mutually and closely interrelated.

The Ministers further recognized the growing importance of cooperation in environmental and developmental issues. Both sides reiterated that environmental and developmental problems whether local, regional or global must be addressed urgently and on the basis of concerted action and equitably shared responsibility of all nations, taking into account the capabilities of each, in order to achieve sustainable development and continued economic growth.

The Ministers agreed that EC/ASEAN cooperation in environment and development was a positive development reflecting in tangible terms how developed and developing countries could work together to address the problems of environment and sustainable development. They also agreed to work together to ensure the success of the forthcoming UN Conference on Environment and Development scheduled in June 1992 in Brazil.

The EC Ministers also agreed that they would continue to promote and undertake specific measures and actions which would strengthen the capability of ASEAN in the protection and enhancement of the environment, both at the national and regional levels.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/093.

## 91/164. Closing statement at the colloquium on cultural heritage, held in Cracow

Date of issue: 7 June 1991

Place of issue: Cracow

Country of Presidency: Luxembourg

Status of document: Statement in international forum

*M. Wagner*: Monsieur le Président, en prenant la parole, au nom de la Communauté Européenne et de ses Etats membres, au moment où le colloque de Cracovie touche à sa fin, mes premières

paroles sont tout naturellement, je dirais spontanément, des paroles de gratitude, d'appréciation et d'admiration pour la splendide et combien chaleureuse hospitalité dont nous bénéficions depuis dix jours de la part des autorités et du peuple polonais. L'extraordinaire abondance et diversité des programmes culturels et touristiques organisés en marge des réunions du symposium n'ont pas seulement permis aux participants d'admirer Cracovie et plusieurs hauts lieux du patrimoine artistique de ses alentours ainsi que quelques-uns des plus beaux paysages de la Pologne, mais ces visites, excursions, manifestations théâtrales et musicales, sans oublier les somptueuses agapes, offraient autant d'occasions sympathiques et surtout utiles de contacts directs entre les nombreux experts des 34 pays et des institutions nationales et internationales réunis dans le cadre du colloque.

D'autre part, il faut rendre hommage à tous ceux qui, du côté polonais, ont préparé et organisé ce symposium et, notamment, à notre distingué Secrétaire exécutif et à ses collaborateurs dont l'infatigable dévouement et l'indéfectible optimisme et enthousiasme ont permis, avec la collaboration efficace des autres délégations, de venir à bout de tous les obstacles et de le mener finalement à bonne fin.

Ce symposium de Cracovie apparaît en, premier lieu, comme les retrouvailles culturelles des pays participants à la C.S.C.E. après le mouvement libérateur de 1989 qui a marqué la fin de la longue et douloureuse division de l'Europe. A Cracovie, nous avons assisté à la redécouverte officielle de notre patrimoine culturel commun, en même temps nous avons repris conscience de l'importance fondamentale de ce patrimoine pour une meilleure compréhension mutuelle entre nos peuples ainsi que pour le maintien et le renforcement de la solidarité indispensable à une coopération fructueuse dans d'autres domaines, notamment dans les domaines politique et économique.

Une des caractéristiques de cette rencontre a été l'absence d'antagonismes politiques et idéologiques entre les Etats participants en ce qui concerne l'appréciation fondamentale de la situation de fait et les objectifs essentiels à atteindre. Tous reconnaissent aujourd'hui l'existence d'un patrimoine culturel commun dont l'unité recouvre une riche diversité. Tous ont la conviction de partager une 'communauté de vues forgée par l'histoire et basée sur des valeurs partagées', parmi lesquelles, notamment l'importance des valeurs 'spirituelles et culturelles'. Tous sont conscients des dangers qui menacent ce patrimoine dans son existence même, tous sont d'accord [sur] la nécessité absolue de le protéger, de le préserver et de le développer. Il est presque inévitable que des divergences subsistent quant aux moyens spécifiques pour atteindre ce but.

Monsieur le Président, la Communauté Européenne et ses Etats membres estiment que la partie essentielle du colloque consiste dans les travaux des experts dans les deux groupes d'étude, conformément au mandat et à l'ordre du jour fixés par le document de Vienne de janvier 1989. Ces travaux ont produit un foisonnement d'idées et un grand nombre de suggestions, de propositions et de recommandations les plus diverses. Nous nous félicitons de la contribution très positive faite à ces travaux par les représentants de l'U.N.E.S.C.O. et, plus particulièrement, du Conseil de l'Europe qui a ainsi fourni la preuve de sa grande expérience et expertise en matière culturelle en Europe et dont on peut dire qu'il a acquis droit de cité dans la C.S.C.E.

Malgré cette production abondante, et parfois surabondante, fournie par les groupes d'étude, on constate une certaine déception, voire désillusion parmi les experts qui, faute de véritable dialogue et d'échanges de vues proprement dit, ont parfois pu gagner l'impression de parler dans le vide et ainsi de ne pas avoir été en mesure de remplir pleinement leur mission. Plus particulièrement, l'absence de petits groupes spécialisés dans des domaines bien définis et délimités, et dirigés par des présidents experts et permanents s'est fait sentir. Cette situation s'explique largement par l'origine du symposium et par des raisons de procédure. Le colloque de Cracovie est sans précédent dans les annales de la C.S.C.E. Normalement, on aurait donc dû innover. Or, ce colloque avait été décidé et son ordre du jour, comme sa procédure, avaient été fixés

méticuleusement avant les événements de 1989, c'est-à-dire dans une Europe divisée et dans des conditions complètement différentes de celles qui prévalent aujourd'hui. Cela ne pouvait pas rester sans conséquences défavorables. Malheureusement, la rigidité du système de la C.S.C.E., qui s'explique par ses origines, ne permettait pas de changer les règles en cours de route. Cependant, il faudra tirer la leçon de cette expérience forcément négative. Il appartiendra à nos responsables politiques de prendre, en temps voulu, les décisions appropriées pour adopter le système à une Europe qui n'est plus une Europe divisée, mais une Europe que nous voulons de plus en plus unie, solidaire et coopérative.

Monsieur le Président, dans leurs déclarations d'ouverture, la plupart des représentants des Etats participants, parmi lesquels ceux de la Communauté Européenne, ont exprimé le souhait que le colloque de Cracovie puisse se conclure par un document final.

Ce document est devant nous. Nous venons de l'adopter. Comme nous savons tous, son élaboration n'était pas facile. Il nous semble d'autant plus encourageant pour l'avenir de notre collaboration que, grâce à la compréhension réciproque, à la collaboration patiente et constructive et à l'esprit de solidarité de tous, les nombreux problèmes de fond et de rédaction ont pu être résolus, de sorte que nous sommes maintenant confrontés avec un texte clair, explicite et en même temps suffisamment complet et ramassé.

Les pays membres de la Communauté Européenne ont participé à l'élaboration de ce texte avec des apports substantiels, soit par une contribution communautaire, soit par des contributions nationales. Nous nous félicitons de trouver, à travers le texte, l'empreinte de nos idées et de nos propositions.

En effet, nous constatons que le document final tient compte pratiquement de tous nos objectifs essentiels, tels qu'ils ont été énoncés dans leurs discours d'ouverture par les différents représentants de la Communauté Européenne.

Nous sommes également satisfaits qu'un compromis ait pu être trouvé quant à la façon de tenir compte des contributions des experts dans les groupes d'étude. Ceci pourra notamment constituer une base utile pour la poursuite ultérieure de ces initiatives dans les enceintes internationales appropriées.

Monsieur le Président, pour conclure, la Communauté Européenne et ses Etats membres estiment que par le colloque de Cracovie sur le patrimoine culturel, nous avons rempli le mandat qui nous a été conféré par le document final de la réunion de Vienne de 1989, compte tenu des indications supplémentaires de la Charte de Paris.

Ici, à Cracovie, nous avons créé une base plus concrète et surtout plus structurée pour une coopération renforcée dans le domaine de la culture, à laquelle nous reconnaissons un rôle croissant et toujours plus important dans la construction d'une Europe unie et démocratique.

#### **91/165. Statement concerning Yugoslavia**

Date of issue: 8 June 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States have noted with satisfaction the outcome of the meeting of the six Presidents of the Republics, held on 6 June in Sarajevo. This is an encouraging step towards a return to constitutional order and a peaceful dialogue on the future structures of

Yugoslavia. The Community and its Member States express the hope that their future meetings will lead to further progress.

The normal rotation of the federal Presidency, negotiations on the future constitutional structures, respect for human rights in all parts of the country, a strengthening of the democratic process as well as the pursuit of the economic reform programme of Prime Minister Markovic, will permit a new dimension to the relations between the Community and Yugoslavia in accordance with the traditional ties that unite them.

#### **91/166. Statement concerning Guatemala**

Date of issue: 10 June 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States have welcomed the agreements reached in Mexico on 26 April at the conclusion of the meeting held by the Government of Guatemala and the Guatemalan National Revolutionary Union (URNG) in the presence of the mediator Monsignor Rodolfo Quezada Touruno and with the assistance, in the capacity of observer, of a representative of the Secretary-General of the United Nations.

The Community and its Member States express their concern at the increase of violence when efforts to seek a lasting peace are entering a crucial phase. They record their full support for the 'procedural agreements for the search for peace by political means' and for the content of the 'general programme' of negotiations adopted at the Mexico meeting. These documents are important steps in the process of national reconciliation begun in Oslo.

In welcoming with hope the beginning of this new phase in the peace process in Guatemala, the Community and its Member States encourage the two sides to pursue their negotiations and bring them to a conclusion in the same constructive and flexible spirit which made possible the Mexico Agreements. They make an appeal to all sectors of Guatemalan society to support the peace process underway and they reiterate their readiness to contribute actively to the success of this process and the strengthening of democratic institutions in Guatemala.

#### **91/167. Statement concerning the Secretary-General's proposals on Afghanistan**

Date of issue: 10 June 1991  
Place of issue: Brussels, Luxembourg  
Country of Presidency: Luxembourg  
Status of document: Declaration

The Community and its Member States welcome the sustained efforts of the Secretary-General of the United Nations and his personal representative, Mr Benon Sevan, who are working to advance the dialogue among Afghan parties under the aegis of the United Nations so as to achieve an overall political solution of the Afghan problem.

They underline the importance of this dialogue aimed at establishing a process of transition which should lead to the establishment of a fully representative Government in Kabul. In this context, they recall the importance of the participation of representatives of the resistance in this process.

The Community and its Member States express the wish that an agreement may be arrived at on ending arms supplies to the combatants and that a cease-fire acceptable to all parties will soon be proclaimed as a constitutive part of the transitional process.

**91/168. Question No H-454/91 by Mr Langer concerning the UNCED World Assembly**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

How do the Foreign Ministers intend to ensure that the agenda for the UNCED World Assembly to be held in Rio de Janeiro in 1992 includes the topics of environmental damage caused by war, the possibility of prevention and reparations, and the adaptation of international law so that war is declared an ecological crime and international conventions strongly endorse banning the threat and use of 'ecological weapons'?

*Answer:*

As the preparations for the United Nations Conference on the Environment and Development (UNCED) have been carried out in the appropriate forums, the specific aspects of the question have for the most part not been dealt with within EPC. However, the search for coordinated positions may take place within Political Cooperation, particularly in the 'United Nations' working party. The work of the Twelve's experts at the United Nations is also guided by the concerted approach within EPC.

**91/169. Question No H-466/91 by Ms Dury concerning the stance of EEC countries on the UN conference on the Nuclear Test Ban Treaty**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

At the start of 1991, at the United Nations Conference on the Nuclear Test Ban Treaty, most Member States of the European Community abstained.

Did EPC look into or discuss the issue of the stance to be adopted at the conference?

*Answer:*

The eleven Member States who are parties to the Partial Test Ban Treaty, felt that the PTPB Conference held in New York in January 1991 failed to meet the expectations of most of the participants. In particular, the decision to proceed to a vote on the continuation of its work was regarded as a disturbing departure from the principle of consensus usually followed in that forum.

The question of coordinating policy on non-proliferation and the wider question of armaments aroused keen interest in the Community and its Member States. These questions together with armaments control, disarmament and economic and technological cooperation on armaments are currently being discussed within the framework of the Inter-governmental Conference on Political Union.

**91/170. Question No H-492/91 by Mr Lomas and H-511/91 by Mr Newens concerning the invasion of Cyprus by Turkey**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

*Question No H-492/91:*

The European Community supported action in the Gulf, following the invasion of Kuwait by Iraq. Will it now take action on the invasion of Cyprus by Turkey, by introducing sanctions against Turkey until such time as Turkey withdraws from Cyprus?

*Question No H-511/91:*

Following the action of the European Community in supporting the war against Iraq in the light of its invasion of Kuwait, can action now be taken to bring pressure to bear on Turkey in the light of its invasion of Cyprus, by suspending the trade protocol until Turkish forces are withdrawn?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* The position of the Community and its Member States on Cyprus has been repeated on many occasions, the most recent being the European Council in Dublin in June 1990. The Community and the Member States believe that the solution to this problem must be based on the principles of unity, independence, sovereignty and the territorial integrity of Cyprus, in line with the relevant resolutions of the United Nations.

They support the mission of good offices of the Secretary-General of the United Nations who has presented a new interim report on the contacts he had with all the parties involved, particularly through his special envoy. The identification of problems in this report could be very significant for the continued diplomatic action which the Community and its Member States are prepared to support, as they have already done in the past.

*Mr Newens (S):* In view of the fact that Turkish forces have now been in Cyprus for some sixteen years and their presence is a serious impediment to a settlement vital to the interests of both the Greek and the Turkish communities in the island, ought not some pressure be brought to bear on the Turkish Government to withdraw? Does not the question of trade provide a peaceful means of applying such pressure? After supporting such a tough line to get Iraqi forces out of Kuwait, are we not in danger of appearing to have double standards if we do absolutely nothing about the continued presence of Turkish forces in northern Cyprus?

*Mr Nianias (RDE):* As the Minister said, the gist of the policy was set out at Dublin. The UN has its own policy and has passed resolutions demanding the withdrawal of Turkish troops so that refugees may return to their homes.

On the other hand the EEC has made overtures for closer relations with Turkey. There are rumours from many sources that the American Government's policy, based on the belief that Europe is in disarray, is aimed at exerting diplomatic pressure throughout the EEC and elsewhere, to ensure that such a policy shift does take place. I should like to ask the Minister whether any progress

has been made within Turkey and whether the Community is really set on settling the problem by taking some initiative.

*Mr Dessylas (CG): [...]*

Mr President, the USA, Turkey and Denktash's illegal state are openly working out a bilateral solution within the framework of Mr Bush's 'new order', after the unacceptable and much publicized meeting between Bush and Denktash. What is EPC's position on the immediate withdrawal of Turkish occupation forces and a legal settlement to the Cyprus issue through a UN conference?

The same question was put on 2 May 1991 and was rejected by President Baron Crespo. I wish to put the same question now.

*Mr Pierros (PPE):* Mr President-in-Office, I wish to put a very specific question: the Greek Prime Minister visited Cyprus a few days ago. A proposal was made with the agreement of all political forces on the island for the holding of an Inter-governmental Conference attended by all permanent members of the Security Council to solve the Cyprus problem. Does the EPC give its backing?

*Mr Pagoropoulos (S):* I would like to ask the President-in-Office whether the EEC is able and willing to take initiatives or if we simply give our backing, as you said, to those being taken by Mr Perez de Cuellar. Are we just the tail of the dog or do we have a mind of our own? Do we have one rule for Kuwait and another for Cyprus?

*Mr Wohlfart:* Mr President, I shall try to give a joint reply to all these supplementary questions with the clear indication that the position of the Community and of its Member States on Cyprus is perfectly clear as it is based on the relevant resolutions of the United Nations.

I think it worthwhile to remind you of the divergent views of the Community and Turkey on the question of Cyprus, divergent views which caused quite a fuss some years ago when, as you will remember, Mr President, a meeting of the EEC/Turkey Joint Parliamentary Committee was cancelled because of the mention of human rights and the protection of minorities in the context of Cyprus.

I would also mention in this House that six weeks ago when in my capacity as President-in-Office of [the] Council I went to Turkey and Iran to investigate the problem of the Kurdish refugees, I was strongly criticized by the Turkish Government not only because of our action in favour of a minority which is not recognized as such by Turkey but also because of the speech I delivered as President-in-Office of the Council to the EEC/Turkey Joint Parliamentary Committee and which touched on the subject of Cyprus. They also took exception during my visit to a resolution adopted by the Luxembourg Parliament on the rights of the Kurdish minorities in Turkey.

Having said that I am sure that this House knows that the Community has explicitly stated that the question of Cyprus affects relations between the EEC and Turkey. I did not hesitate to make that point to the Turkish Government. The Presidency, without trying to replace the action of the Secretary-General of the United Nations and his special envoy, has tried, as announced in February of this year, to sound out the different parties concerned with the aim of contributing to a solution to a conflict which has lasted too long. I am *ad idem* with all the Members of the House on this one. During a visit on 10 June to Luxembourg, the Minister of Foreign Affairs of the Republic of Cyprus, Mr Iacovou, expressed his gratitude to the Presidency for its efforts and for its determination to see the Cyprus conflict solved.



May I, Mr President, now report briefly on the talks held between the Minister of Foreign Affairs of the Republic of Cyprus and Mr Jacques Poos, President-in-Office of the Council. The Cypriot Minister thanked the Luxembourg Presidency for its interest and determination to see a solution to the Cyprus conflict. He reported on all the current efforts, particularly by the Secretary-General of the United Nations and his envoy, and on the recent contacts Mr Vassiliou had during his visit to Washington last week. Mr Iacouvou believes that President Bush's visit to Greece and Turkey, from 18 to 27 July, may perhaps start things moving. At the moment Mr Letski is in the region.

The reason why Mr Iacouvou is not over-optimistic is because the Turkish Cypriots have formulated an application for full membership of the Islamic Conference which will next meet in Istanbul on 2 August. Mr Iacouvou considers this application for membership runs counter to the relevant resolutions which I have just quoted, namely Resolution 649, and suspects Turkey of deliberately stalling until President Bush arrives in Ankara in July. The application for membership of the Islamic Conference raises the equally acute legal problem of recognition of the RACCN on the international scene. Specific proposals will now have to be made. That is why Mr Vassiliou and Mr Mitsotakis have suggested a nine-nation meeting, in other words Greece, Turkey, the two Cypriot communities and the five permanent members of the Security Council. According to Mr Iacouvou, the Turks will only propose 'old wine in new bottles' in the future.

In conclusion, Mr Iacouvou hoped that the Luxembourg summit at the end of this month would issue an unambiguous statement on behalf of the Community, in other words update its Dublin declaration. For his part Mr Poos, President-in-Office of the Council, proposed convening a conference under the aegis of the Secretary-General of the United Nations, the two superpowers, the European Community and the two Cypriot communities. Mr Iacouvou repeated the need to have the five permanent members of the Security Council present at such a conference. Their presence would not just be opportune in practical terms but also in political terms. The EEC should have an active role. The Republic of Cyprus would also like progress to be made in its application for membership. Mr Poos will of course discuss this problem with his colleagues.

I would also like to mention that the Prime Minister of Luxembourg, Mr Santer, is currently touring the capitals of Europe by way of preparation for the European Council and will take this opportunity of bringing his European colleagues up to date on this matter.

**91/171. Question No H-503/91 by Mr Pierros concerning Community initiatives for reforming the United Nations**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The end of the cold war and the recent events in the Gulf have testified to the increasingly important role which the UN is required to play. There is already a great deal of speculation about possibly amending the UN Charter in a way which would entail the Member States conferring greater powers on the UN.

In this context, it is clear that the European Community can and must make its own pragmatic and peaceful contribution by speaking with one voice and taking effective measures.

Can the Ministers meeting in EPC state their views on this matter and indicate whether they have already begun to formulate specific proposals for amending the UN Charter?

*Answer:*

*Mr Wohlfart, President-in-Office of European political cooperation:* I would give the following answer to the question put by Mr Pierros on Community initiatives on a reform of the UN: the Presidency believes that any proposals or initiatives to reform the UN must first of all be examined by the Member States themselves under their own authority and powers.

Ideally, I admit, the Twelve should try to adopt common positions on the future role of the UN and the reforms necessary to meet that aim. To this end European political cooperation will in due course and parallel to national positions define coordinated positions within the relevant working parties.

*Mr Pierros (PPE):* I should like to thank the President-in-Office for his answer. When I put my question I basically had in mind the amendment to Article 2, para. 7, of the UN Charter. This amendment would concern the enshrinement of what I personally call the duty of humane intervention, directly linked with recent events in Iraq. You are a doctor and I think you can grasp what I am getting at. I repeat my question: do you think that EPC should take the initiative in this and draw the Member States together so that we can succeed in the desired result?

*Mr Romeos (S):* I should like to ask a question on this highly interesting issue. There is a desire or at least an idea afoot within and even outside the Community for the EEC to make a major institutional change so that it might take a joint stand or at least be jointly represented before the UN. This is a tricky point and I would like to ask if we are any closer to this or if the matter has even been discussed.

*Mr De Vries (LDR):* In his reply the minister talked about necessary reforms. Which reforms does he think are necessary?

*Mr Wohlfart:* Mr President, I would like to add to what I said in my initial reply.

As recently as today the 'United Nations' working party of the EPC has been meeting in Brussels to study a certain number of subjects including possible and also necessary reforms of the UN.

I crave your indulgence, Mr President. If I am unable at the moment to inform you of the content of that meeting, it is because the meeting itself may still be going on. I would also remind you of the need for confidentiality here.

I would, however, add that the Twelve have already been actively involved in drafting certain reforms of the UN. For example they played an active role in merging the three UN bodies responsible for combating drug abuse. The UN anti-drug programme was mentioned here just about half an hour ago.

In the course of the last few weeks the Twelve have also helped in redefining the structures and meetings of Ecosoc. I presume the working party also discussed that again today. The Twelve, in Political Cooperation, have also been discussing the structure of the General Assembly, the aim being to assess a possible reform of the UN by next September.

I am therefore certain that by the next Question Time the Presidency-in-Office will be able to provide more detailed replies.

No Community initiatives have been discussed as yet, but I think they may well be in the next few months.

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**91/172. Question No H-504/91 by Mr Ephremidis concerning the arrest of a journalist and expulsion of British soldiers serving on the Turkish-Iraqi border**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The Middle East correspondent of the British newspaper *The Independent* was arrested by the Turkish authorities as he was reporting to his newspaper from the town of Diyarbakir.

Following another incident between British soldiers and the Turkish provincial governor, Erdogan Ülker, the Turkish Foreign Ministry ordered the soldiers involved in the incident to leave the country within 72 hours.

Can the Ministers meeting in EPC provide details of what actually occurred and give their reaction?

*Answer:*

The questions put by the honourable Member have not been raised within European political cooperation.

**91/173. Question No H-507/91 by Mr Cooney concerning the GATT membership bid by Taiwan**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Given that Taiwan more than qualifies for GATT membership as the world's 13th largest trading nation, as the possessor of the world's largest reserve of foreign exchange and as the second largest foreign investor in Asia, will the Ministers meeting in Political Cooperation discuss ways of stepping up the pressure to further Taiwan's bid for GATT Membership in the immediate future?

*Answer:*

The question raised by the honourable Member cannot be the subject of discussion in European political cooperation.

**91/174. Question No H-510/91 by Mr Robles Piquer concerning the random appointment of the Secretary-General of EPC**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Is it true that the substitute for Ambassador Januzzi was decided at random, by tossing a coin? If so, do the Ministers consider this to be an appropriate method, capable of safeguarding the dignity of the high office of Secretary-General of European political cooperation?

*Answer:*

The Presidency wishes to assure the honourable Member that the Foreign Ministers examined carefully the applications of the different candidates for the succession to the current head of the European political cooperation secretariat. The candidate they chose is a diplomat who fulfills all the required conditions and has the qualifications needed to carry out the duties of head of the EPC secretariat.

**91/175. Question No H-525/91 by Mr Livanos concerning the statement by Mr Ozal on the Dodecanese**

Date of issue: 12 June 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Answer to Oral Question in the European Parliament

The statement made by the President of Turkey, Mr Ozal, regarding Turkey's claims to the Greek Dodecanese and his remarks to the effect that now that its differences over the Muslim minority in Bulgaria are settled, Turkey will turn its attention towards Greece, does not only clearly jeopardize relations between the two countries but puts the issue of the occupation of Cyprus by Turkish troops back to square one.

Will the Foreign Ministers meeting in Political Cooperation say to what extent these views are acceptable from a country applying for membership of the Community?

*Answer:*

The statement made by President Ozal has not been discussed within Political Cooperation. Nonetheless, one Member State has drawn the attention of its partners to them.

Where the Cyprus question is concerned, the Community and its Member States take the view that a solution of the problem should be based on the principles of the unity, independence, sovereignty and territorial integrity of Cyprus, as set out in the relevant United Nations resolutions. They support the good will mission of the United Nations Secretary-General. The Secretary-General has presented a new interim report on his contacts with the interested parties, particularly through his special representative. The way in which the problems are identified in this document could be very important in pursuing the diplomatic initiatives in which the Community and its Member States are prepared to participate, as they have done in the past.

**91/176. Question No H-531/91 by Mr McMillan-Scott concerning the Community's relations with Romania**

Date of issue: 12 June 1991  
Place of issue: Strasbourg  
Country of Presidency: Luxembourg  
Status of document: Answer to Oral Question in the European Parliament

On 21 March 1991, Romania signed a Friendship and Mutual Assistance Agreement with the Soviet Union, signalling Romania's intention of association with the Kremlin, following Parliament's approval of the Community's Trade and Cooperation Agreement with Romania.

Do the Foreign Ministers agree that circumspection in the Community's relations with Romania is essential, given this clear signal of the Iliescu regime's desire for a privileged relationship with the Soviet Union?

*Answer:*

During Question Time in recent months, I have had the opportunity for intensive discussions with the honourable Member on a series of issues relating to Romania.<sup>1</sup>

With regard to the specific point raised by the honourable Member, I can tell him that, in the light of a recent communication from the Romanian Government, the latter appears aware of the hesitation, or even concern, which could be prompted by the Friendship and Mutual Assistance Agreement concluded with the Soviet Union, particularly in view of the provisions of the Paris Charter for a New Europe.

For its part, the Romanian Government maintains that the provisions of the Treaty, including Article 4 on bilateral security relations, comply fully with the CSCE documents, and the principles enshrined in the UN Charter, and cannot be interpreted as an infringement of the rights and interests of other States.

While emphasizing that our assessment of certain aspects of the developments in Romania is both favourable and cautious, I can assure the honourable Member that the Community and its Member States are continuing to monitor these developments closely.

<sup>1</sup> *EPC Bulletin*, Docs 91/031, 91/055, 91/075, 91/111 and 91/176.

**91/177. Question No H-532/91 by Mr van der Waal concerning oppression of Egyptian ex-Muslims**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

According to the press agency INS, there were at least 500 former Muslims against whom no charges had been brought in Egyptian gaols at the end of 1990. For instance, the three Christians (and former Muslims) Mohammed Hussein Sallam, Hassan Muhammad Ismael Muhammad and Mustafa Muhammed Said al-Sharkawi have been detained in Abu Zaabel Prison in Cairo since the beginning of October 1990 without having been charged with anything. Although they have been acquitted three times(!), most recently on 13 January 1991, they have not been released and they are in very poor mental and physical condition as a result of torture. As yet there is no prospect of release, despite political pressure from 39 members of the US Congress during April 1991 and other factors.

Can the Foreign Ministers meeting in EPC say whether they are aware of the situation of ex-Muslims in Egypt and what action they intend to take to help secure their release?

*Answer:*

The honourable Member is aware of the policy of the Community and its Member States on human rights and the importance which they attach to this topic in their relations with third countries.

However, the specific matter raised by the honourable Member has not been discussed within Political Cooperation.

The Community and its Member States will not fail to raise the matter or to make representations to the authorities concerned whenever they judge that intervention on their part would have the desired effect or would be in the interests of the person concerned.

**91/178. Question No H-544/91 by Mr Killilea concerning EC and USSR cultural relations**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Is EPC satisfied that an agreement will be reached between the EC and the USSR by the end of 1991 at the latest in the cultural sphere as requested by the Rome Council in December 1990?

*Answer:*

The specific point raised by the honourable Member does not fall within the remit of European political cooperation.

**91/179. Question No H-545/91 by Mr Fitzgerald concerning EC/US relations**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

In its Declaration on EC/US relations of 23 November 1990, the United States of America and the European Community and its Member States agreed to strengthen cooperation through exchanges and joint projects in areas including science and technology, research in medicine, environment protection, energy, space, education and culture including academic and youth exchanges. What progress is being made following this accord?

*Answer:*

With a view to consolidating their relations, the European Community and its Member States and the United States of America have underwritten a joint declaration stemming from the belief that they share responsibility in tackling transnational challenges. In order to meet these challenges, the two parties have emphasized the need for partnership between the Community and its Member States on the one hand and the United States on the other, based *inter alia* on constant efforts to strengthen cooperation in various fields which directly affect the present and future well-being of their citizens.

Mr Fitzgerald is right to raise the specific issues of education, science, and culture, whose importance cannot be rated too highly. Regular consultations are held on these matters in an institutional framework which provides for the existing procedures to be implemented and consolidated, including those instigated by the President-in-Office of the Council and the US President on 27 February 1990. The two parties are also determined to develop and improve consultation procedures to take account of the development of the European Community and the progress of its relations with the United States.

On the question of exchanges and joint projects, the President of EPC would like to draw attention to the fact that the areas of cooperation mentioned by Mr Fitzgerald are outside the field of competence of EPC. He would therefore suggest that the Member request the Commission, which is responsible for such matters, to supply information on the action taken in these areas.

**91/180. Question No H-546/91 by Mr Lalor concerning the creation of the CSCE Assembly**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will EPC indicate what role it envisages the Community playing in the creation of the newly agreed CSCE Assembly?

*Answer:*

A meeting of parliamentarians from all the countries participating in the CSCE process was held in Madrid on 2 and 3 April 1991, at the invitation of the Speaker of the Spanish Parliament, to discuss arrangements for setting up the CSCE parliamentary body provided for in the Paris Charter. The conclusions adopted by consensus at that meeting are contained in a resolution which will be submitted to the Ministerial Council in Berlin in mid-June. As Mr Andreotti, former President of the European Council, stressed at the Paris Summit, the European Community recognizes the importance of the role which the parliamentary dimension could play in the development of a coherent, integral CSCE. The Community hopes that the future CSCE Assembly will put a cogent case for its common views on security and cooperation in Europe.

**91/181. Question No H-547/91 by Mr Andrews concerning famine in Africa**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will EPC give full details of any contacts it has made with the authorities in Sudan and Ethiopia aimed at preventing further famine in these countries?

*Answer:*

The Community and its Member States have made numerous appeals, both of a political and a humanitarian nature, to the Ethiopian and Sudanese authorities as well as the opposition movements in those countries emphasizing that humanitarian priorities must take precedence over any political considerations. They have also made numerous representations to the parties concerned

to ensure that the transportation of aid can be carried out under satisfactory conditions and that the relief reaches the persons for whom it is intended.

Following the resignation of President Mengistu, the Community and its Member States launched an appeal to all the parties involved in the conflict in Ethiopia to endeavour to achieve a cease-fire and to take a constructive part in the peace negotiations. As regards the drought and famine, they expressed their shock and dismay at the lack of a response from the Sudanese Government to the efforts of the donors to initiate a wide-ranging discussion on emergency aid and to cooperate with the donors and the NGOs. In both cases, they stressed the need to ensure that humanitarian aid operations are carried out efficiently.

Since the end of 1990, the signs have been that a large-scale food crisis is developing in sub-Saharan Africa. The Development Council of 5 November 1990 highlighted the threat of an unprecedented famine throughout the Horn of Africa as a result of the drought and the political situation in that part of Africa.

Moreover, on 15 April 1991, the General Affairs Council acknowledged that there was a need for additional food aid for Africa and instructed the Commission to submit a practical proposal to meet this need, part of which was to be charged to the Community budget. Having made an estimate of the number of people at risk and of their food requirements, the Commission produced the figures of 31 million people affected and 4.5 million tonnes of cereals required.

The combined response from donors at present amounts to some 2 million tonnes and could rise to 3 million tonnes if further commitments are taken into account. If these commitments are honoured, the food shortage would be in the region of between 1.5 and 2 million tonnes of cereals.

Under the terms of the special programme proposed by the Commission and endorsed by Coreper on 3 May 1991, the contribution from the Community and its Member States should cover between 35 and 40% of total needs. This amount also represents their equivalent relative contribution in other international aid campaigns such as aid to the Kurds (ECU 150 million out of 400, or 37.5%). Taking account of the needs of sub-Saharan Africa, the quantities made available would be in the region of between 1.5 and 1.8 million tonnes, breaking down 2/3-1/3 approximately between the Community and the Member States.

The decision of 3 May provides for additional quantities of 400 000 tonnes for the Community (ECU 140 million) and 200 000 tonnes (ECU 70 million) for the Member States. Additional operations by the Community and its Member States would thus amount to a minimum ECU 210 million, i.e. ECU 140 million from the Community budget and ECU 70 million from the Member States.

Given the scale of the programme it has been proposed that the Commission should coordinate Community and national aid in close cooperation with the FAO, the World Food Programme (WFP), the ICRC, the UNHCR and the NGOs.

#### **91/182. Question No H-556/91 by Ms Oddy concerning Sri Lanka – Allegations of election malpractice**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Following reports in European newspapers of allegations of election malpractice in the recent local elections in Sri Lanka, what steps does EPC intend to take to ascertain the truth of these allegations?



**Answer:**

**Mr Wohlfart, President-in-Office of European political cooperation:** First of all I would like to draw the honourable Member's attention to the fact that I refer to the reply given to Question No 1/91 from Mr Lomas.<sup>1</sup> The situation in Sri Lanka was at the origin of various statements and steps taken by the Community and its Member States *vis-à-vis* the democratically elected authorities of that country, particularly on human rights. These authorities therefore know the importance the Community and its Member States attach to strengthening the democratic institutions in Sri Lanka in which free elections constitute a fundamental element.

The allegations to which the honourable Member refers have not yet been discussed in the EPC. However, the Presidency would add at this stage that an international delegation of observers, made up of representatives of countries with well established democratic traditions, closely followed the local elections in Sri Lanka and concluded that in general terms the elections were free and fair.

**Mr Oddy (S):** Since tabling my question the British High Commissioner in Sri Lanka has been declared *persona non grata* for allegedly interfering in the local election process. As this is a serious diplomatic incident, I would like to know what coordinated action the twelve Foreign Ministers intend to take to show disapproval of this expulsion.

**Mr Smith, Alex (S):** In response to what my colleague has said on the unwarranted action by the Sri Lankan Government in declaring the British High Commissioner *persona non grata*, is the President-in-Office prepared to consider firstly an urgent reappraisal of Community aid programmes to Sri Lanka, secondly a reduction in trade exchanges with that country and thirdly a curtailment of high level meetings with the Sri Lankan Government?

**Mr Wohlfart:** Until this evening I had understood that all information on the process of democratization of interest to the EPC was factual and that any Member State could raise any point about that process. But having listened to the honourable Member talk about the Sri Lankan Government expelling the High Commissioner I can assure him that the relevant working group, the 'Asia' group, is due to meet soon, on 19 June.

In view of the seriousness of the fact mentioned by the honourable Member, there is no doubt in my mind that the problem he raised must be discussed on that occasion. We shall certainly request a report from our embassies.

On the second part of the supplementary question on the effects of Community economic aid to Sri Lanka we must obviously await the report and the conclusions of this working party to draw any necessary consequences.

<sup>1</sup> EPC Bulletin, Doc. 91/037.

**91/183. Question No H-559/91/rev. by Mr Kostopoulos concerning measures to protect international civil aviation in the Aegean**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

A few days ago Turkish military aircraft went so far as to obstruct a civil aviation flight (Olympic Airways) within Greek airspace, thereby endangering the lives of the passengers. This poses an obvious threat to international civil aviation.

Do the Foreign Ministers meeting in European political cooperation intend to take immediate practical measures aimed at bringing to an end such actions by the Turkish armed forces in Greek airspace and to condemn the recent actions taken by the Turkish airforce against an EC Member State?

*Answer:*

As it does not fall within its remit, this problem has not been discussed within Political Cooperation.

**91/184. Question No H-562/91 by Mr Dessylas concerning the initiative taken by the Presidency of the EC regarding the Cyprus problem**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the Presidency of the Council of Foreign Ministers say what the specific content of its initiative was regarding Cyprus, what practical measures it comprised and what it has achieved?

*Answer:*

The honourable Member is aware of the position of the Community and its Member States on the Cyprus question. It is based on respect for the unity, independence, sovereignty and territorial integrity of Cyprus in line with the relevant United Nations resolutions, and support for the United Nations Secretary-General's mission.

In this context, the goal of the Presidency's mission was to support the Secretary-General's action and through its contacts with the parties involved, to restart the negotiations. Moreover, the Presidency has held four meetings with the United Nations Secretary-General and has consulted the Secretary-General's personal representative. These informal discussions have enabled the Presidency to pin-point the priorities for resolving, through dialogue, a conflict which has continued too long.

The Secretary-General has submitted a new interim report on his contacts with all the parties concerned, particularly through his special representative. The identification in this document of the problems could be very important in pursuing the diplomatic initiatives in which the Community and its Member States are prepared to participate, as they have done in the past.

**91/185. Question No H-564/91 by Mr De Rossa concerning human rights abuses in Kuwait**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

How does EPC explain the absence of any references to human rights abuses in post-war Kuwait in the joint communiqué issued after the Ministerial meeting and 2nd EEC/GCC Joint Council of

11 May 1991 at Luxembourg, when reputable international journalists and human rights organizations, and indeed, the EP, have been expressing mounting concern about this matter for many months now?

*Answer:*

During the recent Ministerial meeting between the EEC and the GCC in Luxembourg, the Community and its Member States raised the question of respect for human rights. In his opening speech, the President stressed the importance which the Community attaches to this matter and to the promotion of democratic values, and pointed out that the search for peace and international security is indissolubly linked to respect for the principles of the United Nations Charter and the Universal Declaration of Human Rights. These principles were mentioned in the joint communiqué issued at the close of the meeting.

More generally speaking, since the liberation of Kuwait, the Community and its Member States have continued to monitor closely the human rights situation in that country, including the situation of the Palestinians living there. The Kuwaiti authorities are aware of the Community's concern at this matter.

**91/186. Question No H-571/91 by Mr Bowe concerning El Salvador**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers suspend cooperation and discussion with the El Salvador Government until the full details and implications of the independent inquiries into the murder of six Jesuit priests, their cook and her daughter are fully completed and the complicity of members of the government disproved or otherwise.

*Answer:*

As stated on several previous occasions, in particular in the reply to Oral Question No H-1309/90 in February<sup>1</sup>, the Community and its Member States are making every effort to emphasize the importance they attach to the successful completion of the judicial inquiry. The Community and its Member States are seriously concerned at the lack of any real progress in this inquiry and the lack of cooperation on the part of certain members of the armed forces.

The murder of six Jesuit priests, their cook and her daughter was one of the subjects discussed in detail at the recent San José VII Conference held in Managua on 18 and 19 March 1991. It is therefore one of the key elements in the dialogue between the Community and El Salvador and hence in relations between the two parties.

Paragraph 6 of the joint political declaration adopted in Managua stated that the Community Ministers, concerned that human rights should be respected and following their statement of 16 November 1990, had taken note of the Salvadorean Government's pledge to redouble its efforts to complete the inquiry into the murder of the six Jesuit priests, their cook and her daughter and to bring those responsible to justice, which would be an important step towards increasing the independence of the judiciary in El Salvador and ensuring respect for human rights, these being key elements of any democracy.

The joint declaration shows that the inquiry into the murder of the six Jesuit priests is particularly important in view of the current political circumstances prevailing in El Salvador.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/154.

**91/187. Question No H-581/91 by Mr Balfe concerning Iran**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

Are the Foreign Ministers meeting in Political Cooperation aware that at the end of the Gulf War, in sharp contrast to the Community desire – the heavily armed Iranian Revolutionary Guards made an attempt to establish a fundamentalist Islamic regime in Southern Iraq?

Will the Foreign Ministers meeting in Political Cooperation issue a joint statement and reject export of fundamentalism by the Iranian regime as a long term threat for the peace and security both in this region and the world?

*Answer:*

At the present time European political cooperation does not have the necessary information enabling it to reply with certainty to the question by Mr Balfe.

Generally speaking, however, the Community and its Member States have spoken out clearly in favour of stability in the Gulf region and they intend to work towards achieving this goal.

**91/188. Question No H-593/91 by Mr Romeos concerning common security policy**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

The Defence Ministers of the member states of NATO recently decided to set up a Rapid Reaction Force outside the terms of the Atlantic Alliance under British command consisting mainly of European military units.

The Community has repeatedly stressed the need to set up a pan-European defence structure based on the Western European Union and the implementation of a common security policy in this context.

Does European political cooperation consider that NATO's decision is consistent with the Community's stated objectives with regard to a common security policy?

*Mr Wohlfart, President-in-Office of European political cooperation:* First of all I would remind you that the decisions to which the honourable Member refers do not come under European political cooperation but another body. However, all matters concerning the definition and implementation of a common foreign and security policy are being discussed in the Inter-governmental Conference on Political Union. It is therefore up to the latter to take the relevant decisions, the aim

being to define the content of political union capable of acting coherently on the international scene.

*Mr Romeos (S):* Mr President-in-Office, I am sorry but I was hoping for a better answer than that. Of course, these decisions were not taken by us but by other institutions. My question was about to what extent the other institutions' decisions influence decisions due to be taken by us. You said that the goal and remit of EPC are to lay down a framework for a common security policy which the EEC hopes and intends to formulate. Since you are in charge of laying down this framework, I think you should answer me: do these decisions taken by NATO pose problems regarding the framework you have been called on to lay down?

*Mr Wohlfart:* During the past six months that I have been in this position I have made certain Members happy by my replies but others unhappy. I hope that my reply will not plunge Mr Romeos into deep depression. I have described the role of the Presidency in this matter but I shall nevertheless add some further points.

First of all, Mr Romeos, numerous statements have been made in this House on precisely this subject. There have been various oral questions with debate on political union and all its implications for the security and defence of the Community of Twelve since the beginning of the Luxembourg presidency, in which our Minister for Foreign Affairs, Mr Jacques Poos, has spoken. The Presidency had always understood that at the end of these debates the Members of this House were left in no doubt that the interaction, or if you prefer the possible links between NATO, WEU and political union constituted one of the most delicate points of the present Inter-governmental Conference. Discussion on this possible link takes the various national positions of the Member States into account and the conclusion of the Inter-governmental Conference on Political Union will be drawn in the European Council to be held on 28 and 29 June.

I would furthermore remind you that the Presidency had assumed that the interinstitutional meetings gave the European Parliament the opportunity to receive a report on the progress but also on the difficulties involved in such an exercise which, I cannot emphasize too strongly, is likely to constitute a new deal. The Members of this House have already had the occasion today of hearing the President-in-Office of the Council of Ministers himself speak on the current two inter-governmental conferences. So at this late hour of the evening I think I can count on your good will and while appreciating the importance to all of us of this subject I would suggest that we do not now repeat the exercise.

The Presidency, and I apologize to Mr Romeos, may not preempt the results of the Inter-governmental Conference on this subject.

**91/189. Question No H-594/91 by Mr McCartin concerning the political situation in Burma**

Date of issue: 12 June 1991

Place of issue: Strasbourg

Country of Presidency: Luxembourg

Status of document: Answer to Oral Question in the European Parliament

In addition to its political statements, most recently on 27 May 1991<sup>1</sup>, made by the Twelve within the framework of EPC, on the political situation in Burma, what practical or direct steps, for example in the area of trade or development aid, are the Twelve taking to ensure the respect of the results of the 1990 elections, the transference of power from the military to a democratically elected government, and the release of political leaders that are held in detention?

**Answer:**

As the honourable Member points out, the Community and its Member States have expressed their concern on many occasions at the unacceptable situation in Burma, particularly in their statement of 27 May 1991 on the first anniversary of free elections in that country.

They fully share the honourable Member's concern at the absence of any encouraging sign from the Burmese authorities of a move towards initiating a democratic process.

The attitude of the Burmese authorities has prevented the Community and its Member States from resuming their development aid programmes for Burma.

The possibility of the Community and its Member States adopting other measures is currently being considered within European political cooperation. The Presidency will keep Parliament informed of the outcome.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/155.

**91/190. Statement concerning Burundi**

Date of issue: 14 June 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States have noted with satisfaction that the policy of national reconciliation in Burundi is continuing. They welcome in particular the appeal by the authorities to Burundi refugees to return to their country on a voluntary basis and in an organized manner.

In view of its political importance, the Community and its Member States consider that this initiative deserves the attention and support of the international community. They will support the operation underway as their resources permit and invite other donors to do likewise.

In this context, they consider that the United Nations High Commissioner for Refugees has an important role to play in the repatriation of the Burundi refugees.

**91/191. Statement by the 81st EPC Ministerial Meeting concerning South Africa**

Date of issue: 17/18 June 1991

Place of issue: Brussels, Luxembourg

Country of Presidency: Luxembourg

Status of document: Declaration

The Community and its Member States welcome the repeal of the Population Registration Act two weeks after the repeal of the Land Acts and the Group Areas Act.

These measures mark the beginning of a new era in South Africa. The way is now open for national reconciliation and the establishment of a united, democratic and non-racial South Africa. The Community and its Member States pay tribute to all those who have devoted themselves, inside and outside the country, to the abolition of the apartheid system.

The Community and its Member States note, however, that a number of obstacles still delay the opening of substantive negotiations aimed at drawing up a new constitution. They have repeatedly expressed the hope that all obstacles to negotiation, including the detention of political prisoners and the problems impeding the return of exiles, can be removed swiftly. They regret the continuing cost of violence in South Africa and call on all parties to work for tolerance.

#### **91/192. Statement concerning Sri Lanka**

Date of issue: 21 June 1991  
 Place of issue: Brussels, Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Declaration

The Community and its Member States deplore the Sri Lankan Government's recent decision to declare the British High Commissioner to be *persona non grata*. They wish to underline that his expulsion, which they consider wholly inappropriate, will not lead to any reduction in the emphasis which they give to human rights questions in their dealings with the Government of Sri Lanka.

#### **91/193. Conclusions of the European Council Meeting in Luxembourg, held on 28 and 29 June 1991 [extracts only]**

Date of issue: 28/29 June 1991  
 Place of issue: Luxembourg  
 Country of Presidency: Luxembourg  
 Status of document: Conclusions of the European Council

[...]

#### *Inter-governmental Conferences*

The European Council took note of the draft Treaty prepared by the Luxembourg Presidency in the light of proceedings at the two Conferences [on Political Union and on Economic and Monetary Union]. It welcomed the considerable progress that had been made since the two European Councils held in Rome.

The European Council confirms that the proceedings of these two Conferences should continue in parallel. The final decision on the text of the Treaty on Political Union and on Economic and Monetary Union will be taken by the Maastricht European Council so that the results of the two Conferences can be submitted for ratification simultaneously during 1992 and the new Treaty can enter into force on 1 January 1993.

The European Council considers that the Presidency's draft forms the basis for the continuation of negotiations, both as regards most of the principal points contained in it and the state of play at the two Conferences, on the understanding that final agreement by the Member States will only be given to the Treaty as a whole.

#### *Political union*

The European Council's discussions have gone into greater detail on some issues for which a solution is crucial to the success of the negotiations. It has established the following general guidelines:

## Principles

The European Council considers that the Union should be based on the following principles, as decided at the European Council in Rome on 14 and 15 December 1990<sup>1</sup>: full maintenance of the *aquis communautaire* and development thereof, a single institutional framework with procedures appropriate to the requirements of the various spheres of action, the evolving nature of the process of integration or union, the principle of subsidiarity and the principle of economic and social cohesion.

The European Council also stresses the importance of establishing Union citizenship as a fundamental element in the construction of Europe.

## Common foreign and security policy

The Presidency's draft reflects the unanimous desire to reinforce the identity and role of the Union as a political entity on the international scene, as well as the concern to ensure the consistency of all its external activities. The decision-making process for implementation of the common foreign and security policy has still to be examined. Common foreign and security policy will extend to all questions relating to the security of the Union.

The European Council has agreed that the question of strengthening the defence identity of the Union will be decided at the final stage of the Conference. That identity will take account of the traditional positions of certain Member States.

The role of the WEU, which is an essential part of the process of European integration, will be clarified. The Community Member States which are party to the Treaty on the Atlantic Alliance, in accordance with the guide-lines established at the recent meeting of NATO Foreign Ministers in Copenhagen, regard the ultimate reinforcement of a European defence identity as an important contribution to the strengthening of the Atlantic Alliance. In the immediate future, they will endeavour to work out common guide-lines with a view to the forthcoming NATO Summit in Rome [...].

## Drugs

The European Council has taken note of the first report by the relevant Committee (Celad) on the implementation of the European Plan to combat drugs. It emphasizes in particular the importance of the recent adoption of Community legislation on money laundering.

It approves the principle of setting up a European Drugs Monitoring Centre on the understanding that the practical arrangements for its implementation, e.g. its size, institutional structure and computer systems, are still to be discussed.

The European Council instructs Celad to continue work to that end and bring it rapidly to a successful conclusion, in liaison with the Commission and the other relevant political bodies.

Regarding the fight against international drug trafficking and organized crime, the European Council has agreed on the objectives underlying the German delegation's proposals as set forth in point B of Annex I and requests the ministers with responsibility for drugs matters to submit proposals before the European Council's next meeting in Maastricht.

The European Council emphasizes the importance of ensuring that Community action is taken in close cooperation with the United Nations plan for combating drugs.



## *External relations*

At a time when arrangements for its internal reinforcement are under debate in two Conferences, the Community wishes to reaffirm its determination to play an active and open role externally and seek close cooperation with all other international partners, whether bilaterally or multilaterally.

### USSR

The European Council heard the Commission report on the situation in the Soviet Union and specifically on the implementation of the guide-lines adopted in Rome on 14 and 15 December 1990. It noted with satisfaction that the necessary decisions have now been adopted for granting food aid amounting to ECU 750 million. Food deliveries have begun.

With regard to technical assistance, the figure for the 1991 programme (ECU 400 million) and the implementing arrangements with the Soviet authorities have been adopted.

The European Council fully supports the endeavours of the President and the Government of the Soviet Union to accelerate the reforms undertaken and to ease the Soviet Union's integration into the world economy. It considers that a substantial programme for reorganizing and modernizing the economy is necessary.

Economic and financial cooperation between the USSR and the Community is intended to foster this process. The Community is ready to continue contributing to this venture in the framework of concerted international action. In this context, the European Council requests the Commission to put forward proposals on the amount of technical assistance in 1992.

The European Council refers to the wish it formulated at its Rome meeting to see the USSR assume its place in international financial institutions. With regard to the EBRD, the European Council reiterates its desire for a revision of the current provisions which restricts the possibility of loans to the Soviet Union.

The European Council invites the Commission – by extension to its Rome II conclusions<sup>2</sup> – to begin exploratory talks on a major agreement between the Community and the USSR covering not only economic questions but political and cultural matters as well.

### European Energy Charter

The European Council also noted with satisfaction that the proceedings of the negotiating conference for the preparation of a European Energy Charter would open in Brussels on 15 July 1991 with the aim of adopting, by December 1991, a Charter instituting long-term European cooperation in the energy sectors on the basis of equal rights and obligations for the signatory countries.

### Uruguay Round

The European Council considers the Uruguay Round to be the first priority in international economic relations, and stresses the importance of concluding these negotiations before the end of this year.

If a balanced agreement covering all areas is to be reached within that period, important policy decisions will have to be taken without delay.

The European Council calls on the Council and the Commission in its capacity as negotiator to continue their efforts to enable the Uruguay Round to come to a satisfactory conclusion.

### European economic area

The European Council considers that the creation of a European economic area is an important component of the future structure of Europe.

It welcomes the recent decisive progress and fully endorses the two parties' commitment to overcome the remaining obstacles before 1 August, which would enable the agreement to enter into force on 1 January 1993.

### Central and Eastern Europe

The European Council welcomes the progress towards political and economic reform in the countries of Central and Eastern Europe. It recognizes the positive role played by members of the Group of 24 in underpinning structural adjustment and democracy and asks all sides to play a full part in that endeavour. The European Council reaffirms its determination to strengthen the Community's links with these countries. It notes with satisfaction the progress achieved to date in the negotiations on Association Agreements with Poland, Hungary and Czechoslovakia and hopes that these negotiations will culminate in the conclusion of overall agreements before the end of October 1991.

The European Council hopes that conditions permitting reinforcement of the links between the Community and the Balkan countries will soon be obtained.

### Situation in Yugoslavia

The European Council examined the course of developments in Yugoslavia. It heard a report from the ministerial Troika on its return from Belgrade and Zagreb, and expressed satisfaction at the results of this mission. However, the European Council remains concerned about the situation in this country and requests the relevant organs of European cooperation to remain seized of this situation and follow developments closely.

It took note of the fact that Luxembourg has invoked the emergency mechanism in the CSCE framework in view of the extreme gravity of the situation in Yugoslavia.

### Baltic States

The European Council expresses its deep concern at the continued acts of the intimidation and violence which have taken place in the Baltic States since the events in January, most recently in Vilnius on 26 June.

The European Council urges the Soviet authorities to put a stop to all such acts and activities, and to ensure that those that have already taken place are fully and impartially investigated. It notes with satisfaction the recent statement of the Soviet President to this effect.

The European Council again appeals for serious negotiations to be engaged between the Soviet authorities and the three Baltic States with a view to finding a solution which will fulfil the legitimate aspirations of the Baltic peoples.

### Middle East

The European Council examined the state of play on the Middle East peace process and adopted the declaration in the Annex.<sup>3</sup>

It discussed the situation in Iraq and adopted the declaration in the Annex.<sup>4</sup>

## Western Sahara

The European Council noted with satisfaction the progress made in the process of self-determination of Western Sahara, in particular the adoption by the Security Council and the General Assembly of the Secretary-General's report, as well as the setting-up of the UN Mission for the Referendum in Western Sahara (Minurso). The Community and its Member States will assist in the implementation of the process that is under way.

The European Council reiterates its support for the persistent efforts of the Secretary-General of the United Nations and his special representative to ensure that the process goes forward smoothly.

## Algeria

At the initiative of France, the European Council took note of the situation in Algeria and of the Algerian authorities' request for Community support. It decided on the principle of balance of payments aid, its amount and the arrangements to be settled, on a proposal from the Commission, at the next meeting of the Council (economic and financial affairs).

### Relations with developing countries

The European Council is determined that the Community should play its full role in improving the economic and social situation of the developing countries. Lomé IV, which is due to come into force very soon, and the new assistance and economic cooperation programmes in Asia, Latin America and the Mediterranean countries mark the opening of a new area. The European Council reaffirms its conviction that certain aspects with an important bearing on these relations, such as broader-based democracy, respect for human rights, and economic reform, are bound to develop further.

### Relations with the United States, Canada and Japan

The relations of the Community and its Member States with the United States and with Canada, which are developing on the basis of the Joint Declarations signed in November 1990, will continue to play a crucial role in the prosperity and security of the Western world.

With the same considerations in mind, the European Community wishes to strengthen its links with Japan on the basis of a similar declaration.

## Southern Africa

The European Council examined the positive developments in South Africa and adopted the declaration in the Annex<sup>5</sup>

The European Council welcomes the South African Government's decision to accede to the Non-Proliferation Treaty, which it considers an important contribution to the stability of the region and to the strengthening of the international nuclear non-proliferation regime.

The European Council welcomes the positive outcome of the negotiations concerning the peace process and democratization in Angola and expresses its appreciation for the mediation carried out by Portugal.

It also hopes that the talks taking place in Rome under Italian auspices, will lead to an early peaceful settlement of the conflict in Mozambique.

### Human rights

The European Council adopted the declaration in the Annex,<sup>6</sup> which should guide the future work of the Community and its Member States.

### Improvement of emergency assistance

The European Council adopted the declaration in the Annex.<sup>7</sup>

### Non-proliferation and arms exports

The European Council adopted the declaration in the Annex.<sup>8</sup>

### Tropical forests

The European Council notes with pleasure that the Commission, pursuant to the Conclusions of the Dublin European Council,<sup>9</sup> has submitted a proposal, prepared together with the World Bank and in consultation with the Brazilian authorities, on a large-scale pilot project for the preservation of the tropical forest.

The European Council supports the broad thrust of the project and confirms that the Community's contribution to the preliminary stage will be 15 million US dollars in financial support, to which contributions from the Member States will be added. It requests the other participants in the London Economic Summit to confirm that they too will contribute.

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1 *EPC Bulletin*, Doc. 90/468.

2 *EPC Bulletin*, Doc. 90/468.

3 Annex omitted. See *EPC Bulletin*, Doc 91/199.

4 Annex omitted. See *EPC Bulletin*, Doc 91/197.

5 Annex omitted. See *EPC Bulletin*, Doc 91/198.

6 Annex omitted. See *EPC Bulletin*, Doc 91/194.

7 Annex omitted. See *EPC Bulletin*, Doc 91/195.

8 Annex omitted. See *EPC Bulletin*, Doc 91/196.

9 *EPC Bulletin*, Doc. 90/468.

### 91/194. Declaration concerning human rights

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

Recalling the 1986 Declaration of Foreign Ministers of the Community on Human Rights (21 July 1986),<sup>1</sup> the European Council reaffirms that respecting, promoting and safeguarding human rights is an essential part of international relations and one of the corner-stones of European cooperation as well as of relations between the Community and its Member States and other countries. In this regard the European Council stresses its attachment to the principles of parliamentary democracy and the primacy of law.

The European Council welcomes the considerable progress made in recent years in the field of human rights, and the advances in democracy in Europe and throughout the world, particularly in certain developing countries. It welcomes the growing prominence of demands of peoples for freedom and democracy throughout the world.

They deplore, however, the persistence of flagrant violations of human rights in many countries. The Community and its Member States undertake to pursue their policy of promoting and safeguarding human rights and fundamental freedoms throughout the world. This is the legitimate and permanent duty of the world community and of all States acting individually or collectively. They recall that the different ways of expressing concern about violations of rights, as well as requests designed to secure those rights, cannot be considered as interference in the internal affairs of a State, and constitute an important and legitimate part of their dialogue with third countries. For their part, the Community and its Member States will continue to take up violations wherever they occur.

The European Community and its Member States seek universal respect for human rights. Many international instruments have been elaborated in the last decades, first among which rank the Universal Declaration of Human Rights and the Covenants on civil and political rights and on economic, social and cultural rights. No specific provision based on national, cultural or religious factors can validly be invoked to detract from the principles established by these instruments. The European Council calls on all States to become a party to the international instruments in force.

In the field of human rights, the effective and universal implementation of existing instruments and the strengthening of international mechanisms of control is a priority. The Community and its Member States will continue to work for the efficient functioning of such mechanisms in their administrative, organizational and financial aspects. Moreover, they undertake, in the context of these mechanisms, to push for an improvement in the transparency of procedures. The European Council is well disposed towards the possibility of enabling individuals to be involved in the protection of their rights. The European Council calls for the cooperation of States with the inter-governmental organizations to which they belong in monitoring the implementation of human rights, in particular in the framework of the Commissions created by UN agreements and in regional institutions.

Tensions and conflicts arising from flagrant and systematic violations of human rights and fundamental freedoms in one country or in a specific region are often a threat to international peace and security.

The protection of minorities is ensured in the first place by the effective establishment of democracy. The European Council recalls the fundamental nature of the principle of non-discrimination. It stresses the need to protect human rights whether or not the persons concerned belong to minorities. The European Council reiterates the importance of respecting the cultural identity as well as rights enjoyed by members of minorities which such persons should be able to exercise in common with other members of their group. Respect of this principle will favour political, social and economic development.

The European Council recalls the indivisible character of human rights. The promotion of economic, social and cultural rights, as of civil and political rights, and of respect for religious freedom and freedom of worship, is of fundamental importance for the full realization of human dignity and of the legitimate aspirations of every individual. Democracy, pluralism, respect for human rights, institutions working within a constitutional framework, and responsible governments appointed following periodic, fair elections, as well as the recognition of the legitimate importance of the individual in a society, are essential prerequisites of sustained social and economic development.

The European Council deplores the fact that countless people in the world are victims of hunger, illness, illiteracy and extreme poverty, and are thus deprived of the most basic economic and social rights. It notes, moreover, that special attention should be paid to the most vulnerable categories of people, for example, children, women, old people, migrants and refugees.

The European Council believes that it is an affront to human dignity to deny help to victims in emergency situations or in extreme distress, particularly in cases of violence against innocent

civilians and refugees. To the victim's need for humanitarian assistance corresponds a duty of solidarity of the States concerned and of the international community.

All lasting development should be centred on man as the bearer of human rights and beneficiary of the process of development. Violations of human rights and suppression of individual freedoms impede an individual from participating in and contributing to this process. Through their policy of cooperation and by including clauses on human rights in economic and cooperation agreements with third countries, the Community and its Member States actively promote human rights and the participation, without discrimination, of all individuals or groups in the life of society, bearing in mind particularly the role of women.

The Council of Europe plays a leading role in the field of human rights with its expertise, its numerous projects in this field, training and educational activities, and programmes of cooperation with the countries of Central and Eastern Europe which possess or are seeking to possess democratic institutions. Under its aegis, the European Convention on the Protection of Human Rights and Fundamental Freedoms, given the binding character of its norms and the strictness and reliability of its provisions of control, is both an advanced, effective system of protection and a point of reference for other regions of the world. The European Council welcomes the readiness of the Council of Europe to put its experience at the service of the CSCE.

The Community and its Member States stress the importance they attach to the human dimension of the CSCE process, to its important contribution to democratic reforms in Europe, and to its considerable influence on the development of human rights in the European area. The European Council recalls the prospects opened up by the Final Document of the Copenhagen Conference in 1990 and the commitments undertaken when the Paris Charter was adopted. The mechanism of the Conference on the Human Dimension reflects participating States' conviction that upholding undertakings in the human rights field is the legitimate concern of the whole international community.

Individuals and non-governmental organizations throughout the world are making valuable and courageous contributions to safeguarding and promoting human rights. The European Council pays tribute to this commitment and deplores the fact that defenders of human rights are too often the first victims of the arbitrary treatment which they denounce. It calls on all States to enhance the attachment of their publics to the cause of human rights through educational programmes, and by allowing non-governmental organizations free access to information and free distribution of information on human rights. By drawing the attention of the public at large to governments' failings, the NGOs contribute significantly to the protection of individuals and the promotion of human rights in general.

The European Council reiterates the commitment of the Community and its Member States to support and promote, in regional and international bodies, that respect for human rights and fundamental freedoms without which peace and lasting security cannot be established.

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<sup>1</sup> *EPC Bulletin*, Doc. 86/230.

### **91/195. Declaration concerning the improvement of emergency assistance within the UN framework**

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

The European Council expresses its deep sympathy for the victims of catastrophes on an international scale, including the recent cyclone in Bangladesh, the crisis in the Horn of Africa and the massive exodus of Iraqi refugees from their country.

The Community and its Member States have responded to these catastrophes with substantial aid programmes to assist the victims. They have a responsibility to ensure that their aid is channelled as directly and efficiently as possible. The European Council invites the Member States and the Commission to pursue the implementation of their emergency aid programmes and to draw the lessons of the experience acquired in this regard.

The European Council believes that in the light of experience it is essential to strengthen the coordination mechanisms for emergency actions undertaken within the UN.

To this end, and without prejudging other reforms of the UN Secretariat, the European Council recommends the appointment of a high-level coordinator for emergency humanitarian aid.

With the authority of the Secretary-General behind him and enjoying direct access to him in New York, and with the confidence of donor countries and organizations involved in emergency aid, it will be the task of the coordinator to set up and maintain, on the political and administrative level, the links, impetus and direction needed to ensure that aid missions proceed smoothly. This strengthened coordination will be carried out in Geneva and should involve all humanitarian agencies within the UN system – without excluding specific links with other agencies not belonging to this system – as well as non-governmental organizations active in this field.

In particular, it would be the task of the coordinator to:

- (i) chair an interagency standing committee based in Geneva which would coordinate assistance efforts and provide a meeting point for donors and would include representatives of all humanitarian agencies, with a standing invitation to the (ICRC) and ICM;
- (ii) have direct access to a future emergency fund enabling an immediate initial response to be made to international catastrophes;
- (iii) maintain an up-to-date register of all the resources available within the UN framework, States, and non-governmental organizations for mobilization at short notice in different emergency situations.

## **91/196. Declaration concerning non-proliferation and arms exports**

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

The European Council is deeply concerned at the danger arising from the proliferation of weapons of mass destruction throughout the world. The recent Gulf War showed the absolute necessity of further enhancing the effectiveness of regimes of non-proliferation.

The Community and its Member States support a strengthening of the regime of nuclear non-proliferation and call for all States to become parties to the NPT. They look to an agreement in the near future on a convention on chemical weapons and to the strengthening of the Convention on biological and bacteriological weapons.

The European Council is also alarmed by the stockpiling of conventional weapons in certain regions of the world. To prevent situations of instability recurring in entire regions as a result of such over-armament, the European Council believes that far-reaching international action is needed immediately to promote restraint and transparency in the transfers of conventional weapons and of technologies for military use, in particular towards areas of tension.

The European Council notes with satisfaction that work in progress in the organs of European political cooperation has already, by comparing national policies on arms exports, identified a number of common criteria on which these policies are based, such as:

- (i) respect for the international commitments of the Member States of the Community, in particular the sanctions decreed by the Security Council of the United Nations and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations;
- (ii) the respect of human rights in the country of final destination;
- (iii) the internal situation in the country of final destination, as a function of the existence of tensions or internal armed conflicts;
- (iv) the preservation of regional peace, security and stability;
- (v) the national security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries;
- (vi) the behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances, and respect for international law;
- (vii) the existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

In the perspective of political union, the European Council hopes that on the basis of criteria of this nature a common approach will be made possible leading to a harmonization of national policies.

The Community and its Member States attach particular importance in the framework of their internal consultations and within the competent international forums to transparency in conventional arms transfers. They will attach priority to the establishment of a United Nations register on conventional arms transfers and will table a draft resolution in this sense at the next UN General Assembly.

The European Council calls on all States to support this initiative and others which aim to prevent the uncontrolled spread of weapons and military technologies.

#### **91/197. Declaration concerning the peace process in the Middle East**

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

The European Council has examined the state of play on the Middle East peace process. While reaffirming its well-known positions of principle, it emphasized the necessity of setting in train without delay a process, on the basis of UN Security Council Resolutions 242 and 338, leading to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question.

To this end, the European Council believes the current initiative, launched by the United States, offers real prospects of peace in the region. It confirms its firm support for this initiative and calls urgently on all parties to overcome final difficulties so that a peace conference can be convened. As a participant in the peace conference, the Community and its Member States aim to make their full contribution to its success and to the negotiations between the parties.

Besides a settlement of the Palestinian question through the exercise of the Palestinian people's right to self-determination, lasting peace and the stability of the region should involve the end of the state of belligerence among all States in the region, the commitment not to resort to force and to the peaceful settlement of disputes, and respect for the territorial integrity of all States, including Israel.



The European Council confirms the determination of the Community and its Member States to contribute to the economic and social development of all peoples in the region once the prospect of peace is clear. To this end, the Community and its Member States will work to promote intra-regional solidarity and relations of friendship and cooperation with all countries in the region. The Community and its Member States emphasize their interest in a political dialogue with regional groupings.

The European Council once again underlines the need for all parties to adopt reciprocal and balanced measures to establish a climate of confidence to get the negotiations going, and to avoid all measures that might hinder the process. It believes specifically that the policy of establishing settlements in the territories occupied by Israel, which is in any case illegal, is incompatible with the will expressed to make progress with the peace process.

### **91/198. Declaration concerning the situation in Iraq**

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

The European Council remains concerned about the situation in Iraq and by the fate of civilian populations, in particular Kurds and Shiites, in the north and south-east of the country.

It recalls its initiative of 8 April 1991 and welcomes the fact that the establishment of security zones in the north of Iraq has enabled a large number of Kurdish refugees to return. It expresses the wish that the refugees who have remained in Iran will soon be able in their turn to go back to their homes in complete security. It also recalls the major effort made by the European Community and its Member States to come to the help of these populations.

The European Council marks its satisfaction at the important role played by the United Nations in the repatriation of refugees and in their re-establishing themselves in their country. It underlines, in this context, the need to bring about as rapidly as possible the full deployment of the contingent of 500 United Nations guards. To facilitate this deployment, the European Council undertakes to meet the uncovered expenses of this operation between now and the end of the year. The European Council also acknowledges with satisfaction the contribution in men which certain Member States have made to the contingent of UN guards.

The European Council notes the negotiations that are under way between the Iraqi authorities and leaders representative of the Kurdish population. It hopes that these negotiations will lead rapidly to a satisfactory agreement and considers that it would be appropriate for the international community to give its support to such an agreement on the basis of Resolution 688 of the Security Council.

The European Council considers that as long as the Iraqi authorities fail to comply with their obligation fully and unequivocally to observe all the provisions of Resolutions 687 and 688, the Security Council should not envisage lifting the sanctions imposed on Iraq. In this context, they strongly condemn the attempt by the Iraqi authorities not to reveal a part of the nuclear equipment of the country, in explicit contravention of Resolution 687.

### **91/199. Declaration concerning South Africa**

Date of issue: 28/29 June 1991

Place of issue: Luxembourg

Country of Presidency: Luxembourg

Status of document: Conclusions of the European Council

The European Council welcomes the important progress made towards the complete and irreversible abolition of apartheid, notably the repeal of the three remaining pillars of apartheid: the Land Acts, Group Areas Act and Population Registration Act.

It hopes that these important measures will be followed by the elimination in practice of all racial discrimination and by an improvement of the position of the most disinherited elements of the South African population.

The European Council would wish to see a speeding-up of the process of negotiation on the new constitution leading to the establishment of a new, united, democratic and non-racial South Africa and calls on all parties to make common efforts to resolve all outstanding questions so as to enable negotiations between all political forces to begin as soon as possible.

The European Council notes nevertheless that obstacles remain on this path. It expresses the hope that a rapid solution can be found to the problem of political prisoners and to that of the return of exiles. It reiterates its concern about the violence in South Africa and calls on the South African Government to spare no effort to uphold the law and public order. It notes with hope the consultations on this grave problem and calls on all parties to display moderation.

The European Council, conscious of the significant influence of the role which sport might be called on to play in the emergence of a South African nation, notes with satisfaction the progress achieved in desegregation in the sporting field. It hopes that all the conditions set by the International Olympic Committee for the readmission of South Africa will be fulfilled as soon as possible. It proposes, while respecting the independence of sporting organizations, to support the principle of renewing sporting contacts at the international level on a case-by-case basis, where unified and non-racial sporting bodies have been set up.

**91/200. Statement at the CSCE experts meeting on national minorities, held in Geneva [EPC aspects]**

Date of issue: 1 July 1991

Place of issue: Geneva

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Ms Dales:*

1. Mr Chairman, I am greatly honoured to take the floor today on behalf of the European Community and its Member States. Minister van den Broek to his regret could not make himself available on this very first day of our Presidency, because of other engagements. My presence as the Minister for Home Affairs of the Netherlands in a way symbolizes the fact that the Conference on Security and Cooperation in Europe is a process that involves not only external but also internal affairs.

Mr Chairman, I take great pleasure in congratulating you on the opening here in Switzerland of the Meeting of Experts on National Minorities. It is particularly fitting that Geneva, a city which provided a haven of tolerance in difficult times, especially to persons belonging to minorities, is where our meeting takes place. That the Swiss Confederation hosts this meeting on national minorities is all the more appropriate, as Swiss society and its institutions epitomize a highly successful way of dealing with a multi-cultural situation. Swiss unity in diversity carries a clear message: diversity can be fundamental to national identity and can contribute positively to it when it is respected and nurtured. The Swiss experience in this respect teaches us the value of participation by citizens in matters that are close to their heart, as significant political power resides with local authorities in Cantons and Communes.

Mr Chairman, we are beginning our work here at a time that an extremely grave situation has developed in Yugoslavia. The European Community and its Member States have in the course of the past months expressed support for democratic development, unity and territorial integrity of Yugoslavia, based on economic reforms, full application of human rights, including the rights of minorities, in all parts of Yugoslavia and the peaceful solution of the current crisis in accordance with the Principles of the Final Act.

The European Council has noted that the EC Troika mission has begun to produce results. There is hope that the constitutional provisions for rotation of the Federal President will now be observed.

We strongly hope that the peoples of Yugoslavia and their leaders will find the resolve to overcome the present situation and regain a common approach to the future. The Conference on Security and Cooperation in Europe has been called upon to address the crisis. By encouraging those who work towards a peaceful solution, it can provide an impulse and experience which should be drawn upon.

The Council in Berlin decided to admit Albania as the 35th participating state and I would like to welcome the delegation of Albania to our meeting.

Mr Chairman, as all will understand, I cannot on behalf of the European Community and its Member States do justice to the diversity of situations and to the legal, historical, political and economic aspects of the issue of minorities in our countries. On all items of our agenda the delegations of the Twelve will therefore speak for themselves.

2. The meeting at Copenhagen of the Conference on the Human Dimension adopted important precepts on the question of the treatment of national minorities that constitute progress within the CSCE on this delicate subject. The Charter of Paris for a New Europe has committed us to further improve the situation of national minorities and has therefore scheduled our expert meeting – a proposal which was already included in the document of the meeting at Copenhagen of the Conference on the Human Dimension – to contribute to that end.

In the course of past centuries minorities have often been associated with tragic episodes of European history. For some even now they may appear as one of the sources of potential conflict. We must make sure that minorities where they exist be in a position to give a full contribution to cooperation between the participating states. Any activity or action in this context should be in conformity with the purposes and principles of the character of the United Nations, other obligations under international law of the provisions of the final act including the principle of territorial integrity of states. Diversity and thus minorities are part of the European heritage. They contribute to the richness of life in our societies and their ethnic, cultural, linguistic, religious identities should therefore find free expression. CSCE has been a trail blazer in the protection of human rights. However, this issue of minorities has not only been discussed within CSCE. In order to be productive, we should therefore in our debate during these weeks take into account work done in other frameworks, e.g. the UN and the Council of Europe.

3. Mr Chairman, the Community and its Member States attach importance to maintaining the positive mood of recent CSCE meetings through a worthwhile outcome of our meeting in Geneva and we will work towards arriving at a summing-up of substantial conclusions. Thus the Experts Meeting on National Minorities would give evidence of the capability of the CSCE to deal with a complex issue and contribute to increased confidence that the Thirty-five are united in their endeavour to create a New Europe.

Distinctive ethnic, cultural, linguistic and religious identities can be found in every participating state. Each group of individuals will have different needs. There can be no universal prescription for arrangements concerning minorities -- and minority identity. It would be useful if delega-

tions would describe how minorities in their own countries are defined, and what measures are taken to protect, -- and to create conditions for -- the promotion of their special identity. In subsidiary working body, a number of ways of dealing with the issues involved will be presented and we look forward to an exchange of concrete experience of how principles and policy translate into practice.

4. Mr Chairman, the Conference on Security and Cooperation in Europe this year will have to prove itself equal to the ambitions expressed in the Charter of Paris for a New Europe. We have just witnessed a first successful Ministerial Council Meeting in Berlin under the provisions of the Charter, which has taken important decisions. We strongly feel that the flexibility and the concern to achieve results that have always been the hallmark of the CSCE process should also guide our meeting.

5. Mr Chairman, given the diversity of our national experience, any attempt to reach an agreed definition of the concept 'national minorities' would at this stage probably divide us. It might be better to save time and concentrate on the specific tasks in our agenda. Through our common efforts for a better handling of the issue, we might by the end of the day find that we have reached a greater common understanding of our matter.

6. Some hold the view that the protection of minorities would ideally be better ensured through recourse to international organs empowered to take binding decisions. Under the present circumstances, we will base ourselves on the assumption that the participating states are living up to the commitments freely entered into within CSCE. The protection of minorities in the CSCE process is a matter of political commitments. On the other hand we recognize many states are conscious of the recurring difficulty of giving practical effect to those commitments. We will welcome the opportunity which this meeting in Geneva presents to have an exchange of views about the practice of the participating states and to search for ways in which the commitments could be applied in practice. We would like to explore if these commitments or the procedures involved could be strengthened.

7. Mr Chairman, the paragraphs 30 through 40 of the Copenhagen Document provide common ground for our debate here in Geneva. It may be useful to recall where we stood only one year ago and to remind ourselves that it is precisely because persons belonging to minorities may encounter difficulties as far as respect for their universal human rights and fundamental freedoms is concerned, that the Copenhagen Document reaffirms these rights and freedoms for their benefit. But the *conditio sine qua non* for their respect is a working democracy and equality before the law of all, whether they belong to a minority or not.

Thus, the respect for rights of persons belonging to national minorities forms part of the respect for universally recognized human rights. Only in a democratic political framework, with democratically elected institutions and an independent judiciary, can questions relating to national minorities be satisfactorily resolved. Secondly, to belong to a minority is a matter of a person's individual's choice; and no disadvantage should arise from an individual's choice either to assert his membership of a minority or to assimilate with the majority. Also, rights can be exercised and enjoyed individually, as well as with others. Thirdly, the State is called upon to protect the identity of minorities, and to create conditions for its promotion; including where necessary taking special measures to ensure full equality with respect to the other citizens, to ensure non-discrimination and to respect the right to effective participation in public affairs, and finally, to recognize the right of the individual to effective remedies against infringements of his rights. Fourthly, the participating states have recognized that constructive cooperation on this issue is important as well as the possibility to adhere to relevant conventions, including those providing a right of complaint by individuals and those relating to the submission of periodic reports.

8. Mr Chairman, the Copenhagen document is a most valuable achievement and provides a solid basis for further work. The Paris Charter mandates the strengthening of cooperation and the improvement of protection of minorities.

We are here to examine the means for concrete implementation of the Paris Charter. It might be useful if our meeting could underline that the Copenhagen document states the right to establish and maintain organizations or associations and to exercise and enjoy rights individually as well as in community with other members of their group.

Individuals may ask these organizations and associations to act on their behalf *vis-à-vis* the authorities of their countries. Needless to say, the activities of such organizations should be carried out in observance of democratic methods and procedures and in conformity with national legislation of their countries.

9. Respecting the right of persons belonging to national minorities to participate effectively in public affairs thus includes the possibility for associations created by individuals belonging to national minorities to exercise such rights in community. This is important as far as participation in political processes at all levels is concerned. When issues relating to minorities are discussed, they themselves should be involved.

10. Mr Chairman, as has been recognized by those familiar with issues of social and economic development, development is a comprehensive economic, social and cultural process; the absence of a fair and meaningful share in its benefits breeds phenomena like marginalization, exclusion, injustice and lack of equal opportunity. Particularly for persons belonging to minorities, equality of opportunity for development and well-being is essential to overcome the consequences of such a state of affairs. We believe that the potential for friction and conflict can be greatly reduced and controlled, if persons belonging to minorities would be in a position to be fully involved in economic and cultural development; it is the task and the responsibility of all national authorities, especially at the regional and local level, to facilitate and to promote the appropriate public environment that includes access to basic resources, education, health services, housing and employment for persons belonging to minorities.

11. Mr Chairman, the rights of persons belonging to minorities are part of the Human Dimension of the CSCE. Therefore, their non-respect can be subject to the Human Dimension mechanism, which can only be invoked directly by states. Persons belonging to national minorities, like others, can avail themselves of remedies within their state, or of those provided for in international instruments to which their state has subscribed. Of course, issues arising from national minority situations can be discussed within the political consultation mechanism that the Paris Charter has created and that has been enhanced by the decisions of the Council meeting in Berlin. Furthermore, some aspects may well lend themselves to peaceful settlement procedures agreed at Valletta early this year.

12. We should ask ourselves if this state of affairs conforms to the precept our Heads of State or Government have given in the Paris Charter. Right at the outset in the paragraph on the rule of law it is stated that 'everyone will enjoy recourse to effective remedies, national or international, against any violation of his right'. One way to contribute to the effectiveness of such remedies will be to discuss national practice within CSCE. Mr Chairman, the second sub-item of the agenda of our experts meeting, the review of implementation, provides an opportunity to do so and the Twelve will avail themselves of that opportunity. Precisely in that context, each delegation can describe in what way persons belonging to minorities are able to invoke remedies in case of infringement of their rights. We recognize that persons following up on their rights provide valuable backing for policies by national, regional and local authorities carrying out commitments entered into within the CSCE and thereby enhance the quality of implementation. We recall that

the Mechanism on the Human Dimension is an implementation and cooperation mechanism available to deal with cases involving individuals whether or not they belong to minorities.

13. Mr Chairman, to a great extent this field is one where trust in the facts and figures that lie at the basis of policies and practices, both with regard to minorities and by these minorities themselves, constitutes a prerequisite for any meaningful development. In this context we recall paragraph 8 of the Copenhagen Document which deals with observers at election proceedings. The office for free elections may have a role in facilitating contacts for these purposes with participating states.

Furthermore, political confidence regarding minority situations could be enhanced if the participating states would on a voluntary basis submit factual reports to all other participating states, through the CSCE Secretariat, including on statistical evidence, on the share in the national, social and economic development that national minorities on their territories enjoy.

Also, we would like to underline that transboundary cooperation, provided it strengthens the links between the participating states, can contribute to defusing of tension resulting from minority situations.

In line with our preference to make use of existing institutions and procedures, we would be in favour of identifying areas where work could be taken forward within other fora like the Council of Europe and the UN. In this context we welcome the contributions to be made at our meeting by the Council of Europe and the Centre for Human Rights in Geneva.

14. Mr Chairman, the European Community and its Member States hold that respect for the rights of persons belonging to national minorities, as part of respect for human rights generally, constitute an essential factor in achieving a new era of democracy, peace and unity in Europe. We recall that the European Parliament, the Council and the European Commission on 11 June 1986 adopted a joint Declaration on racism and xenophobia and that in May last year a resolution on this issue was adopted by the European Community Labour and Social Affairs Council and representatives of Member States' Governments, meeting within the Council. Furthermore, on the occasion of the European Council in Dublin on 24 to 25 June 1990, a declaration on anti-Semitism, racism and xenophobia was issued.<sup>1</sup>

These problems are not restricted to the Member States of the European Community, they occur elsewhere in participating States. The provisions of paragraph 40 of the Copenhagen Document testify to our common resolve within the framework of the CSCE to intensify the fight against these phenomena, which put the protection of minorities at risk and therefore need to be taken into account also in our meeting.

15. Mr Chairman, we look forward to a fruitful discussion. The European Community and its Member States will contribute to this Meeting in the same constructive spirit in which they have worked in the CSCE since its beginning.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/264.

## **91/201. Statement concerning Yugoslavia**

Date of issue: 2 July 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States are alarmed that hostilities have resumed in Slovenia. This endangers the progress that has been made in the past week towards a solution which would be acceptable to all parties concerned.

They therefore urgently appeal to all parties to respect the cease-fire agreed upon in the presence of the Ministerial Troika of the European Community and its Member States, and urge them to refrain forthwith from all acts of violence.

**91/202. Joint statement on the situation in Yugoslavia, issued at the occasion of the meeting between Minister van den Broek, President-in-Office of the EC Council, and the Vice President of the Commission, Mr Andriessen, with the US Secretary of State, Mr James Baker**

Date of issue: 3 July 1991  
Place of issue: Washington  
Country of Presidency: The Netherlands  
Status of document: Joint Declaration

The dangerous situation in Yugoslavia continues to worsen. Cease-fire agreements are not being respected. The Yugoslav military apparently has rejected civilian control.

We condemn the continuing use of force, and particularly condemn any rejection by the military of civilian control.

As the US and the EC have contended from the beginning of this crisis, only through peaceful dialogue can the Yugoslav peoples determine their own future. To make that possible, we call for:

- an immediate halt to the violence;
- military forces to return to their barracks immediately, and
- an immediate cease-fire.

We would support international observers going into Yugoslavia to monitor such a cease-fire.

In order to provide a cooling off period and to permit negotiations to begin, we urge all leaders in Yugoslavia to exert maximum influence on armed forces of any kind throughout Yugoslavia and to refrain from the use of force or from provocative acts.

We have just discussed the steps we and others in the international community can take to address this critical situation.

Cooling off actions are an essential first step. Only through negotiations and dialogue can bloodshed be avoided and the peoples of Yugoslavia decide their future political arrangements peacefully and democratically.

The US and the European Community, working together through the CSCE and with others in the international community, will continue to seek to defuse this dangerous situation.

**91/203. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 5 July 1991  
Place of issue: The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States continue to follow with great concern the development of the situation in Yugoslavia.

Recalling their earlier statements and *démarches*, as well as those of the 35 countries of the CSCE, they continue to call for a peaceful solution to the current crisis in the country. They stress again that it is only for the peoples of Yugoslavia themselves to decide on the country's future. They restate therefore their firm opposition to any use of force.

The Community and its Member States call for a dialogue without preconditions between all parties on the future of Yugoslavia, which should be based on the principles enshrined in the Helsinki Final Act and the Paris Charter for a new Europe, in particular respect for human rights, including rights of minorities and the right of peoples to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States (Charter of Paris). The Community and its Member States take note of the fact that in Yugoslavia all parties concerned accept the reality that a new situation has arisen. The Community and its Member States for their part will do their utmost to help them find a solution. In this context they decided to send again the Ministerial Troika to Yugoslavia.

The Community and its Member States will have to consider again their position in the event of any further breach of the cease-fire, in particular should unilateral military action be taken.

The Community and its Member States welcome the fact that the collegiate Presidency has been able to meet following the elections of its President and Vice-President. They express the hope that the Presidency will now be able to play its full role in the negotiations on the future of Yugoslavia. It will not be able to do so unless it exerts full political and constitutional control over the Yugoslav People's Army.

The Community and its Member States welcome that in this context the recently established CSCE Emergency Mechanism has been able to meet for the first time, and they endorse its conclusions. In conformity with these, and having been requested to do so by the Yugoslav authorities, they have decided to organize a mission to help stabilize a cease-fire and to monitor the implementation of the two remaining elements of the agreement reached between the Yugoslav parties with the contribution of the Community and its Member States. In this context, they decided to send at short notice a Troika of high officials to Yugoslavia to establish the necessary practical arrangements. They are also prepared to contribute to the CSCE mission of good offices to facilitate the political dialogue among the parties concerned.

In view of the present situation in Yugoslavia, the Community and its Member States decided upon an embargo on armaments and military equipments applicable to the whole of Yugoslavia. They launch an urgent appeal to other countries to follow this example. The Community and its Member States also decided to suspend the second and third financial protocol with Yugoslavia. But they express the hope that a normalization of the situation will permit them to put into effect as soon as possible the financial protocols so as to contribute to the indispensable economic recovery of the country.

#### **91/204. Joint declaration of the Brioni meeting on the Yugoslav crisis**

Date of issue: 7 July 1991

Place of issue: Brioni

Country of Presidency: The Netherlands

Status of document: Joint Declaration

At the invitation of the Yugoslav Government, the European Community Ministerial Troika met on 7 July 1991 at Brioni, with representatives of all parties directly concerned by the Yugoslav crisis.



The objective of the Troika mission was to create the appropriate conditions for a peaceful negotiation between all the parties. All the parties concerned took note of the European Community and its Member States' declaration of 5 July 1991<sup>1</sup> and reaffirmed their commitment to full implementation of the European Community's proposals of 30 June 1991 in order to secure the cease-fire and enable negotiations on the future of Yugoslavia.

In regard of these proposals further modalities were agreed in Annex I.

Parties agreed that in order to ensure a peaceful settlement, the following principles will have to be fully followed:

- it is up to only the peoples of Yugoslavia to decide upon their future;
- a new situation has arisen in Yugoslavia that requires close monitoring and negotiation between different parties;
- negotiations should begin urgently, no later than August 1991, on all aspects of the future of Yugoslavia without preconditions and on the basis of the principles of the Helsinki Final Act and the Paris Charter for a New Europe (in particular respect for human rights, including the right of peoples to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States);
- the Collegiate Presidency must exercise its full capacity and play its political and constitutional role, notably with regard to the Federal Armed Forces;
- all parties concerned will refrain from any unilateral action, particularly from all acts of violence.

The Community and its Member States for their part will assist in reaching peaceful and durable solutions to the present crisis, provided and as long as the commitments undertaken above are fully abided by.

In this context, the European Community and its Member States accept the request by the other parties to assist and facilitate the negotiating process.

Their help could be extended to monitoring the progress of the negotiations, and expertise for the working groups to be established by the parties concerned on, *inter alia*, legal, human rights, including the rights of minority populations, economic, commercial, financial and security relations.

In the wake of the decision taken in Prague in the framework of the CSCE, they agreed that a monitoring mission should become operational as soon as possible in order to help stabilize the cease-fire and to monitor the implementation of the remaining elements of the agreement reached between Yugoslav parties with the contribution of the European Community. Guide-lines for the preparatory mission are set out in Annex II.

They welcome the expected arrival on 9 July of this preparatory mission of High Officials.

All Yugoslav parties committed themselves to support the envisaged monitoring mission by, *inter alia*, providing full protection and guaranteed freedom of movement.

They all agreed that the protection of minority populations is critical to a successful outcome of the negotiations. They also reconfirmed that they will fully respect in this matter their commitments under international law.

The European Troika is prepared to inform all the CSCE Participating States about developments in the negotiating process.

## Annex I

### *Further Modalities in Preparation of Negotiations* I Border regime

Control of border crossings will be in the hands of Slovenian police. They will act in conformity with federal regulations.

### II Customs

The agreement signed by the representatives of the Federal Government and the Government of the Republic of Slovenia on 20 June 1991 is reconfirmed and shall be implemented. Custom duties shall remain a federal revenue and be collected by Slovenian customs officials. They shall be paid into a joint account to be controlled by the federal and republican Ministers of finance plus one or two external controllers.

### III Air Traffic Control

There is a single air traffic control for the whole of Yugoslavia. All domestic and international air traffic over Yugoslavia is controlled and guaranteed by the competent federal authority.

### IV Border security

The situation prevailing before 25 June 1991 shall be reestablished. Within the suspension period (of three months) negotiations shall be completed in order to ensure an orderly transfer of the competences of the JNA in this field. A border regime based on European standards remains a firm objective.

### V Further modalities for the implementation of the cease-fire

- lifting the blockade of JNA units and facilities;
- unconditional return of JNA units to their barracks;
- all roads to be cleared;
- return of all facilities and equipment to JNA;
- de-activation of territorial defence units and return to quarters.

All these measures shall be effective as soon as possible, but no later than 8 July at 24.00 hours.

### VI Prisoners

All prisoners detained in connection with hostilities since 25 June 1991 shall be released at the earliest but no later than 8 July at 24.00 hours. The International Red Cross should be associated with the implementation of this decision.

## Annex II

### *Guide-lines for a Monitoring Mission to Yugoslavia* Introduction

The situation in Yugoslavia is of concern to all CSCE Participating States. The Committee of Senior Officials meeting in Prague discussed the dispatch of a multinational Monitoring Mission into Yugoslavia. Obviously, such a Monitoring Mission can only operate with full consent of all

parties concerned. To ensure that the Monitoring Mission can fulfil its tasks, it is necessary to define its mandate and to determine its rights and duties. The financing of the operation and a number of practical aspects have to be decided upon. For this purpose, the following elements are suggested:

### **Mandate**

A Monitoring Mission will be established with the objective to monitor the situation in Yugoslavia, in particular by monitoring activities in Slovenia – and possibly also Croatia. The aim of these activities is to monitor the implementation of the remaining elements of the agreement reached between Yugoslav parties with the contribution of the European Community.

### **Duration of the Mandate**

The Monitoring Mission should be able to take up its activities as soon as possible. The Monitoring Mission could continue its operation as long as this is deemed necessary by all parties concerned.

### **Area of deployment**

Under the current circumstances, the Monitoring Mission would geographically limit its activities to Slovenia, and possibly Croatia. If need arises, the area of deployment could be reviewed in agreement with all parties concerned.

### **Composition and operation**

The Monitoring Mission could be of mixed composition, i.e. both military and civilian personnel.

The Mission could consist of 30 to 50 people. Since it is important to act as expeditiously as possible, selection of personnel should not be allowed to delay the beginning of the Monitoring Mission's activities. A practical solution could be to recruit monitors from the civilian and military members of the Vienna CSBM delegations where expertise on the CSCE process is available. They could be supplemented with other civilian and/or military officials.

The Mission would establish a Coordination Centre within Yugoslavia. From this Centre smaller units – of e.g. two men – would be deployed in different sectors. One liaison officer of each of the opposing parties would be assigned to escort such monitoring units at all times.

### **Command structure and supervision**

The monitoring units would work under the responsibility of the Head of the Monitoring Mission.

The Head of Monitoring would submit a daily report, through the Prague CSCE Secretariat, to the Committee of Senior Officials.

The Committee could be the appropriate venue to take stock of the activities of the Monitoring Mission and to decide on the prolongation of the mandate of the Mission, if this is necessary.

### **Legal arrangements**

Legal arrangements would be necessary to ensure that the Monitoring Mission can carry out its tasks. These arrangements include provisions concerning diplomatic immunity as well as the freedom to travel and communicate freely within Yugoslavia, i.a. with the Coordination Centre and with embassies.

## Practical arrangements

Amongst the many practical arrangements to be decided upon are questions regarding the means of transport and interpretation services that will have to be made available to the monitoring units and the way in which the monitors will identify and distinguish themselves as members of the CSCE Monitoring Mission.

Since the Monitoring Mission is not a peace-keeping force, the monitors would not carry arms.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/203.

## **91/205. Statement concerning the European Council meeting in Luxembourg, held on 28 and 29 June 1991, and concerning the Term in Office of the Luxembourg Presidency**

Date of issue: 9 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Balance Speech to European Parliament, Report on European Council

*Mr Santer, President-in-Office of the Council:* Mr President, ladies and gentlemen, as in April during the Kurdish crisis, the European Council, which has just met in Luxembourg, could not ignore the clashes taking place in Yugoslavia and the risk we all feared of the imminent outbreak of civil war. I did not therefore hesitate to change the order of the agenda and deal as a matter of priority with recent developments in Yugoslavia.

The fact that the 12 Heads of State and Government are able immediately to tackle an issue of this kind without being hidebound by formality is a qualitative step forward, and I am therefore able to confirm that the European Council has ceased in any way to resemble the traditional diplomatic conference. In this case, faced with the mounting tension and violence, it was necessary to act quickly. Attempts to establish a fundamental position were soon to prove complicated in the light of what was at stake – namely the problem of minorities, the right to self-determination, the territorial integrity of a state and stability in Europe. It was not feasible to establish on the spot an approach that embraced all of those elements. It is nonetheless remarkable that my colleagues, the Heads of State and Government, were able to agree, without a moment's hesitation, to send to Yugoslavia the ministerial Troika under the chairmanship of the Luxembourg Foreign Minister. The Troika has in fact been in action in several instances since the beginning of the Luxembourg Presidency. It was in action during the final build-up to the Gulf War. It was on the spot with the American Secretary of State during the post-war period. It has been to places which would previously have been considered impossible: Moscow during the crisis in the Baltic states, Tehran and Tripoli in the wake of the Gulf War. It is not therefore surprising that these three ministers and their immediate collaborators should now form an operational unit and not a structure incapable of action, as some may have thought hitherto.

The Twelve have therefore been applying during these six months a common foreign and security policy even before that policy is laid down in the future treaty on European Union. In the course of overnight contacts between the first and second days of the European Council, the Troika was able to identify the factors enabling the dialogue to be resumed. If, on the following day, the results produced by the Troika appeared shaky, the blame attaches to the Yugoslav side. Illustrating the new dynamism which is the hallmark of our future common foreign and security policy, the Troika again set out, a few hours before the end of the Luxembourg Presidency, to consolidate the approach accepted by the various Yugoslav parties involved. The result exceeded ex-

pectation: immediately and in the presence of the Troika, Yugoslavia appointed a new Head of State, an appointment that had been held over for six weeks.

Mr President, I have dwelt at some length on the Yugoslav situation in order to convey to you my firm belief that our Community does now have the capacity to act, though some continue unfairly to deny this, citing again and again the alleged absence of Europe in the face of the Gulf War.

Although Yugoslavia took up a significant part of the proceedings of the Luxembourg European Council, the results of the two inter-governmental conferences formed an essential item on its agenda.

In the statement of its programme of activities which it made to you in January, the Luxembourg Presidency undertook to translate the conclusions of the European Council meetings into a revised text of the treaty. After six months of intensive activity to which all delegations have made a constructive contribution, it has been possible to meet that commitment. A draft treaty covering both the chapters on political union and those on economic and monetary union has been submitted to the European Council. The draft treaty on European Union is not based solely on the dominant trends to emerge during the proceedings of the two conferences; it also contains a number of points on which there is potential agreement. The aim of the Presidency has been to table a text equal to today's challenges and establishing very largely a balance which will open the way to a compromise acceptable to all.

That general agreement should be concluded before the end of the year. This is a political commitment already entered into in Rome and clearly confirmed by the European Council meeting in Luxembourg. We are all aware that there could be nothing more dangerous than to let ourselves become bogged down in the process of revision now under way, as the treaties need to be ratified before 1993 so that their entry into force coincides with the other great event in the Community calendar, namely the completion of the internal market as laid down in the Single Act.

The Luxembourg Presidency had therefore to provide a solid base for the work which will have to be completed by our colleagues from the Netherlands by the end of the year. What we are therefore expecting of the European Council is not just an inventory of the different issues but specific guide-lines without which it will be difficult to succeed in Maastricht.

It is therefore extremely important that the Heads of State and Government should have understood clearly and explicitly that the Presidency draft – and I am referring here to the conclusions of the European Council – constitutes the basis, and not just a basis, a sound basis as was discussed in the European Council, but the basis for continuing negotiations in terms of both the bulk of the principal points of its substance and the stage reached in discussions within the two conferences. There is therefore a solid basis on which to build a future agreement during the coming months. This obviously means that a considerable amount remains to be done with a view to the final decisions which will have to be taken by all the delegations without exception at Maastricht.

Its role demanded that the European Council should provide the conferences with the necessary impetus. This it has done by confirming the draft treaty as the basis for future negotiation and by setting a date for the general agreement. It has also made a contribution through the discussions held by the Heads of State and Government, the Foreign Ministers and the President of the Commission on a number of issues considered of particular importance for the success of this undertaking, namely the confirmation of a number of major principles of a general nature, common foreign and security policy and economic and social cohesion. To those should be added the agreement in principle on ways and means of better applying Community law and, above all, improved cooperation in internal and legal affairs.

The European Council has confirmed that the draft on economic and monetary union contains broad areas of agreement on fundamental issues. I must mention first and foremost, as regards the

major principles on which the process of Community integration will have to continue to be based, the single institutional framework which will provide an effective means not only of maintaining the Community patrimony but above all of developing and extending it. These are two vital factors which, more than any academic discussion on a specific structure for the treaty, are advancing the construction of a genuine union.

The European Council has also stressed the importance of the establishment of citizenship of the Union, as provided for in the draft treaty. This seems to me all the more important since, according to recent surveys, an increasing number of Community citizens feel that the Community and its future development will have a positive impact on their individual lives. That additional support for European unification should not go disappointed. It is a further and persuasive argument for the rapid and positive conclusion of the negotiations under way. The Community cannot allow itself either failure or an inadequate outcome deemed lacking in ambition. The establishment of a common foreign and security policy is of special significance here.

I agree fully with the analyses recently given by President Delors to a political group from this Parliament. It is a fact that, although effectively dealt with by the Community from the outset, the Yugoslav crisis shows that there is a growing need for a strong and active Community on the international, and more particularly the European, scene. It is true that Political Cooperation has worked well, as demonstrated both by the action to help the Kurds and that taken in relation to the different parties in Yugoslavia. But it still needs to be extended in order to improve further the effectiveness and coherence of the Community's activities at international level.

The European Council has also provided further guide-lines on the creation of a real identity for the Union in the area of security and defence. The aim, as recorded in the draft treaty, is no longer in dispute. The future role of the WEU, though needing to be further detailed, is also accepted. The desire of the Member States of the Community which are also party to NATO to contribute on the basis of a European defence profile to the strengthening of the Alliance, has been clearly affirmed, and these states have also expressed their willingness to establish common guide-lines with a view to the forthcoming NATO summit in Rome. I therefore consider that the European Council has provided in this vital area useful guide-lines which ought to make it possible to move forward and meet that objective.

Moving on to the strengthening of democratic legitimacy to which this House clearly attaches great importance: progress appears, at a first glance, to be rather more modest. I would remind you that the European Council stated that the achievement of a consensus on the principle of a co-decision procedure will be an important political element in the final agreement. I therefore remain fairly confident. The draft treaty represents a progressive solution which will strengthen Parliament's legislative role and, above all bring it within a process of further development, as subsequent extension of the co-decision procedure should accompany progress in the Union.

The Luxembourg Presidency has insisted on referring to the strengthening of the social dimension in the future treaty. Thus, in taking stock for the first time of the implementation of the Single Act, the European Council observed that progress in the field of social policy lags behind that achieved in establishing the internal market. It has therefore asked the Social Affairs Council to intensify its efforts towards implementation of the Social Charter. It has, however, also underlined the need to reinforce the social dimension in connection with political union and economic and monetary union. We know that this means broader and, above all, more effective action in the social field on the part of the Community, that is to say an extension of qualified majority voting. It is already accepted that this must be done with respect for the principle of subsidiarity, by making proper provision for dialogue and the role of workers and management. It has to be admitted that it is difficult to achieve progress in this area, even though the draft treaty provides a realistic suggestion for compromise. I personally find it hard to conceive of a final agreement unless there is progress on this very important point.

President Delors has put forward in regard to social cohesion a number of thoughts and ideas which will have to be considered in greater detail in the coming months. This is unquestionably an issue of prime importance in a Community integrating further on many levels. Economic and social cohesion is first and foremost a direct expression of Community solidarity. It is at the same time essential if we are to achieve more balanced development within the Community in which economic and social disparities remain considerable. Admittedly, cohesion cannot be separated out from a general trend within the Community which, on the basis of the completion of the internal market and the various policies, has rather tended in recent years to benefit the economically less prosperous regions and states.

Political union and, similarly, economic and monetary union, which marks a genuine qualitative step forward in the integration process, must bring with it a further strengthening of cohesion.

The draft treaty provides certain new bases which take account of that need. It turns cohesion into a horizontal issue which will have to be considered in relation to other policies, such as the establishment of the large-scale networks providing the structure of the very extensive economic area without internal frontiers. But the strengthening of cohesion is not only or even principally a matter for the treaty. It must be adequately provided for in the future financial package in terms of both expenditure and Community resources. For that very reason, when bringing the negotiations to a conclusion at Maastricht, the European Council will already have available to it more specific ideas on this subject.

A final point relating to political union but which is also directly bound up with the establishment of an area without frontiers was paid particular attention by the European Council: namely internal and legal affairs. All of the Member States realize that the dismantling of internal frontiers has also to be accompanied by strengthened cooperation here. The Community as a whole faces increased immigration from the countries on its borders, including Central and Eastern Europe and the Mediterranean states. This is a grave and serious issue for which the Community must provide fair and sympathetic solutions. Nor must the disappearance of frontiers be allowed to facilitate international trafficking in drugs or organized crime. The Member States must further cooperate here at a genuinely Community level. The draft treaty puts forward proposals which will have to be entered into in greater detail. Furthermore, the proposals put forward by the German delegation concerning this issue were favourably received and will be considered with a view to the Maastricht European Council. The idea of setting up a central European criminal police office, initially preceded by improved exchanges of information and experience must be explored and studied, and specific proposals on this subject will have to be laid before the Maastricht European Council. The European Council has thus opened up new prospects which should make it possible to progress in this difficult area.

Let me now describe the results achieved in relation to economic and monetary union. In the light of the fact that wide areas of agreement already exist, the Luxembourg European Council took the view that the texts should now be finalized on the basis of guide-lines already agreed and in line with the conclusions of the Rome I European Council. Although the British reservations expressed in October last remain, progress jointly achieved is nonetheless considerable and final agreement could be reached at Maastricht. The proceedings of the conference on economic and monetary union benefited from a high degree of preparation enabling that progress to be made. But the achievement of economic and monetary union with its aim of a single currency requires as of now special efforts. The European Council has therefore again stressed the importance of economic convergence, progress on which will be decisive.

Mr President, this rapid survey of the work of the European Council on the two inter-governmental conferences may clearly raise questions on one side and another. It is true that there has been no partial agreement, as final agreement will be given only to the whole. It is, however, already clear that there are many points on which there is a marked convergence of views. It is also

true that despite the need to go further into several issues, the political framework would not allow this. But the fact that no delegation was isolated and that, moreover, the desire to reach a conclusion at Maastricht was fervently expressed by all delegations shows that there is a solid basis for agreement. Given that, the Luxembourg European Council seems to me to have made a not insignificant contribution to the final success of what is without doubt one of the most ambitious undertakings in the whole history of the Community.

*Mr Poos, President-in-Office of the Council:* Mr President, Mr President of the Commission, ladies and gentlemen, when I presented the programme of the Luxembourg Presidency in January last, I stated that the European Community would face four challenges: the completion of the internal market, the setting-up of economic and monetary union, the transformation of the Community into a political union and the Community's international role and activities. The Community has been able successfully to meet these challenges in difficult and sometimes tragic circumstances. Major decisions have been taken concerning the completion of the internal market, particularly in the three areas where progress had been least. At the ECOFIN Council of 24 June, agreement was reached on the alignment of VAT rates and excise duties, opening the way to the complete abolition of frontier controls as of 1 January 1993. There has also been significant progress on veterinary medicine and plant health. Finally, turning to the free movement of persons, the signature by all the Member States of the convention on the right of asylum and the emerging agreement on the crossing of external frontiers are measures crucial to the creation of an area without internal frontiers.

At the same time, important progress has been achieved in the fight against drugs and the opening-up of rail transport to competition. My one great regret – shared by the President of the Commission – is that despite some progress in the social field, there has been no advance in some absolutely vital areas because the Presidency encountered very strong national opposition.

The President of the European Council has reported back on the inter-governmental conferences. This House has been involved on a regular basis in the relevant negotiations, by way of extremely useful inter-institutional meetings, contacts with the appropriate committees and debates in plenary. Your comments have in part been taken into consideration in the work of the conference and we have broadly taken into account your proposals. Of course, the final result, the draft treaty on economic and monetary union, is the subject of criticism. Some say it is not ambitious enough, some consider that certain guide-lines go too far and cannot be easily accepted for the opposite reasons. In that connection, I would remind you that at the beginning of this Presidency I said to you that if it is to move forward, Europe needs to share in a dream, and that it is our responsibility as holders of the Presidency to combine the ideal with reality, not forgetting that there are times when it is better to leave well alone. Six months on, I feel that that twofold challenge is reflected in the Luxembourg Presidency's draft treaty which the European Council considered should provide the basis for continuing negotiations. Six months of intense work have produced a draft which should make it possible not only to reach a conclusion at Maastricht but for the Community to move forward. I wish to thank, on behalf of the Luxembourg Presidency, all those who have made a positive contribution to this.

During the Luxembourg Presidency, the negotiations between the Community and EFTA concerning the creation of a European economic area have made considerable progress. Following two ministerial meetings of the nineteen, the prospects for an overall agreement before the end of July are good. Three problems remain to be settled at a technical level: fisheries, the cohesion fund and transit. The future European area, with its 380 million citizens enjoying a high standard of living, will enable Europe to be dynamic and confident as it approaches the end of the century. The multi-lateral trade negotiations, the so-called Uruguay Round, were not brought to a conclusion at the beginning of the year. But in late February, technical work was resumed, and the European Community has participated actively in those discussions.



As far as the Soviet Union is concerned, the guide-lines adopted in Rome on 14 and 15 December have been implemented in favourable circumstances. The decisions necessary for food aid have been taken and the amount and details of the technical assistance programme for 1991 fixed. The Commission has been given authority to negotiate a total of three cooperation agreements between the Community and the Soviet Union.

Moving on to the countries of Central and Eastern Europe, useful progress has been made in the negotiation of European agreements with Hungary, Poland and Czechoslovakia and, among other things, a substantial improvement on what was offered in relation to trade by the Community has been able to be accepted. The objective set by the Luxembourg European Council that these agreements should be concluded by the end of October 1991 is therefore within reach.

Mr President, although consistently paying attention to the countries of Eastern and Central Europe, the European Community and its Member States have not neglected their relations with the countries of the Middle East and the Mediterranean. Our active presence in those regions indicates not only our participation in the peace process but the implementation of a genuine Mediterranean policy. Our desire for that is supported by both a policy of humanitarian aid and assistance and substantial innovation in our commercial and economic approach. The informal Luxembourg European Council of 8 April endorsed in this connection a general approach which I can only mention here and the progress in the revived Mediterranean policy.

I come now to a number of considerations regarding Political Cooperation. The Gulf crisis and war and their consequences have unquestionably affected the activities of European political cooperation during the past six months. The same applied to the sudden appearance of Soviet tanks on the streets of Vilnius and other Baltic cities which undermined the confidence the Twelve had placed hitherto in *perestroika* and Mr Gorbachev, to whom, need I remind you, the December European Council had held out new prospects for cooperation. Two crises of that nature require of any Presidency total commitment when the voice of Europe needs to make itself heard. International events were subsequently to pose us two new challenges, the tragedy of the Kurds demanding that the Community and its Member States react and provide exceptional aid and, lastly, the crisis in Yugoslavia. Lying dormant for months, the crisis broke out at the end of June, facing the Twelve with new responsibilities and, perhaps, desperate decisions.

Given those events and that the smallest of the Member States held the Presidency, were the Twelve able to match up to their ambitions as well as their responsibilities? I venture to say that never during the past twenty years in which European political cooperation has existed have the Twelve reacted so rapidly to events and mobilized their efforts. Our willingness to enter into a last ditch dialogue with Iraq at the beginning of the year was genuine and unreserved. The twelve Foreign Ministers were the last to hold discussions with the UN Secretary-General before he left for Baghdad. They were also, on his return, the first to be informed of the absolute intransigence of the Iraqi dictator. The Community was able, in all circumstances and on the very day military operations began, to offer and maintain a dialogue, from which none were debarred, with all parties in the international coalition. Never, as stressed by the President of the European Council, has the ministerial Troika been so much on the move. Immediately after the war, it was in Damascus and Tel Aviv, Tripoli and Tehran. It has paid four visits to Yugoslavia, three of them during the recent crisis. Joint missions chaired by the Council and Commission went to the Turkish-Iranian and the Turkish-Iraqi frontiers where the Kurds were massing. It can, of course, always be claimed that more could have been done, but the Community was present everywhere that it was expected and made an appearance whenever circumstances demanded. The Yugoslav crisis is an illustration of what I have just said.

The Community could not, however, act where it was not competent to do so. I am referring here to the military operations in the Gulf.

The fact remains that the dynamism provoked and sustained by exceptional circumstances has enabled the Twelve, during the past six months, to embark upon paths sometimes completely new but full of promise for the future.

Turning to an essential point, I should like to underline above all the exceptionally far-reaching nature of our relations with the United States at all levels. Ours was a continuing and fruitful dialogue in all circumstances. We know how difficult it was to finalize the Trans-atlantic Declaration, but even the most enthusiastic advocates of that dialogue could not have hoped for such an outcome.

I have mentioned the great quality of our relations with many countries forming part of the major regional groupings, but I would stress that the post-crisis period has served only to intensify the need for a Community presence in the Middle East and the Gulf region. That is something that all sides desire. Our involvement in the peace process, launched on the initiative of Secretary of State, James Baker, and which we discussed in detail less than two months ago, is now accepted, and even Israel considers that Community involvement in the establishment of a just and lasting peace is an advantage.

This rapid survey would not be complete without mention of the pan-European CSCE process within which the Community is now deemed a catalyst and stabilizing factor for the whole of our continent.

The recent disturbances in Yugoslavia, which may shortly erupt into civil war, have for the moment been brought under control. Never has intervention by the Twelve been so rapid, so appropriate and so decisive. We can say here and now that if the Brioni agreement is implemented in good faith by all those party to it, it removes the threat of bloody confrontation on a large scale and opens the way to genuine dialogue on the future of Yugoslavia.

As our Presidency draws to a conclusion, I shall not hide my satisfaction at having been able to set under way, with the help of our partners, two innovative actions which will, sooner or later, have a decisive effect. The first is the declaration on human rights recently adopted by the Luxembourg European Council, which represents a first step towards a new right or even duty to provide humanitarian assistance. Second is the fact that the Community has taken the initiative with a view to controlling the trade in and sales of arms throughout the world. That is without doubt a decision which heralds or foreshadows the future common foreign and security policy of our Union. European political cooperation has unquestionably proved itself. Over the years, it has enabled the Community to assert itself as a valid partner in discussion at international level. The events of the past six months have, however, brought to light its limits and indeed its shortcomings. Much has recently been said of a new international order following after the Gulf War. I do not know whether it will one day exist. No one has really gone into it deeply. But one thing seems to me to be vital and to deserve our full attention as we move towards the end of the twentieth century. The world is changing at unparalleled speed. Many peoples, hitherto oppressed, are aspiring to enjoyment of human rights and fundamental freedoms. About a dozen new democracies have been born in recent years. They are seeking cooperation, the opening-up of markets, loans, debt-rescheduling, political dialogue and, above all, they all want to share in progress. They want to attain as rapidly as possible the standards of living which exist in our Community. For the moment, however, this world of the future remains largely dominated by protectionism, un-controlled flows of immigrants, xenophobia and indeed extreme nationalism which must not be confused with the right of peoples to self-determination.

Mr President, the world and the Europe of tomorrow remain largely to be built. The Community must, in line with its aspirations and interests, provide itself with the resources essential to shape the new world order. For that reason, ladies and gentlemen, I feel that you will also take the view that political union and economic and monetary union are now needed more than ever.

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**91/206. Statement concerning the programme of the Dutch Presidency  
[extracts only]**

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*Mr van den Broek, President-in-Office of the Council:* Mr President, at the beginning of this debate I do not need to reiterate my pleasure at having the opportunity to address your House today, because the debate we have just had has amply demonstrated the importance of this dialogue between the Council and Parliament. Nonetheless, as we are now discussing the programme of the Netherlands' Presidency for the coming period, I would like to emphasize once again how important we consider the continuation of the close dialogue with your Parliament, because we are convinced that it is above all this House that represents the people's Europe and in fact the democratic Europe that we want to build together. In the efforts to increase the powers of this House the Presidency, in close consultation with the Commission but also – and I must add this in my national capacity – motivated by Dutch convictions in this respect, will certainly endeavour to achieve a recognizable and meaningful result in our discussions on Political Union where they concern the role of this House.

Mr President, the Netherlands is taking over the Presidency from Luxembourg and, as in 1986, I have the honour to receive it from my colleague and friend Jacques Poos. I must say at this juncture that, in my opinion, he has played the President's initiating role in an extremely active and creative way. Luxembourg has made major contributions to European integration at what is a crucial phase. We are greatly indebted to Mr Poos and his people for this.

The Presidency of the Community rotates; it is not chosen. But we see it as an exceptional opportunity, which we seize with both hands, to contribute to the Europe that we all envisage, a Europe based on common principles that combines decisiveness with democratic authority, economic integration with cultural variety and internal tolerance with openness to the outside world – in short, a Europe aware of its responsibilities both to its own citizens and Member States and to the world. That is the Europe for which we are opting.

We stand, as you know, for radical decisions. If all goes well, the direction that European integration takes in the future will in fact be decided in the coming six months. The unification of the Single Market, which is of immediate relevance to our citizens and firms, must be completed. The Single Market requires in its turn an Economic and Monetary Union, a common monetary policy and coordination of the Member States' national economic policies.

Another increasingly important factor is the quality of European society: prosperity has a definite social dimension and, increasingly, an ecological dimension too. So it must be decided how active the Community should become in this and other new areas. Subsidiarity is the underlying principle in this context. I take this to mean: what the Community can do better, it must do; what countries or regions can do better, the Community must leave to them. Integration is not the same as centralization, and the federal idea is diametrically opposed to the united state.

The Single Market must be completed if there is to be further integration, and without the Single Market there will be no Economic and Monetary Union, and without EMU there will be no Political Union. So the fact that the Dutch Presidency attaches a great deal of importance to the completion of economic integration does not in any way mean that political integration is of secondary importance. On the contrary. We are taking a particular interest in the further construction of a Europe based on Community principles, with the position of the Community's institutions, and especially the Commission and Parliament, strengthened. This will, after all, determine whether or not the common legal system, the guarantor of our common destiny, is strengthened. And where practical objections are preventing progress in this direction for the moment, we

should certainly ensure that the prospect of the transfer of powers to the Community remains open. In this way we hope to bring the two Inter-governmental Conferences to a successful conclusion at the summit meeting to be held in Maastricht in December.

The world around us also needs further European integration. Economically, this was the conclusion we drew when passing the Single European Act. What we now have to consider are political developments in Eastern Europe and elsewhere. Joint action, speaking with one voice, helping to achieve economic and political stability in Europe and the rest of the world – these are the challenges the European Community faces today. Whether the world trade system stands or falls will depend on whether the United States, Japan and Europe adopt a responsible attitude. The underdeveloped countries are in danger of losing touch with the world economy unless the Community and the rest of the industrialized world reach out to help them. This choice too is clear. More and more countries want to join the Community: EFTA countries, new democracies in Central and Eastern Europe and others. In principle this choice too is clear, although it is certainly not an easy one to make. At all events, all the challenges I have mentioned call for a stronger Community, and that is what the Dutch Presidency will try to achieve.

What I would now like to do is tell you something about our most important plans for the coming six months. Our programme is set out in greater detail in a memorandum which you have already received. I can therefore confine myself in my statement today to the elements that are most essential for our task.

[...]

#### *Political Union*

Now that economic integration is steadily advancing and making deeper inroads into society in the Member States, we can no longer make do with the economic line of approach that dominates in the Treaty of Rome. This is true not only of such modern objectives as social welfare and economic sustainability but also of a number of social and political areas with which economic integration has more and more in common.

At the Inter-governmental Conference on Political Union we are therefore in the process of widening the Community's objectives and increasing the scope of integration. In this the subsidiarity principle should always remain the touchstone.

The Community of economic integration has begun to cross the threshold to a far more comprehensive form of political integration. The *finalité politique* is being given an initial, more accurate definition. One way of improving the Community's decisiveness and the effectiveness of its actions will be to increase majority decision-making. This will not only meet internal requirements of the moment but also external requirements that lie in the rather more distant future. The Community must also be administratively equipped to cope with its likely enlargement to include new Member States.

Increasing both the Community's scope and its effectiveness will in turn require measures to overcome the democratic deficit in decision-making. The public are being alienated by a Europe which has little or no room for democratic authority, when they have less and less opportunity to call their own national governments to account as more and more decisions are taken at European level.

Widening the Community's objectives, increasing its scope and its decisiveness, eliminating the democratic deficit must all be achieved by continuing to build on the foundations of the common legal system. The success of integration, after all, has been increasingly based on the security which this legal system manages to offer all the Member States, large and small. What is known as the structural debate is not therefore unimportant. The aim, after all, is to strengthen the Community's institutions and in principle to bring the new areas covered by integration increas-

ingly into the Community's sphere of activities. Where it is not possible to transfer powers to the Community in this way, the attempt must be made to limit both the scale of such departures from the Community model and their duration. The Dutch Presidency will in any case seek to ensure that in the decision-making on EPU the way to the further transfer of powers to the Community is kept open for the future. That is a very important aspect of our view.

Closely related to this is the question of the European Parliament's right of co-decision. Minds have by no means been made up on this issue, but it certainly seems inadmissible to me that the Community should be far less democratic than each of its Member States. If it is quite normal at home for Parliament to be involved in the legislative process, it must be possible for both the quality and the scope of the European Parliament's legislative co-responsibility to be increased. In the search for solutions it will also be possible to build on arrangements which have already proved satisfactory in the Community. Whatever option is taken, the main thing is that the European Parliament should see its influence effectively increased.

Considering the social dimension of integration is another means of improving public support for the Community. The aim is to build a Europe in which all citizens have equal opportunities to participate in economic development. While the national authorities have the task of promoting economic convergence, it is for the Community to give shape to the solidarity that is needed at European level. The goal of greater economic and social cohesion should be appropriately confirmed in the Treaty. Cohesion is also being encouraged in practical terms by the Community's structural funds. At the recent meeting of the European Council it was agreed that the Commission should define its ideas on the question of cohesion more accurately for the European Council's next meeting.

I would now like to say a brief word about the common foreign and security policy. Apart from the democratization aspects, this will be the main issue for Political Union. The Martin report referred to the Community as an economic giant that is still a political dwarf. The Community must indeed have the courage to accept its responsibilities in the world. We discussed this earlier today. For this we must learn to continue speaking with one voice or to speak with one voice on the world stage more frequently. This is not, of course, just a question of new institutional arrangements. National traditions and perceptions must grow together and be converted into common thinking and actions where matters of equal importance to all Member States are concerned.

What is still known as EPC will be absorbed into Political Union. The time has not yet come for the joint foreign policy to become a Community task. What is important in my opinion is to make new institutional arrangements such that the prospect of further powers being transferred to the Community remains open. From the outset the European Parliament must also be involved as closely as possible in the common foreign and security policy. Democratic control must also apply in this case.

It must also be ensured at the Inter-governmental Conference that cohesion between the common foreign policy and the two other components of our external activities, economic relations and development cooperation, is adequately guaranteed. I know how close this is to the heart of the President of the Commission.

On the specific aspects of security to be considered first in EPU there has in fact been agreement since the European Council's meeting in Rome. They include such aspects as the CSCE and arms control and, in particular, a number of security matters related to industrial policy, policy on the defence industry and the Single Market, the goal of a more restrictive policy on arms exports and the prevention of the proliferation of dangerous types of weapon[s]. These are extremely topical issues. Anticipating the establishment of EPU, the Twelve have already begun to harmonize their criteria on arms exports, as a statement by the European Council has also indicated. The Dutch Presidency will endeavour to arrive at a common and more restrained approach on the basis of such criteria.

How far EPU should eventually develop a defence component as well as a security component is still being discussed. There is also the question of whether Western European Union should become a 'pillar' of the Community or more of a 'bridge' between the Community and NATO. This shows straight away that three fora are involved in the efforts to achieve a stronger and more recognizable European identity in security and defence policy.

I have the feeling that the answers to the question concerning the European security identity partly depend on the time frame in which it is placed. Are we talking about the final political objective, the *finalité politique*, of integration, or are we talking about the longer or shorter transitional period that separates us from this final objective. I assume that we can all agree that the *finalité politique* can only be achieved gradually. How gradually will depend on factors relating both to the process of integration and to the changing security context in which Europe finds itself.

Bearing this in mind, I am confident that agreement can be reached in the second half of this year. The Dutch Presidency will certainly endeavour to ensure that this is so.

As I have already said, European unification cannot be seen in isolation from developments in the world around us. The internal strengthening we are now seeking should also enable us to respond adequately to these developments. The Europe we want to build is a Europe that is open to the outside world. This openness and willingness to cooperate may assume many forms. I refer in this context to the United States, Canada and Japan. The close political and economic links between the old and new worlds found expression in the declarations we adopted last year with the United States and Canada. The Presidency intends to take every advantage of the consultation mechanisms for which these declarations provide.

I also attach considerable importance to the declaration on mutual relations that is now being drawn up with Japan. On this basis the political and economic dialogue with this important partner will be raised to the highest level and stepped up. The Presidency looks forward in this context to the meeting with the Japanese Prime Minister in The Hague on 18 July.

We must not lessen our interest in the relationship with the countries of what is known as the Third World. Our feelings of solidarity with the poor countries are reflected in the Community's various development cooperation instruments. The example of this that appeals most to the imagination is the Lomé Convention, which places cooperation with the countries of Africa, the Pacific and the Caribbean on a treaty basis with mutual rights and obligations. The recognition of the contribution which the Community can and must make to the socio-economic development of its partners in the Third World has resulted in development cooperation being given a place of its own in the revised Treaty which the IGC must produce. Besides technical and financial aid, the Lomé relationship covers the very important question of market access.

This brings me to GATT. The European Community cannot and, I am convinced, will not evade its responsibility at the Uruguay Round. Like all our partners, we are aware that these negotiations must be concluded this year. The Presidency will therefore set aside a great deal of time on the Council's agenda for the discussion of this aspect.

The nature of the matter is such that European concessions at the Uruguay Round are closely linked to our internal debate on the reform of the common agricultural policy, a good example of how we must increasingly take account of links between the Community's internal and external activities. It will be principally for the Commission and our negotiator to achieve, within the terms of its mandate, a result at the negotiations that can be submitted to the Council for its approval.

I should also like to make it absolutely clear that the success of the Uruguay Round, which is uppermost in the minds of all the participants, therefore depends on everyone being flexible. It is not only the Community that is being tackled about its agricultural policy, but equally the United States, Japan and others as well. Where the other problems at the negotiations are concerned, the protection of industrial and intellectual property and the liberalization of services, for example, it

will be for others to help make the achievement of a final package possible. In all these areas, after all, the Community is already in the leading group.

Just a brief word, Mr President, on the European Economic Area.

The EFTA countries are our nearest neighbours and largest trading partners. Considerable importance must therefore be attached to the establishment of the European Economic Area. An essential outcome of integration, the Single Market, will then be used to achieve closer cooperation with our EFTA partners. In the negotiations on the EEA a few difficult problems are emerging, but it is also increasingly evident how much both sides want to reach an agreement. The Dutch Presidency will give the Commission in its negotiating role every support in its efforts to overcome these final obstacles, something which I hope can be accomplished quickly.

Some partners in these negotiations have concluded that they also want to accede to the Community. On 1 July Sweden submitted its application in The Hague, thus joining Austria. I would like to say how much I appreciate the desire to participate in the process of European unification that this reflects.

We must, of course, complete the present phase of making the Community internally stronger before we can think of enlargement. But the work we are now doing to establish the EEA will undoubtedly make the accession negotiations with these and perhaps, soon, other EFTA countries rather easier and certainly speed them up. The EEA will also bridge the period until accession becomes possible. For others for whom the prospect of accession is not yet an issue the EEA remains relevant on its own merits. This is equally true of the Community, for which this larger economic area will form a firm foundation of solidarity with these our nearest neighbours.

If there is one part of the world where the Community is called upon to take responsibility, then it is Central and Eastern Europe. The countries of Central and Eastern Europe face the difficult task of developing stable democratic structures while making the painful transition from plan to market. We certainly have a duty to lend a helping hand in this difficult process of transformation. The aid provided by the G24, which is being very effectively coordinated by the Commission, is an important instrument in this respect. Then there are the cooperation agreements which the Community has concluded with all the countries concerned and especially the association agreements now being negotiated. I have every confidence that these important association agreements with the three countries advancing most rapidly down the road to democracy can be completed during the Dutch Presidency. Financial and technical aid undoubtedly has a place in this. But we should resist the inclination to see this as a way of buying off, as it were, the necessary increase in access to our own European market, even for sensitive products. More 'trade' than 'aid' is our own motto, and it is now increasingly to be heard in Eastern Europe.

Successful association is also the best way of making accession to the Community possible for the countries that want it.

In many respects the Soviet Union occupies a separate place in Europe, if only because of its size. We are convinced that our policy towards the Soviet Union must be guided by the idea that the continuation of President Gorbachev's reform policy is very important for Europe as a whole and deserves our political and, where possible, our economic support. It will be important in this context for effective reforms leading to a market economy actually to be undertaken in the Soviet Union. A major aspect of our economic cooperation with the Soviet Union is technical assistance. I would point out here that the President of the Commission, Mr Delors, recently signed an agreement in Moscow on the details of this technical assistance.

The proposals made by Prime Minister Lubbers for trans-European cooperation in the energy and transport sector may also help to strengthen the links among what used to be the separate parts of Europe. I welcome the work the Commission has already done to establish a European Energy Charter, and I hope it can be signed in The Hague in December.

Now a few words about European political cooperation, leaving aside, of course, the situation in Yugoslavia, which we have already discussed.

The policy towards the Middle East needs to be considered very carefully, and that will continue to be the case in the second half of this year. Where the Gulf is concerned, a number of Security Council resolutions, including No 687, point the way to the restoration of peace and security. It is therefore essential that they be implemented in full. The liberation of Kuwait and the end to the hostilities did not in themselves, of course, mark the beginning of a genuine peace. The international community suddenly found itself facing the task of averting a human disaster. It is partly due to the allied humanitarian action that many of the Kurdish refugees are now returning to their homes. The Twelve will continue to do what they can to ensure that the United Nations is able to carry out its humanitarian mandate effectively and without hindrance throughout Iraq. The international community must not allow population groups in Iraq to become the victims of renewed persecution.

The Dutch Presidency too will continue to give active support to the American attempts to initiate negotiations between Israel and the Arab countries and between Israel and the Palestinians. There is now no alternative to the route that has been chosen. The Twelve therefore appeal to the parties concerned to overcome the final obstacles to the peace conference that is the aim. At the conference table they can count on the Twelve, represented by the Presidency, to be constructive and helpful. The many friendly links the Twelve have with the region will be useful in this connection. The Twelve will continue to urge Israel and the Arab parties to take mutual confidence-building steps to create a favourable climate for the negotiations. The Community can also be expected to give early economic backing to the peace agreement once it is reached.

In South Africa we have seen promising developments in the past year. We feel the Twelve have a duty to continue their efforts at this stage to ensure that broadly based negotiations on a new constitution are launched and that a democratic, non-racial system of government is given a chance in that country.

I would also like to say something about an aspect of policy which is so important that it regularly attracts considerable interest here in the European Parliament: human rights. They occupy a central place in the foreign policy of the Twelve. This is reflected very clearly in the declaration on human rights adopted by the European Council at its recent meeting.<sup>1</sup> We owe it to our values and ideals to make this internationally known. The draft treaty on Political Union rightly refers to the promotion of democracy, the state governed by the rule of law and human rights as being one of the five objectives of the common foreign and security policy. This principle also governs the Community's development cooperation.

As you know, the activities undertaken by the Twelve to promote human rights have increased very sharply in recent years. To ensure that our endeavours are effective, we will continue our joint efforts to safeguard human rights, outside the Community and inside the Community too. I must again place particular emphasis on the latter aspect because of the constantly lurking dangers of racism and xenophobia.

I know that the European Parliament too takes a particular interest in democracy and human rights. I have the impression that the role you play in this area is being increasingly recognized and accepted at international level. It is gratifying to note, for example, that in your discussions with the parliamentarians from the ACP countries the link between development, human rights and democracy has become a major issue. I hope this dialogue will continue. For my part I can assure you that your resolutions and questions concerning aspects of human rights will be carefully considered by EPC.

A forum that is now more than ever a source of standards of democracy and human rights is the CSCE. The democratic revolution in Eastern Europe undoubtedly derived inspiration from the Helsinki process. And the changes in our continent have found very succinct expression in the



Charter of Paris, which has rightly been called the 'Charter of the new Europe'. Parliamentary democracy, based on the principles of the rule of law and respect for fundamental rights and freedoms, is now the only accepted political system in Europe. The standard has thus been set, and the main aim is now to enforce and elaborate it, one of the current issues being national minorities. The Twelve will try to ensure that further progress is made at the third session of the conference to be held in Moscow in September to discuss the human dimension. The Charter of Paris also lays the foundations for greater use to be made of the CSCE for political consultations and, where necessary, crisis management. I referred to this earlier during our debate on Yugoslavia.

I could mention many other aspects in the context of EPC. Everyone knows what they are. Many of our activities will also be dictated by current events. Yugoslavia is an excellent example of this. To keep things brief, I will conclude, Mr President, by emphasizing once again that the developments in Yugoslavia and in other former communist countries are an indication of the differences between their history and that of Western Europe. The forty years that Eastern Europe had to spend suppressing nationalism we were able to spend overcoming nationalism. And Jean Monnet in particular showed us the way, and we have him to thank for the idea of creating peace by making the old frontiers increasingly irrelevant through linkages of many different kinds. We have a duty to continue working on the integration of this Europe. At the same time we must try to share this historical experience with the rest of Europe. That, we believe, is the task that lies ahead.

*[After the ensuing debate, Mr Van den Broek stated:]*

Madam President, I understand your elegant gesture to mean that my reply should not be too detailed, and I will bear that in mind, of course, if only because I hope to be with you on many occasions in the coming six months and to be able to discuss matters in greater depth. My aim now, I feel, should perhaps be to give an initial reaction to a number of basic ideas that will be guiding us in the second half of this year, and having listened carefully to all the speakers, I do not think there is all that much difference of opinion over the priorities as such.

Everyone hopes, and I hope that most people also expect, the Dutch Presidency, with the cooperation of the other Member States, to be able to bring the Inter-governmental Conferences to a conclusion. To a greater or lesser degree certain political groupings have set priorities, which are not necessarily exactly the same, for the various issues being considered at the Inter-governmental Conferences. This does not come as a surprise to me, because it is precisely what the Member States are already doing. But I should point out at this stage that I did not say in my statement earlier this afternoon what I have been quoted as saying by two or three Members as regards the Netherlands' position on the European Parliament's powers, which is why these documents are always headed 'check against delivery'. On checking, I thought it less appropriate to begin a speech here in the European Parliament in my capacity as President of the Council with the sentence with which it began on paper: 'In your efforts to increase the European Parliament's powers you will always have the Netherlands' backing.' I think that is in fact irrelevant in an introductory statement by the President of the Council. What I said was: 'The Presidency, inspired by its own national conviction in this respect, will endeavour to achieve a recognizable and satisfactory result as regards the European Parliament's powers.' That aside, Mr President, that is certainly the intention, and it means the Presidency will continue pressing for a right of co-decision at the highest possible level, which happens to tie in with our convictions at national level. But I also said that the debate on this is, as your Parliament well knows, far from over, and this in many respects, of course. At best, we are half way through the Inter-governmental Conferences and only half way through the discussion of a whole range of issues. To Mr Langes I will say that the remark I made to the European Parliament about the present cooperation procedure with the European Parliament not delaying matters so far was meant to be addressed to those who see the restriction of Parliament's powers as an obstacle to an improvement in the effectiveness and decisiveness of the

Council. That was my intention. I hope this will remove any misunderstanding that may have resulted from what I said.

Important comments have been made about the social and environmental policies. At last week's meeting of the Social Council progress was made in a number of important areas, when it is considered, for example, that it looks as if it will be possible for majority decision-making to be introduced in the social sphere. As long as social security and the question of wage base determination are excluded, I feel there is a prospect of a more social impetus in European policy and particularly of more decisions being taken in this respect.

Let me say that as a Dutchman I do not intend to say anything about the environmental policy here, because we are made of the right stuff in that field. I hope everyone knows that, despite this, there is always doubt about what precisely needs to be done: make do with less, but then act in concert with twelve countries, or be rather elitist and continue to adopt a very high standard, but see the differences of opinion remain. That is always a difficult decision to take, but you can certainly rest assured that we attach considerable importance to this, and I do not really think it is to anybody's credit these days to favour an intensive and even fanatical environmental policy. We should in fact all be thinking along these lines, and that applies to the Dutch Presidency too.

I would have liked to say rather more about equal opportunities, but I refer you to the decisions that have been taken on a number of aspects, including those taken at last week's meeting of the Social Council. Where the main issue is concerned, this also applies to the debate on the structure, much of which – no, I should not say that – part of which still lies ahead. To revert to what I said earlier about the future structure of the Community, all I will say is that those who call on the Presidency to try to guide the expansion of policy down Community lines as far as possible – and I find their request understandable and justified; but I can assure those who call for some flexibility in this respect, realizing that we are dealing with a gradual process and must not therefore reject inter-governmental decision-making *per se* as an interim arrangement, that we share their view. That too, I feel, has been revealed this afternoon.

Madam President, besides referring to our internal restructuring and reforms through the Inter-governmental Conferences, I also said that external matters have our full attention, and I feel the most important aspect here – without wishing to play down the importance of other aspects – is certainly Central and Eastern Europe and the association agreements. I believe there is also very strong support for this view in Parliament. No less important is the conclusion of the negotiations with the EFTA countries on the European Economic Area, especially in the light of the applications for accession received from various EFTA countries. This is an extremely important issue, and we hope to be able to complete the negotiations in the foreseeable future and, of course, the whole GATT business, but in that case the European Community, and more specifically the Commission, is negotiating with many others, and it is a question of give and take – and for those who shake their heads at this I would add that the Community undoubtedly has a major contribution to make in this respect, and we must not go on condoning too much longer an approach in which the various parties sit and wait for each other to take positive steps. These negotiations must be concluded before the end of the year if enormous trade policy tensions are to be avoided. The remark I then made, on which certain Members have commented, about our preference in relations with trading partners for an improvement in market access so that it does not have to be bought with the financial arrangements for which our cooperation agreements provide, leads me to say that we advocate a policy of increased market access because it can help in two ways. Firstly, it can help the exporting countries, whether they be in the Maghreb or in Central and Eastern Europe: their exports to the European Community are vital for their economic development. You may be wondering whether the funds now being used to compensate for limited market access would not be better spent on strengthening the less prosperous economic regions in the Community, which we are now trying to protect with tariffs, quotas and what have you against competing products from outside.

Madam President, the Dutch Presidency is well aware of the extremely large number of important decisions expected of the Council in the second half of this year. Nevertheless, we look forward to this task with confidence, because I believe all the Member States recognize the importance of the various issues, and that means we can certainly look forward with some confidence to the same kind of cooperation from the Member States as the previous Presidency, Luxembourg, had. The relationship with the European Parliament will also occupy an important place in this context. We hope at least to be able to join with you at the end of this year in saying that, where progress in the further development of the Community's institutions is concerned, the European Parliament's role has been strengthened or, to put it another way, that the democratic deficit about which there is so much indignation at the moment has been greatly reduced. We hope, then, that we will together witness this important step being taken by the end of this Presidency.

<sup>1</sup> EPC Bulletin, Doc. 91/194.

### 91/207. Statement concerning the situation in Yugoslavia

Date of issue: 9 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr van den Broek, President-in-Office of the Council:* Mr President, I appreciate the fact that my first act during the Dutch Presidency is to make a brief statement in your House on our recent activities in connection with the crisis in Yugoslavia, which is of such grave concern to us all.

Apart perhaps from the Conference on Security and Cooperation in Europe, it is primarily the European Community and the European Twelve who are expected to help resolve this crisis. It goes without saying that this is a distinct challenge for the Community and the Member States, a challenge which I am firmly convinced we can meet only if we adopt a united position.

It is of the utmost importance to us that further violence and bloodshed should be prevented in Yugoslavia. And we must do all we can to help bring about a meaningful dialogue among the various parties. As you know, Mr President, the Twelve met in The Hague last Friday to discuss the situation. And to underline our utter rejection of any use of violence, we decided to impose an arms embargo with immediate effect. We also wanted to make it clear that cooperation between the European Community and Yugoslavia, which we were just in the process of stepping up, partly depends on the stabilization and normalization of the situation there and that, until the various Yugoslav factions devote all their efforts to bringing about this situation, it must be made clear that for the moment there is no prospect of various financial protocols agreed with Yugoslavia being implemented by the Twelve.

Mr President, last weekend I visited Yugoslavia again with Mr Poos and Mr de Deus Pinheiro. This the third Troika mission and the important visit by Mr Santer, President of the European Council, and Mr Delors, President of the Commission, all had the same objective: to offer our good offices in an attempt to pull Yugoslavia back from the edge of the abyss.

Last Sunday's discussions on the island of Brioni were very protracted and very intense. We were able to see how much distrust and how much bitterness there is among the various factions. And this is understandable when the bloody hostilities of the past few weeks are considered. But I am still hopeful that the Brioni Accord, as it has come to be known, will lead to the resumption of dialogue and negotiations. What is essential now is that the accord should be observed to the letter. Everything actually depends on this at the moment. I see the accord as a last chance for a

peaceful solution. The alternative, I am afraid, is nothing less than civil war, with all that that will entail not only for the peoples of Yugoslavia but also for the peoples of the Balkans and in fact of Europe as a whole.

The Brioni Accord builds on the results achieved by the previous Troika missions, including the cease-fire and the three-month suspension of the implementation of the unilateral declarations of independence proclaimed by two republics. It was agreed in Brioni, for example, that the cease-fire should continue and that the military situation, as it is known, should be defused. A compromise was reached on the difficult question of the Slovenian border posts and in the dispute over who should have the customs revenues collected in Slovenia. What is essential, as the accord itself says, is that the collective Presidency of Yugoslavia should be able to exercise all its political and constitutional powers, particularly with respect to the Federal armed forces. As previously agreed at the emergency CSCE meeting in Prague last week, the Twelve and possibly other countries will be sending a monitoring mission to Yugoslavia to ensure that the cease-fire and other agreements are observed. The negotiations on all aspects of Yugoslavia's future must, the accord says, begin before 1 August. The Community and the Member States and the Commission are prepared to support the negotiating process in all manner of respects, but the precondition is that the agreements already reached are followed to the letter, and that was also made absolutely clear to all the parties concerned during the discussions last Sunday.

Mr President, there is no question that it is primarily for the Yugoslavs themselves to determine the future of their country. Our impression is that the developments there are bound to lead to a new political situation in the country. But it is not for us to decide what the outcome of the negotiations should be. It can take many forms, ranging from new forms of cooperation, such as a confederation, to more extreme forms of autonomy or even independence. But this can only be the outcome of mutual agreements, not unilateral secession forced on Yugoslavia by whomsoever despite the implications, because that would be a recipe for war, violence and further bloodshed.

Mr President, I am quite willing to discuss further questions from honourable Members about Yugoslavia. We will continue to keep a very close eye on developments in that country in the future, our highest priority being to ensure, in close consultation with all the parties involved, that the agreements which have now been reached are actually implemented in good faith.

*[After the ensuing debate, Mr van den Broek stated:]*

Madam President, let me begin by thanking the honourable Members for their contribution to this important debate. I consider it extremely important for all those now struggling within the frontiers of what is still Yugoslavia for the independence of the republics or for the preservation of the present federation to know that the democratic heart of Europe is today focusing its attention on Yugoslavia's problems and that we are following developments there very closely, with great interest and – even more important – with great commitment, because we are well aware that we are looking at developments here whose course and outcome will influence the region as a whole and Europe as a whole. It is a good thing that this House is today appealing to Yugoslavia for peaceful solutions, for democratic solutions, for negotiations and for a constructive dialogue. Whatever solution each Member of Parliament or member of the Council or Commission may inwardly prefer, we should eventually come to an agreement – and from what I have heard during the debate, that is what we are doing – that at the end of the day what we are trying to overcome is the tension, which also exists in international law, between the principle of the right of self-determination, which we cannot and will not deny any people, and the right to integrity, to the preservation of the integrity of the state.

We became even more firmly convinced not so long ago that both rights are legitimate and important for the future of Europe as well as individual states. I am referring to the discussion that

took place in Berlin on 19 June, when all the states that are party to the Conference on Security and Cooperation in Europe attended the first meeting of the Council of the CSCE Foreign Ministers, which was set up on that occasion. Here too a declaration on the developments in Yugoslavia was adopted, and reference was made to the overriding principles I have just mentioned, which are set out both in the Helsinki Act and in the more recent Charter of Paris that was adopted at the CSCE summit meetings held in Paris last November. Now we all know – and this is certainly true of representatives who are considered to be close to the people – we know very well that international law does not always provide clear solutions to such complex problems as we now face within Yugoslavia's frontiers. It can perhaps be said of the Twelve and of the European Community, as some honourable Members have remarked, that, when the developments in Yugoslavia began to become critical and to require all our attention, they too hesitated over precisely what the European Community's response should be. But I feel we have now reached the stage where a balance has been struck in the European Community's approach. I believe that those who feel a very strong affinity for the call for self-determination for the people of Slovenia or Croatia are also prepared to accept that the unilateral declaration, or the unilateral imposition, of the right to self-determination on the rest of the state of which these republics still form part can never lead to a lasting and peaceful solution, that a really peaceful result can be achieved only through negotiations and an agreement. This argument and this approach do nothing to alter or detract from the right of self-determination, but only this approach offers any real prospect and hope for the future. This calls for an approach by the other side, and equally by the federal authorities, whereby they do not consider using military force to impose solutions that reflect a different preference. Only if all the parties in Yugoslavia are constantly reminded of the balance that must be maintained is there any hope, in our opinion, of a really tenable and peaceful outcome in the end. After the Troika's visit and the Commission's presence on Brioni we feel we have seen a chance of getting this message across, but we also realize that the problems and differences in Yugoslavia today are not just a recent phenomenon but have their roots in the distant past and that it is not for us to put forward solutions which, in the final analysis, must be found, chosen and specified by the Yugoslav people themselves at the end of the negotiating process. On the other hand, we are grateful to all those who have been so heavily involved in this whole process in Yugoslavia, because they have given us an opportunity to tell them of our convictions in this respect at a number of very direct and personal meetings. And I believe it is no exaggeration to say that we are firmly convinced that the European Community and its representatives are listened to with respect in Yugoslavia. I believe we owe this respect not only to the fact that we try to put forward principles in a balanced way and to help the people there: everything is down to the strength of the message and the unanimity with which Europe intends to continue approaching the problems in Yugoslavia. In reply to questions on this aspect I am also confident that we will be able to maintain this unanimity on the problems in Yugoslavia in the crucial weeks ahead.

Madam President, I have been specifically asked how we can ensure that the Brioni Accord will be observed. While I am standing here, contact is being maintained with Yugoslavia on the Presidency's behalf. We too are following developments and the reactions to the accord which were to be submitted to the various representatives of the Yugoslav republics, and we should perhaps introduce a note of caution at this time and advise against undue optimism over the result that has been achieved. I am grateful for the agreements it has been possible to reach. We are grateful for the political commitment our contacts have shown. But I feel we must also be prepared for the eventuality that what these political leaders have undertaken to do will arouse considerable emotions among their own people here and there and meet with serious opposition and that the political leaders will need a great deal of courage and perseverance if the agreements are actually to be translated into deeds, into real, substantive negotiations that bring lasting solutions. Nor do I think we should be daunted by reports that someone somewhere has perhaps again lost control or that incidents have occurred. We will keep trying to discuss these incidents with our contacts and help to give them courage to resume the peace process.

Madam President, as regards the observers who have been assigned by the Twelve to monitor the cease-fire it has been asked if this is a form of monitoring that applies both to the activities of the national armed forces and to the activities of territorial units, militias, and so on. The observers form a monitoring group whose task it is to assess the various elements and procedures involved in the cease-fire and to report any incidents, and as all the parties concerned – federal and republican – are bound by the same agreements, the observers are to monitor infringements by all the factions, not just one of them. I must admit that at the moment it cannot be said what this task might encompass, whether it will extend, for example, to the internal conflicts in Croatia, which are different from what is going on in Slovenia. We do not yet know if this will be physically possible. But we will certainly try to give the support that is needed to create an atmosphere in which negotiations are possible, and as you know, under the Brioni Accord they are to begin not later than 1 August. In these circumstances I believe there is little point in speculating on what the Twelve's position should be if it proves impossible to take the course that has now been outlined. All I can tell you is that we are keeping track of developments, that the 12 EPC Ministers will be meeting again in The Hague tomorrow and again evaluating the situation. So we hope to have more detailed information on how the accord is being implemented in Yugoslavia and on any fresh disasters that may occur, and we will then try to react as quickly as before.

Madam President, I believe I have responded in general terms to the comments which this House has addressed to the Council and the Commission. I would like to thank the honourable Members through you for the support and appreciation that has been shown for the Council's and Commission's activities, because we very much need this support. But even more important is that a clear signal should go out to Yugoslavia and to all those who have long felt that their rights are not adequately respected and who are trying in a new situation in Yugoslavia to strike a balance between their own aspirations and what in fact no one is advocating: the unleashing of a reaction that would lead to extensive fragmentation and instability in the Balkans as a whole, with all the implications this would have for Europe. I believe I have indicated in a few words the delicate nature of the process and the care that is therefore needed to oversee this process. Thank you once again on behalf of the Council – the Commission can, of course, speak for itself – for the support that has been expressed here.

**91/208. Question No O-111/91 by Ms Cassanmagnago Ceretti and Mr Romeos concerning the strengthening of the role of the Community in the Conference on Security and Cooperation**

Date of issue: 9 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In view of the conclusions of the CSCE summit meeting held in Paris on 19 to 21 November 1990, the Paris Charter for a new Europe, the exceptionally important role now played by the CSCE in maintaining peace and pursuing cooperation in Europe and also of the Community's progress towards political union,

1. Will EPC give a detailed assessment of the role played so far by the Community's joint representation at meetings of the CSCE?
2. In the light of the decisions taken at the Rome summit meeting and progress made so far towards political union – established at the Inter-governmental Conference in Rome – , how does EPC view the political determination of the twelve Member States to forge a joint security policy and the procedure simultaneously under way within the CSCE to pursue a joint security policy encompassing the whole of Europe?

3. Noting that the CSCE summit meeting in Paris was the first occasion on which the Community was jointly represented by its three principal institutions, what initiatives does EPC intend to take to ensure that the Community is represented on a permanent basis – and to strengthen its representation – at CSCE meetings and on CSCE bodies?

4. Support for the establishment of a CSCE parliamentary assembly featured as one of the European Parliament's demands in its resolution on the CSCE (A3-0226/90).<sup>1</sup> How does EPC intend to elicit support for this proposal at the forthcoming meeting of the CSCE Foreign Ministers in Berlin?

*Answer:*

*Mr van den Broek, President-in-Office of the Council:* Madam President, I agree with a great deal of what the honourable Member has said. The leading role which the Community has been able to play in the CSCE process in recent years has, of course, grown appreciably as a result of the historic changes that have occurred in Central Europe. One particular outcome of these changes is that the CSCE has needed to occupy itself far less than it used to with attempts to overcome the differences and tensions between East and West and to bring them closer together. This being the case, the Community joined with the other members of the CSCE in calling for the summit meeting that was eventually held in Paris in November 1990, the first of its kind, in fact, since 1975. The aim of the Paris summit was to draw up new guide-lines for the CSCE, given the change of circumstances I have just referred to, and the Paris Charter sets out the principles and guide-lines that govern both the conduct of individual communities and relations between states in the region. It also provides a new framework for regular political consultations among the 35, based on the recently formed CSCE Council of Foreign Ministers.

As regards the role of the Twelve and of the Community in the CSCE, it can also be said that the proposals put forward by the Community were considered very carefully when the Paris Charter was being drawn up. We have also consistently contributed to the work of the various consultative fora within the CSCE. Three weeks ago – as I have already said – at the meeting of the Ministerial Council in Berlin, the Community and the Member States placed great emphasis on the need for the establishment of an 'emergency mechanism', which provides for a meeting of all 35 member countries to be convened at short notice for political consultations. This mechanism was used for the first time in connection with the situation in Yugoslavia. The action taken by the countries most directly involved in the conflict has thus been explicitly placed in the framework of values and principles that apply to everyone. As stated, for example, in the conclusions of the European summit held in Dublin in April 1990, the dynamic development of the Community has become an important factor in progress towards a reliable framework for peace and security throughout Europe. And the Dublin summit reaffirmed the Community's intention to play a leading role in the CSCE process in a number of areas that have been under discussion for some time within the framework of European political cooperation. They include the peaceful settlement of disputes, political consultations and confidence-building measures.

The honourable Member also asked about the establishment of a parliamentary body as part of the CSCE, and, as you know, a meeting of parliamentarians from all the CSCE countries was held in Madrid on 2 and 3 April at the invitation of the President of the Spanish Parliament. This meeting was devoted to a detailed study of the various aspects of the establishment of a parliamentary body for the CSCE. The Ministerial Council in Berlin was informed of the progress made in Madrid and, as Mr Andreotti, the former President of the European Council, said at the Paris summit meeting, the Community recognizes the importance of the role the parliamentary dimension may play in the formation of a well-developed CSCE process. The Community looks forward to the joint views on security and cooperation in Europe which the CSCE Assembly will present in the future.

I understand from the honourable Member's oral explanation that a problem may also arise if the European Parliament itself were to call for full membership of the CSCE Assembly, because the Community as such is also regarded as a participant in the CSCE. I must tell you frankly that I do not have a cut-and-dried answer. There would at least have to be agreement among the 35 member countries, each of which sees its own parliament represented in the Parliamentary Assembly and to which a new, 36th Assembly, so to speak, would then be added. Perhaps there will be opportunities to discuss this again. If we had found a solution, I would willingly have explained it here. But I must be completely honest with you: I do not have one at the moment.

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<sup>1</sup> OJ C 284, 12.11.1990.

### **91/209. Statement by the 82nd EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 10 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States consider that further violence and bloodshed in Yugoslavia can be avoided only through the full compliance by all parties concerned with all provisions of the Brioni Agreement.

They launch an urgent appeal to these parties to cooperate according to the letter and the spirit of that agreement. Full compliance is essential for the European Community and its Member States to continue their current efforts of assistance in overcoming the Yugoslav crisis.

The Community and its Member States have today agreed the mandate on the basis of which a monitor mission to Yugoslavia will shortly be established in cooperation with the parties concerned in order to help stabilize the cease-fire and to monitor the suspension of the implementation of the declarations of independence.

The Community and its Member States look forward to an early start of the process of negotiations on the future of Yugoslavia.

### **91/210. Question No H-520/91 by Mr Lomas concerning the arrest of Salah Abdel-Salam in Omdurman**

Date of issue: 10 July 1991  
Place of issue: Strasbourg  
Country of Presidency: The Netherlands  
Status of document: Answer to Oral Question in the European Parliament

Will the European political cooperation press the Sudanese Government to release all political prisoners, including Salah Abdel-Salam, who is being detained in Kober prison without charge or trial, following his arrest whilst addressing a public meeting?

*Answer:*

The Community and its Member States have been following very closely the extremely preoccupying human rights situation in Sudan. Recently the Sudanese Government released at least 200 political prisoners.



They will continue to seize any occasion to remind the Sudanese authorities of the importance they attach to the respect for human rights and to urge them to take positive steps in this regard, i.e. by preventing practices such as those referred to by the honourable Member.

**91/211. Question No H-597/91 by Mr Papayannakis, H-631/91 by Mr Dessylas and H-673/91 by Mr Kostopoulos concerning the abduction of a Belgian citizen by the Turkish authorities, concerning serious violations of international law by Turkey, and concerning measures to protect international flights in the Aegean**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-597/91:*

On 23 May 1991 Turkish coastguards violated Greek territory and abducted from the island of Symi the Belgian citizen Mr Guy Verwilghen whom they transported and held in Turkey. Whatever the reasons for this conduct, it is clearly an illegal act of violence constituting a multiple violation of international law and in particular the sovereign rights of two Member States and the Community as a whole. Will the Foreign Ministers meeting in EPC say whether they are aware of this regrettable incident, and if so, what is their attitude and how do they intend to react so as to avoid actions of this kind in future which jeopardize harmonious relations between the European Community and Turkey?

*Question No H-631/91:*

This year, up to 15 May, Turkish fighter aircraft made 64 incursions into Greek airspace over the Aegean and committed 93 violations; they also made 82 interceptions and engaged on 30 occasions. On 17 May, a Turkish Phantom flew extremely close to an Olympic Airways aircraft, passing beneath it south of Limnos, endangering the lives of the crew and 21 passengers. On 23 May armed Turkish government officials carried off a Belgian national, Mr Guy Verrijcken, in a power-boat from the port of Simi.

As the 12 Foreign Ministers meeting in EPC are working hard towards establishing closer relations between the EEC and Turkey, what position have they taken or do they intend to take on such extremely serious violations of international law by Turkey?

*Question No H-673/91:*

A few days ago the Turkish airforce went so far as to 'buzz' an Olympic Airways flight in Greek airspace, endangering the lives of the people on board and giving a clear demonstration of the threat to international air traffic that exists in the area.

Will the EPC take immediate practical measures to halt such acts by the Turkish armed forces in Greek airspace and does it intend to condemn the latest actions by the Turkish airforce against a Member State of the Community?

*Answer:*

The matters addressed by the honourable Members have not been discussed in the framework of the EPC.

**91/212. Question No H-598/91 by Ms Dury concerning the situation in Rwanda**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

On 29 March 1991 a cease-fire agreement was reached between the Rwandan Government and the Rwandan Patriotic Front. The Rwandan authorities had announced initiatives towards democratization, which is an indispensable condition for a just and lasting peace.

These initiatives seem to have come to a sudden end. Has the Community considered this problem, which concerns one of the signatory states of the Lomé Convention? Could Europe not usefully act as a mediator in order to promote effectively a peaceful solution to the conflict and a real process of democratization?

*Answer:*

The Community and its Member States have repeatedly stressed to the parties concerned their support to the N'Sele agreement on a cease-fire, which they consider to be the best way to achieve a peaceful settlement in order to ensure regional stability and to promote the democratic process of Rwanda. I can assure the honourable Member that the Community and its Member States will continue to deploy all their efforts to have this agreement fully implemented.

**91/213. Question No H-605/91 by Mr Cushnahan concerning Community involvement in the Middle East peace negotiations**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Can the Foreign Ministers report on their progress to date in securing for the Community an influential role in the negotiations for lasting peace in the Middle East?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* In recent months the Community and the Member States have repeatedly stressed the need for an immediate start to the process aimed at a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question, on the basis of Security Council resolutions 242 and 338. Regarding the precise question of the Community's involvement in that process I can tell you that the Community and Member States confirm that they are willing to make an active contribution to that process and to the securing of peace in the region, and that with this objective in mind they will take part in the peace conference together with the USA and USSR, under the terms of reference and principles agreed between the parties in the process initiated by US Secretary of State Baker. The Presidency will thus represent the Community and its Member States at the conference table and will take part in the multilateral working groups to be set up by the conference in the context of regional cooperation.

Prior to that, we must urge all the parties involved to get the various outstanding procedural difficulties out of the way so that the conference can take place and direct talks can begin.

*Mr Cooney (PPE):* I should like to say to the President-in-Office of the Council that his suggestion that there are procedural difficulties in the way of the peace conference minimizes the difficulties. Rather than procedural difficulties, there are substantial political difficulties, notably the persistence of the Israeli authorities in continuing to place settlements in the Occupied Territories. Until a firm line is taken by the Western countries in this regard, the prospect of a successful peace conference is extremely remote.

*Mr Dankert:* I do not think the problem concerns the firm line taken or not taken by the Member States of the Community in European political cooperation. The line is an extremely firm one. I cannot see how we can make it firmer. As far as the Community is concerned, I will limit myself to the remarks I made earlier.

*Mr Cushman (PPE):* Further to what the President-in-Office said in response to my honourable colleague's question, could the Council not use its trade muscle to bring pressure to bear upon the Israeli authorities by using that trade protocol to get the message home, because if it is an obstacle in the way of genuine Middle East talks towards peace, then I think we should use whatsoever powers we have at our disposal.

**91/214. Question No H-615/91 by Mr de Rossa concerning Marcela Rodriguez, a prisoner in Chile**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Is EPC aware of the plight of Ms Marcela Rodriguez[,], a prisoner in Chile, who despite being paralysed for life and generally being in an extremely precarious state of health, has been moved from hospital, contrary to medical opinion, and returned to the military-run Santiago prison which has none of the medical facilities necessary for the care of somebody in her condition?

In view of the grave and immediate threat to her life, will EPC undertake to make urgent representations to the political and military authorities in Chile, seeking that she be returned to hospital and assured of the necessary care until such time as any legal case against her is processed?

*Answer:*

The specific case referred to by the honourable Member has not been discussed within European political cooperation.

The Presidency wishes to point out that all members of the Rio Group including Chile, subscribed to the Rome Declaration of 20 December 1990<sup>1</sup> and took part in the first institutionalized ministerial meeting between the European Community and the Rio Group, which took place in Luxembourg on 26 and 27 April 1991.<sup>2</sup>

In the framework of the Rome Declaration they committed themselves notably to contribute to the reinforcement of the EC/Rio relationship through the respect for human rights and the promotion of social justice and to uphold the purposes and principles of the UN Charter. The first institutionalized ministerial meeting furthermore stressed the link between democracy and respect for human rights were key factors in strengthening international cooperation and confidence among states.

<sup>1</sup> EPC Bulletin, Doc. 90/474.

<sup>2</sup> EPC Bulletin, Doc. 91/123.

**91/215. Question No H-624/91 by Mr Bandres Molet concerning the referendum on self-determination for the Western Sahara**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The Polisario Front has recently expressed its concern at the inadequacy of guarantees in the run-up to the referendum on self-determination for the Sahrawi people, scheduled for February 1992. Its concern is based chiefly on the massive presence of Moroccan civilians and military in the territory and on the inadequacy of the human, financial and technical assistance planned. The Sahrawis also fear that a referendum result in favour of independence may not be respected by the Moroccan Government (evacuation of troops, recognition, etc.).

What measures do the Ministers intend to adopt in order to contribute to this self-determination process?

*Answer:*

The European Council meeting in Luxembourg on 28 and 29 June noted with satisfaction the progress made in the process of self-determination of Western Sahara, in particular the adoption by the Security Council and by the General Assembly of the report of the Secretary-General, as well as the setting up of the UN Mission for the Referendum in Western Sahara (MINURSO).<sup>1</sup>

The Community and its Member States consider this represents an important step towards a just and lasting settlement of the conflict in Western Sahara. They confirm their willingness to assist in the implementation of the process that is underway.

The European Council also reiterated its support for the persistent efforts of the Secretary-General of the United Nations and his special representative to ensure that the process goes forward smoothly.

The Community and its Member States consider that the UN has a major role to play in this regard. They express their readiness to respond positively to a request from the Secretary-General to contribute to the solution of any problem that may arise in the implementation of the process.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/193.

**91/216. Question No H-627/91 by Ms Banotti concerning Cambodia**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Could the Foreign Ministers inform the House of their latest position concerning the Cambodian peace talks which began on 1 June and have they any plans to help in this peace process through providing further development aid to Cambodia?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* As the honourable Member will be aware, the Community and the Member States have always supported the efforts made by

the five permanent members of the Security Council and the two chairmen of the Paris conference towards a lasting peace in Cambodia. And that was the message we delivered here in the House last January. Since then we have closely monitored the June talks in Jakarta and Pattaya and the subsequent meetings convened in Beijing and Bangkok. We hope that these moves will improve prospects for a comprehensive peace in Cambodia. We are still prepared to give humanitarian aid, we already are doing, and we shall continue to do so. We are ready to help in the reconstruction and development of Cambodia once a comprehensive political solution to the conflict is reached.

*Ms Banotti (PPE):* Firstly, I would like to say what a pleasure it is to see Mr Dankert in the driving seat. Having seen him in other seats here in Parliament, welcome back! I am afraid, Mr Dankert, that you gave me the fairly statutory answer one gets all the time about Cambodia and when I put the question down, I did so essentially just to let you know that we were still keeping an eye on it. Things have improved, undoubtedly, but would the President-in-Office not agree that there cannot be peace in Cambodia if we continue as the West and as a Community to isolate it in the way we have done for so many shameful years. We cannot continue to turn our backs on what is a country in dire need, not just of humanitarian aid – because as a very hard-working people they are producing almost all of their own food now – but in desperate need of some of the most basic development aid. Could he please tell me if there have been any discussions in the Council towards breaking this international isolation of Cambodia?

*Mr Dankert:* I would reconfirm that the Council is keeping a close eye on developments as far as Cambodia is concerned and I would not accept that we are seeing the problem in isolation, or that we are keeping Cambodia in isolation, to put it in those terms. It is quite clear that in our contacts with South-East Asian countries, notably through our contacts with ASEAN countries, where we have regular meetings, we are very keen on trying to further the process in Cambodia – in relation to which ASEAN countries have a prime responsibility, not forgetting the activities of the UN in this context.

**91/217. Question No H-628/91 by Mr Musso concerning relations between the European Community and the Soviet Union**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers meeting in Political Cooperation inform the European Parliament of their assessment of *Perestroika* and whether they consider that the need for it to succeed justifies meeting Mr Gorbachev's requests for financial support?

*Answer:*

The Community and its Member States follow with the utmost attention the process of political and economic reforms which is under way in the USSR. While they do not underestimate the delays and obstacles that this process has to face, they repeatedly expressed, even at the highest level, their full support for the endeavours of President Gorbachev to accelerate the reforms undertaken and to ease the Soviet Union's integration into the world economy. They consider that a substantial programme for reorganizing and modernizing the economy is necessary. They also reiterate their determination to contribute to its success, within the limits of their possibilities. Economic and financial cooperation between the USSR and the community is intended to foster this process. The Community and its Member States are ready to continue contributing to this venture in the framework of concerted international action.

In this context, the honourable Member may refer to the conclusions adopted by the European Council in Rome on 14 and 15 December 1990<sup>1</sup> and in Luxembourg on 28 and 29 June 1991.<sup>2</sup>

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<sup>1</sup> *EPC Bulletin*, Doc. 90/468.

<sup>2</sup> *EPC Bulletin*, Doc. 91/193.

**91/218. Question No H-650/91 by Mr Lalor concerning drugs**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the President-in-Office of the Council of Foreign Ministers meeting in European political co-operation say what consideration has been given to establishing a mechanism for dealing with the spread of drugs across Europe with the authorities in the new European democracies?

*Answer:*

The Presidency wishes to recall that the principle for cooperation with Central and Eastern European countries on drugs and related issues is included in the conclusions of the European Council in Dublin of 25 and 26 June 1990. Accordingly, and in response to the wishes of that European Council, the European Ministers responsible for the fight against drugs met in Oslo on 9 and 10 May 1991, in the first pan-European conference aimed at finding methods for strengthening cooperation in the fight against drugs at continental level.

The Presidency wants to underline in this connection that the European Council in Rome of 14 and 15 December 1990<sup>1</sup> mandated CELAD to give the necessary impulse to and coordinate the actions of the Community and its Member States on the international level.

In autumn 1990, the competent bodies of the European Community (CELAD in particular, and, in a subsidiary way, the EPC Working Group on Drugs), together with the Pompidou Group of the Council of Europe initiated the preparations for the holding of a Conference with the countries of Eastern and Western Europe on drugs. A first preparatory meeting which witnessed the participation of the CELAD Troika, a Pompidou Group delegation and some Eastern countries, took place in Brussels on 5 November 1990. A second and a third preparatory meeting took place in Vienna and Strasbourg on 29 January and 18 March 1991 respectively.

The pan-European Conference of Oslo itself (9 and 10 May 1991) was held under the auspices of the Pompidou Group. It was clearly spelled out that the conference convened at the initiative of the Community and its Member States. The conference allowed to define the objectives of East-West cooperation in Europe in combating drugs. On a more general note, the subject matters were prevention as well as problems related to transit and trafficking. In the Norwegian capital Ministers more specifically discussed:

(a) the reduction of the demand, notably through prevention of drug addiction among the young, AIDS prevention among the addicts, the organization of services of prevention, the treatment and reinsertion of addicts into society as well as cooperation programmes in this field, and

(b) the reduction of supply, notably through actions against drug trafficking (heroin trafficking via the Balkan trail), the control of precursors and essential chemical products and the fight against money laundering.

The follow-up given to the pan-European conference of Oslo did not result in establishing additional, new structures, but in organizing concrete actions to be implemented jointly by CELAD and the Pompidou Group, such as the strengthening of pan-European cooperation between anti-drugs services, exchange of information, the use of 'drug' liaison officers, delivery controls and possibly financial aid.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/468.

**91/219. Question No H-654/91 by Mr Andrews concerning long-term EC action for the Kurdish people**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Has EPC considered its position with regard to long-term action on behalf of the Kurdish people once the immediate tragedy surrounding the Kurdish people along the Turkish and Iranian borders has been resolved?

*Answer:*

The Community and its Member States consider that the UN have a major role to play in the protection of Kurdish civilian population in Iraq. They support fully the action undertaken by the UN Security Council and the Secretary-General in the framework of Resolution 688.

As to the short term, the Community and its Member States have cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. The European Council agreed on 8 April a Community aid of ECU 150 million under the heading of humanitarian assistance. It also launched the proposal for the establishment of security zones under UN supervision in northern Iraq which has been successfully implemented. Following these decisions, the Community and its Member States have participated actively and substantially in the international humanitarian effort aimed at securing protection for the refugees, enabling a large number of them to return. In this context, several Member States sent troops to northern Iraq, as well as to Turkey and Iran.

The European Council on 28 and 29 June 1991, underlined the need to bring about as rapidly as possible the full deployment of the contingent of 500 United Nations guards.<sup>1</sup> To facilitate this deployment, the European Council undertook to meet the uncovered expenses of this operation between now and the end of the year. It also acknowledged with satisfaction the contribution in men which certain Member States have made to the contingent of UN guards.

The European Council also noted the negotiations that are underway between the Iraqi authorities and leaders representative of the Kurdish population. It hoped that these negotiations will lead rapidly to a satisfactory agreement and considered that it would be appropriate for the international community to give its support to such an agreement on the basis of Resolution 688 of the Security Council.

In the long term, the Community and its Member States consider that only in the framework of a renewed Iraq, united, democratic and respectful of the legitimate aspirations of the population groups of which the country is made up, the Kurdish problem can find an appropriate solution.

They will continue to follow closely the situation in Iraq, notably in order to ensure full compliance by the Iraqi authorities with the relevant international rules and standards.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/198.

**91/220. Question No H-661/91 by Ms Ruiz-Gimenez Aguilar concerning relations with Cuba**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In view of the developments at international level over the last few months, especially the moves to greater openness in the Soviet Union and Eastern Europe, what is the view of European political cooperation concerning the possible role of the Community with regard to relations with Cuba, in the context of contributing to that country's economic development and political evolution over the next few years?

Does European political cooperation not consider that the launching of Community cooperation with Cuba could make a highly positive contribution leading to greater openness and development in that country and to its integration at international level? Would such cooperation not enhance the Community's credibility as a body capable of carrying out a mediating role, similar to that played in the Central American conflict?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* My answer to this can be relatively short, because the honourable Member's question is outside the brief of European political cooperation. I would merely add that the honourable Member must be aware that there can be no change in relations between the Community and Cuba due to the unsatisfactory position of human rights in that country.

*Mr Ruiz-Giménez Aguilar (LDR):* My question concerns consideration of the Cuban question by European political cooperation. Which should come first? Must there be elections, democracy and respect for human rights before we can move to offer cooperation? Or can cooperation and negotiations to bring about those very changes take place at the same time? We have been looking at how the attitude of the European Community, when it has opted firmly for cooperation – as in the case of countries in Africa – has achieved some progress in the process of democratization. Would it not also be right in the case of a country like Cuba, which is at present very isolated, for the Community to move to defuse the explosive tension which is already visible from within?

*Mr Dankert:* Certainly the Community and the Member States would be happy to respond if any development justifying a change in our relations with Cuba became apparent. Regrettably I have to say that we see no such development at present.

*Mr Gutiérrez Díaz (GUE):* I think I must be the only member who has not yet expressed pleasure at Mr Dankert's presence here. I should like to do so now, while at the same time my happiness at seeing him here is tempered by my regret at the brevity and meagreness of his replies which, I have to say, leave us unsatisfied, especially on issues as important as that of Cuba.



I must ask him what the Council's aims are at the present time, now that Cuba is more isolated than ever following the Eastern bloc crisis. Does it intend to rely on the Cuban regime being overthrown or does it intend to assist in a process of opening up and democratization? If the latter, it is up to the Council to take the initiative. It is open to the Council to take steps to begin establishing economic and commercial relations with Cuba and to do this in the same way – as Ms Ruiz-Giménez reminded us – as has been done with many African countries, where the situation is incomparably worse.

*Mr Dankert:* The honourable Member regards Cuba as being more isolated at the moment than ever before. I do not think the Community is to blame for this or responsible for it, but that the Cuban authorities have deliberately sought that isolation as a solution to their problems. I wish it were otherwise, but very regretfully I have to say that the position is as I described it to begin with.

*Mr Suárez González (PPE):* While joining in the welcome to the President-in-Office of the Council on his return to this House, I want to stress the good will which lies behind the questions of my fellow Members, Ms Ruiz-Giménez and Mr Gutiérrez and to ask him whether the reaction of the European Community to the first sign from the Cuban dictator of a wish to change the situation would not be immediate.

*Mr Dankert:* If the signal were clear and unequivocal, then yes, I think we would respond.

*Ms Banotti (PPE):* Might I suggest that those who take a particular interest in Cuba make it their business to get an excellent book – *Cubans* by Lynn Geldof – which I am currently reviewing, which will give a much more in-depth picture of what is really happening in Cuba, something we are perhaps unaware of in this Parliament. Would the President-in-Office not agree that the Community's attitude to Cuba is very largely dictated by the ancient family feud that continues to exist between the United States and Cuba and which has been waged also here in this Parliament? There were several human rights allegations made in this Parliament, which I had the opportunity personally to investigate when I went to Cuba, and which were found to be grossly inaccurate. So would the President-in-Office care to comment on this attitude, and I have to say in relation also to my question on Cambodia that our attitude in this Community to this country has also been largely shaped by ancient enmities which are not of our making.

*Mr Dankert:* I feel the honourable Member, Ms Banotti, takes her conclusions a little too far. I recall, as a member of this Parliament too, the many discussions and policy planning sessions on Central America held here not all that long ago. I don't think the relationship between the US and the European partners stood in the way then of the measures they thought appropriate at the time. I don't think it will be any different with Cuba. But that is why I said that we need a clear and unequivocal signal from Cuba.

**91/221. Question No H-682/91 by Mr Pierros concerning the violation by Turkey of the provisions of the Treaty of Lausanne concerning the treatment of the Greek communities of Imbros and Tenedos**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The 1923 Treaty of Lausanne provided for certain fundamental freedoms and a limited degree of autonomy for the Greek communities of the islands of Imbros and Tenedos. Despite the international obligations and others provided for under the international conventions on human rights, the

Turkish authorities have maltreated and discriminated against the above-mentioned Greek communities. Systematic persecution, unrelenting oppression, expropriation of property and subtle attempts to distort the population balance have led a large section of the Greek community to leave the islands. Unfortunately, the Greeks who remain continue to be subject to persecution and maltreatment. Given that Turkey is an associate member of the Community and is therefore required to comply with Community and promote Community ideals, will EPC say what measures it intends to take to put an end to the unacceptable treatment of the Greek communities of Imbros and Tenedos?

*Answer:*

The question tabled by the honourable Member has been, at various instances in the past, the subject of discussion in this House. In this respect, I may recall the oral questions H-1147/90<sup>1</sup> and H-1286/90<sup>2</sup> by Mr Kostopoulos, H-1269/90 by Mr Roumeliotis and H-1270/90<sup>3</sup> by Mr Pagoropoulos, as well as H-0491/91<sup>4</sup>, by Mr Ephremedis.

The Turkish authorities are fully aware of the importance the Community and its Member States attach to human rights and the respect of international law as reaffirmed by the recent European Council Declaration on Human Rights. They consider these rights to be 'an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its Member States and other countries'.

As far as the protection of minorities is concerned, the European Council reiterated the importance of respecting the cultural identity as well as rights enjoyed by members of minorities which such persons should be able to exercise in common with other members of their group.

By becoming a party to international agreements on human rights and on the protection of minorities such as the 1923 Treaty of Lausanne mentioned by the honourable Member and more recently the CSCE Paris Charter, Turkey committed itself to the principles mentioned above. The Turkish authorities realize that any failure to comply with the rules they have themselves chosen to obey, will risk to put into question its credibility as a partner in international relations.

<sup>1</sup> *EPC Bulletin*, Doc. 90/452.

<sup>2</sup> *EPC Bulletin*, Doc. 91/029.

<sup>3</sup> *EPC Bulletin*, Doc. 90/466.

<sup>4</sup> *EPC Bulletin*, Doc. 91/135.

## **91/222. Question No H-692/91 by Mr Melandri concerning self-determination of the people of Eritrea**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

How do the Foreign Ministers meeting in European political cooperation intend to act to support the demands of the Eritrean people after members of their liberation front have seized power in Addis Ababa? And what commitment do the Ministers intend to make on behalf of the Community in the search for an overall political solution to the conflicts in the Horn of Africa which are affecting the lives of millions of people?

*Answer:*

As has been stated before in this House, it is the firm conviction of the Community and its Member States that a just and lasting solution to the problems in the Horn of Africa can only be achieved through peaceful means and through negotiated political settlements.

The Community and its Member States have always stressed their readiness to contribute in a constructive manner to this process and they fully support all on-going efforts in this respect. At the invitation of the provisional Government of Ethiopia, the Community and its Member States have been represented as observers at the National Conference in Addis Ababa which discussed the establishment of a national government of transition.

The recent European Council recalled the indivisible character of human rights both civil and political as well as those of an economic, social and cultural nature. In this context, the plight of the many throughout the region who face repeated threats to their existence by reason of the deprivation caused by internal conflicts remains a source of much concern to the Community and its Member States. They have shown their willingness to respond in a practical way to the needs of those affected through the provision of extensive food and emergency aid. It is the intention of the Community and its Member States to pursue this policy.

**91/223. Question No H-693/91 by Mr Melandri concerning the situation in Ethiopia**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

What measures has the Commission taken or does it intend to take to deal with the very serious political and institutional situation in Ethiopia since the overthrow of the Mengistu regime?

*Answer:*

The National Conference on Peace and Democratic Transition in Ethiopia, held in Addis Ababa this week, has just finished. It is encouraging that it was attended by a fairly wide range of Ethiopian political forces, 26 groups in all, and by a number of significant external observers, including an EC Delegation, headed by the Netherland's Presidency, and including the seven other Member States represented on the spot and the Commission.

It should be noted that Community political cooperation on this matter has been particularly intensive. A general position on the holding of the conference was taken in the EPC statement of 31 May,<sup>1</sup> and cooperation meetings were held in Europe and in Ethiopia both before and during the conference itself.

The overall impression on the proceedings is positive: an open and free discussion took place in the presence of the international community and a democratic dialogue appears to have begun. The fact that the Conference has lasted a full week, rather than the one or two days that were originally foreseen, testifies to this.

The results of the Conference include a commitment to a democratic process, and a new constitution is to be drawn up to form the basis for national elections to be held within two years. Local elections will take place three months after the formal establishment of a transitional government, to be constituted within the coming days. This government is to be broadly representative of the nation. The Conference also produced a declaration on Eritrea which is

subscribed to by the Eritrean Peoples' Liberation Front (EPLF) provisional administration in Asmara, and calls for an internationally monitored referendum of Eritrean self-determination to be held within two years. It also states that, at least for the transitional period, the crucial port of Assab is to be free and open.

These developments are encouraging, particularly for the relief efforts, which should now be able to continue with far less hindrance from military activity and logistical blockages. However, the follow-up to the Conference, notably in terms of the nature and composition of the transitional government, details of its programme and of its future economic policy, will be monitored closely in order to define how future development cooperation might proceed.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/162.

**91/224. Questions No H-695/91 by Mr Hughes, H-697/91 by Mr Smith and H-698/91 by Mr Falconer concerning human rights, and continuing human rights abuses in Iran**

Date of issue: 10 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-695/91:*

Has EPC taken any action as a consequence of the resolution adopted by Parliament in April 1991?<sup>1</sup>

*Question No H-697/91:*

Within the framework of European political cooperation, has there, during the last two months, been any contact with the Rafsanjani Regime in Tehran on the subject of human rights?

*Question No H-698/91:*

Will EPC formally and publicly condemn the continuing large-scale human rights abuses in Iran?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* The Community and the Member States have taken due note of the resolution on human rights adopted by the European Parliament on 18 April last. As honourable Members are aware, the Community and the Member States, concerned by the situation regarding human rights in Iran, have repeatedly urged the Iranian authorities to accept the standards generally respected by the international community. Parliament has also been briefed on several occasions on activities pursued in recent months by the Community and Member States in this area, both through the UN and in their contacts with Iran. The question of human rights played a major part in these, also at the recent meeting of the Troika with Iranian officials. At that meeting the Troika welcomed the more positive attitude adopted latterly by the Iranian authorities on the operation of the UN Commission on Human Rights. The Troika expressed the hope that Iran would demonstrate a lasting and growing commitment to the upholding of human rights.

And the Troika and the Twelve have repeatedly made individual appeals to all those in a position to exert influence on groups holding hostages, Iran included, to use their influence to obtain their immediate and unconditional release. These efforts, and efforts by other countries too, have been successful on the point I have just mentioned, namely allowing the UN Commission on Human Rights to operate in Iran, as reflected in the recent agreement to allow a special representative of the UN Commission to carry out his duties in Iran.

It will be necessary to go on monitoring the upholding of fundamental human rights by Iran, and the government will be urged to act in accordance with the international conventions. A number of positive measures appear to be in the pipeline and are to some extent discernible already.

*Mr Hughes:* I would like to welcome our friend, Mr Dankert, with his new hat on and thank him for the comprehensive answer he has given. I would not share his comfort over the assurances by the Iranian regime over improvements in human rights. Executions are continuing there unabated. I would like to ask a specific point. Does the President-in-Office recall that my resolution adopted in April also drew attention to the dangers posed by the export of terrorism and fundamentalism by the Rafsanjani regime? Is he aware in this respect that it has now been officially acknowledged in the United States that Iran is trying to develop nuclear weapons with assistance from Pakistan, Argentina and China? Will he examine this development with all urgency and make all necessary representations on behalf of the Community?

*Mr Dankert:* I listened with interest to Mr Hughes' question. On the comfort to be drawn from the improvement in the communications with Iran on human rights, I would say that there has been progress. Of course, this Council is not entirely satisfied but progress should be noted. Secondly, the rumour about the development of nuclear weapons has been heard elsewhere than in this House and we are following those rumours closely. At the same time I have to say that we have no concrete evidence, let alone proof, that the rumours are true.

*Mr von Wechmar (LDR):* Mr President of the Council, I was of course delighted to hear how strongly you just spoke, on behalf of the Council, in support of human rights for the Kurdish people. I would like to ask you whether you agree with me that respect for human rights should be given priority not just in countries that do not belong to the Community but especially in countries that do belong to the Community?

*Mr Dankert:* As a representative of the Netherlands I naturally agree fully with what the honourable Member has said.

*Mr McMahon (S):* With his usual diligence, Mr Dankert did say at the beginning that he would reply to four or five questions in one. Is he aware that the situation in Iran is becoming intolerable? There were 493 official executions last year. Would he look at the evidence arising from the trial of the Swiss journalist, connecting the Rafsanjani regime with the assassination of Dr Kazem Radjavi in Geneva last year? Finally, will the Council look at the evidence connecting the regime with the recent attempted assassination of the Italian translator of Salman Rushdie's book *The Satanic Verses*?

*Mr Dankert:* I would like to say first of all that the European Council meeting in Luxembourg approved a general statement on the respecting of human rights world wide, that that statement has implications for the way the Community acts in its international relations, and that the points raised by Mr McMahon will also be considered in that context.

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<sup>1</sup> OJ C129, 20.5.1991, p. 128 – Minutes of the sitting of 18.4.1991.

**91/225. Statement concerning Ethiopia**

Date of issue: 12 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the successful conclusion of the conference for peaceful and democratic transition in Ethiopia, held in Addis Ababa from 1 to 5 July.

The Community and its Member States had the opportunity to observe the proceedings of the conference, which could mark a historic step towards democracy in Ethiopia. They note that the charter, adopted by the conference, explicitly guarantees individual human rights, including freedom of expression and association.

The Community and its Member States will follow with constructive interest the further developments which hopefully will lead to a nation wherein peace and democracy will prevail. They recall their readiness to support this process.

**91/226. Statement concerning El Salvador**

Date of issue: 17 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States express their grave concern regarding the escalating violence in El Salvador at a time when negotiations aimed at a peaceful end to the internal conflict had raised hopes of a lasting solution. In particular they strongly condemn the brutal torture and murder of Martin Ayala, member of the Consejo de Comunidades Marginales (CCM). The perpetrators of such crimes should be brought to justice without delay.

This murder highlights the urgency of agreement within the current peace negotiations on practical measures to reorganize, and to improve the investigative capability of the Salvadorean police, and to improve the system of justice as envisaged in the April constitutional amendments, as yet unratified.

The Community and its Member States urge the parties to the conflict to refrain from all recourse to violence and to renew their efforts to bring the peace negotiations to an early successful conclusion.

**91/227. Statement concerning the Middle East peace process**

Date of issue: 17 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Presidency recalls the Declaration of the European Council at Luxembourg (28 and 29 June 1991) on the peace process, which confirmed the support of the Community and its Member States for the current initiative, launched by the United States, and which urgently called on all parties to overcome final difficulties so that a peace conference could be convened.

The recent positive evolution in the attitude of the Government of Syria is welcomed.

Noting the forthcoming visit of Secretary Baker to Israel and the region, the Community and its Member States consider that the peace process has entered a crucial stage. They are hopeful that the conference may now soon be convened. The Community and its Member States call upon the parties concerned to refrain from any actions which could jeopardize the peace efforts, to which they will continue to contribute.

## **91/228. Joint Declaration on relations between the European Community and its Member States and Japan**

Date of issue: 18 July 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Joint Declaration

### **Preamble**

The European Community and its Member States on the one part and Japan on the other part,

- conscious of their common attachment to freedom, democracy, the rule of law and human rights;
- affirming their common attachment to market principles, the promotion of free trade and the development of a prosperous and sound world economy;
- recalling their increasingly close ties and acknowledging growing worldwide interdependence and, consequently, the need for heightened international cooperation;
- affirming their common interest in security, peace and stability of the world;
- aware of the importance of deepening their dialogue in order to make a joint contribution towards safeguarding peace in the world, setting up a just and stable international order in accordance with the principles and purposes of the United Nations Charter and taking up the global challenges that the international community has to face;
- mindful of the accelerated process whereby the European Community is acquiring its own identity in the economic and monetary sphere, in foreign policy and in the field of security;

have decided to intensify their dialogue and to strengthen their cooperation and partnership in order that the challenges of the future may be met.

### **General principles of dialogue and of cooperation**

The European Community and its Member States and Japan will firmly endeavour to inform and consult each other on major international issues, which are of common interest to both Parties, be they political, economic, scientific, cultural or other. They will strive, whenever appropriate, to coordinate their positions. They will strengthen their cooperation and exchange of information both between the two Parties and within international organizations.

Both Parties will likewise consult together on the international situation and on regional matters with a view, in particular, to joining their efforts to bring about an easing of tensions and to ensure respect for human rights.

### **Objectives of dialogue and cooperation**

The two Parties will set out to explore together areas of possible cooperation, including where appropriate common diplomatic action. They will endeavour to strengthen their cooperation in a fair and harmonious way in all areas of their relations taken as a whole, in particular with respect to the following:

- promoting negotiated solutions to international or regional tensions and the strengthening of the United Nations and other international organizations;

- supporting social systems based on freedom, democracy, the rule of law, human rights and market economy;
- enhancing policy consultation and, wherever possible, policy coordination on the international issues which might affect world peace and stability, including international security matters such as the non-proliferation of nuclear, chemical and biological weapons, the non-proliferation of missile technology and the international transfer of conventional weapons;
- pursuing cooperation aimed at achieving a sound development of the world economy and trade, particularly in further strengthening the open multilateral trading system, by rejecting protectionism and recourse to unilateral measures and by implementing GATT and OECD principles concerning trade and investment;
- pursuing their resolve for equitable access to their respective markets and removing obstacles, whether structural or other, impeding the expansion of trade and investment, on the basis of comparable opportunities;
- strengthening their dialogue and cooperation on various aspects of multifaceted relations between both Parties in such areas as trade, investment, industrial cooperation, advanced technology, energy, employment, social affairs and competition rules;
- supporting the efforts of developing countries, in particular the poorest among them, to achieve sustained development and political and economic progress, along with fostering respect for human rights as a major factor in genuine development, with due regard for the objectives set by international organizations;
- joining their efforts in meeting transnational challenges, such as the issue of environment, the conservation of resources and energy, terrorism, international crime and drugs and related criminal activity, in particular the laundering of the proceeds of crime;
- strengthening cooperation and, where appropriate, promoting joint projects in the field of science and technology with a view to contributing to the promotion of scientific knowledge which is essential for the future prosperity of all mankind;
- developing academic, cultural and youth exchange programmes aiming to increase knowledge and improve understanding between their respective peoples;
- supporting, in cooperation with other States or organizations, Central and Eastern European countries engaged in political and economic reforms aimed at stabilizing their economies and promoting their full integration into world economy;
- cooperating, in relation with the countries of the Asia-Pacific region, for the promotion of peace, stability and prosperity of the region.

#### Framework for dialogue and consultations

Both Parties are committed to engage in continuous dialogue to give substance to this Declaration. To this end, in addition to the full use of all existing regular consultation mechanisms, both Parties have decided to strengthen their mechanisms for consultation and substantial cooperation on global and bilateral issues:

- especially they have decided to hold annual consultations in Europe or in Japan between, on the one hand, the President of the European Council and the President of the Commission and, on the other, the Japanese Prime Minister;
- an annual meeting continues to be held between the Commission and the Japanese Government at ministerial level;
- six-monthly consultations continue to be held between the Foreign Ministers of the Community and the Member of the Commission responsible for external relations (Troika) and the Japanese Foreign Minister;
- the representatives of Japan are briefed by the Presidency of European political cooperation following Ministerial Political Cooperation meetings, and Japan informs the representatives of the Community of Japanese Government's foreign policy.



In order to give substance to this Declaration, both Parties will make use of the existing and above-mentioned fora with a view to regularly review its implementation and to provide a permanent stimulus to the development of EC/Japan relations.

**91/229. Question No 2223/90 by Mr Arbeloa Muru (S) concerning Kouyous detained in the Congo**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 8 October 1990)

In view of the announcement last November by the President of the Republic of the Congo, Denis Sassou-Nguesso, that the 26 Kouyous detained without charge in 1987 and 1988 would be tried without delay, and given that they still have neither legal representation nor the opportunity to protest against their detention, can the Foreign Ministers meeting in European political cooperation do anything to help them?

*Answer:*

The specific question raised by the honourable Member has not been discussed within European political cooperation.

The Presidency would, however, point out that all the civil or military political detainees in the Congo were released on 14 August of last year, including the 26 civilians and members of the security forces arrested in 1987 and 1988.

**91/230. Question No 2254/90 by Mr Galland (LDR) concerning free movement of persons**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 8 October 1990)

With a view to the free movement of persons within the Community in 1992 and the implementation of a common visa policy, the primary aim of which is the drawing up of a common list of those countries whose nationals require a visa as well as the conditions for granting such visas, could the Foreign Ministers specify how and in accordance with which timetables they intend to proceed?

*Answer:*

The problem of the free movement of persons is not dealt with in the European political cooperation bodies.

**91/231. Question No 2480/90 by Ms Dury (S) concerning implications of the EUCLID programme for the Community**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 16 November 1990)

On 20 and 21 February 1990, the Defence Ministers of the 13 member countries of the Independent European Programme Group (IEPG) approved a ECU 120 million research and military technology initiative. Several Member States of the EC confirmed that they would participate in this programme in June 1990. Has it been considered by Political Cooperation?

*Answer:*

The initiative to which the honourable Member refers has not been examined in the context of European political cooperation.

**91/232. Question No 3034/90 by Mr Arbeloa Muru (S) concerning killings in Mauritania and 3035/90 by Mr Arbeloa Muru (S) concerning imprisonment of a trade union leader in Mauritania**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 28 January 1991)

*Question No 3034/90:*

To what extent have the Twelve followed the evolution, over the last months, of the violent events which began in Mauritania in the first months of 1990, involving arbitrary arrests, torture, rape and extrajudicial executions, and primarily affecting the black population, especially the Peul, Fula and Fulari ethnic groups?

*Question No 3035/90:*

Are the Foreign Ministers meeting in European political cooperation willing to take up the case of the Mauritanian trade union leader and political activist Ladji Traové, aged 53 and married with eight children, who was arrested in October in Nouakchott and is still imprisoned without charge or trial, and whose situation is certainly the result of his opposition to the government's policy of discrimination against black Mauritians?

*Answer:*

The Presidency would like to reply to Questions Nos 3034/90 and 3035/90 together.

The Community and its Member States have followed the troubles in Mauritania with uneasiness. They have expressed their deep concern over the worsening of the situation resulting from the dispute between Senegal and Mauritania, which has seriously threatened relations between the two countries and, owing to the underlying inter-ethnic problems involved, has doubtless helped to heighten the antagonisms and accentuate the problems to which the honourable Member refers.

They have since called for a just and lasting solution both internally and between the two countries, to be achieved by peaceful means and a negotiated political settlement. They have also supported any moves to bring about a peaceful settlement and have made the authorities concerned aware of the position of the Community and its Member States on the question of the protection and promotion of human rights in particular cases and in general situations calling for the rights of minorities to be protected.

Following the alleged *coup d'état* in November of last year, the Community and its Member States are greatly concerned at the serious violations reported by the Heads of Mission at

Nouakchott, which are at present undergoing thorough investigation within European political co-operation.

The Presidency would emphasize, however, that Mauritania has undertaken a programme of democratic reform of its political system which includes a constitutional referendum planned for 12 July 1991, legislative elections, the establishment of a national Assembly and Senate and a complete multi-party system. The Community and its Member States trust that the effect of this programme on the human rights situation will be positive.

In this context, the honourable Member may rest assured that the Community and its Member States will use the means at their disposal, both collectively and/or bilaterally, to convince the Mauritanian authorities of the overriding need to complete the programme which has been initiated and to call for an enquiry into the events referred to in his question and for the conclusions of that enquiry to be made public without delay.

The specific question raised by the honourable Member in connection with the arrest of a trade union leader in Mauritania has not been discussed within European political cooperation.

**91/233. Question No 18/91 by Mr Hughes (S) concerning sanctions against South Africa**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 1 February 1991)

Would the Ministers Meeting in Political Cooperation outline the Communities' current stance towards sanctions against the apartheid regime in South Africa and would the Ministers indicate whether they will still be in a position to support sanctions as a priority in 1991?

*Answer:*

The Presidency wishes to thank the honourable Member for providing it with the opportunity to outline the reasons behind the decision of the Community and its Member States to lift the remaining 1986 measures on 15 April 1991, subject to the position of one Member State's legislature. This ministerial decision is the logical outcome of the statements on South Africa published since the Strasbourg European Council.

In the light of the major changes having occurred in South Africa in 1990, the European Council in Rome adopted a package of decisions on 15 December last designed effectively to foster the process of irreversible change in the direction advocated by the Strasbourg European Council. These decisions stemmed from the determination expressed by the Heads of State and of Government at Dublin in June 1990 gradually to relax pressure in response to the reforms desired by the Community and its Member States. At the same time, the European Council in Rome decided to step up the programmes of positive measures with a view to the elimination of apartheid by peaceful means.

The December European Council thus decided that the Community and its Member States would relax the measures adopted in 1986 once the South African Government had moved to introduced legislation for the repeal of the Group Areas Act and Land Acts.

With the same end in view, and also in order to help to combat unemployment and to improve the economic and social situation in South Africa, the Rome European Council decided meanwhile to repeal the ban on further investment.

On 4 February, the Community and its Member States welcomed the announcement made on 1 February by President De Klerk at the ceremony inaugurating the session of the South African Parliament which pointed to further major changes to come in South Africa. At the same time, they reiterated their position on the legislative initiatives mooted by the authorities in Pretoria and confirmed their wish to begin preparations for appropriate action.

On 12 March, the South African Government presented its White Paper on Land Reform, together with four bills relating thereto, a legislative initiative constituting a revision of, in particular, the Group Areas Act and the Black Communities Development Act. In addition, on 9 April, the authorities in Pretoria placed before Parliament the Population Registration Act Repeal Bill putting an end to the practice of registration by race and containing transitional measures for the implementation of the present Constitution, pending the adoption of a new basic law.

On 15 April, the Ministers for Foreign Affairs meeting in European political cooperation alongside the General Affairs Council noted that the conditions laid down by the European Council in Rome in December 1990 had been met by the presentation of the Group Areas Act and Land Act bills and that the Population Registration Act Bill had also been submitted. In this context, the Ministers decided, with one partner holding a provisional reservation, to lift the measures adopted in 1986 on imports of certain iron and steel products and of Krugerrands.

On 5 June, the South African Parliament approved the Abolition of Racially Based Land Measures Bill, in the process repealing the Group Areas Act and the Land Acts. This new bill contains a provision taken from the Residential Environment Bill approved by Parliament on 20 May. An amended version of the Population Registration Act Repeal Bill was also approved by the Parliament on 17 June 1991.

#### **91/234. Question No 699/91 by Ms Oddy (S) concerning Guyana**

Date of issue: 18 July 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 19 April 1991)

When did the Foreign Ministers meeting in Political Cooperation last discuss Guyana?

When do the Foreign Ministers intend to discuss Guyana again?

*Answer:*

Guyana has not been discussed recently within the EPC framework. The Community and its Member States will nevertheless continue to follow closely the situation in that country with a view, in particular, to the elections announced by President Hoyte which should take place before the end of the year. In this connection, they have welcomed the measures recently taken by the Government of Guyana to ensure that the elections are free and fair.

#### **91/235. Statement on Yugoslavia**

Date of issue: 19 July 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States welcome the news that the full Yugoslav State Presidency met on 18 July. They note the Presidency's decision to withdraw the Yugoslav

People's Army from the territory of the Republic of Slovenia and welcome this in so far as it expresses the commitment of all parties to refrain from the use of force.

They look forward to the Yugoslav State Presidency's meeting with the Republican leaders in Ohrid on 22 July. They express the hope for an early start to the negotiations on the future of Yugoslavia.

The Community and its Member States reaffirm once again that they are ready to provide, if so desired by the parties concerned, all assistance to support the negotiating process and a peaceful settlement of the current problems.

**91/236. Opening statement at the ASEAN Annual Ministerial Conference (6+7 sessions), held in Kuala Lumpur**

Date of issue: 22 July 1991

Place of issue: Kuala Lumpur

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:* Mr Chairman, Your Excellencies, ladies and gentlemen, on behalf of my Luxembourg and Portuguese colleagues and Commissioner Matutes, who together with the Presidency currently form the Troika of the European Community and its Member States, I would first like to thank you very much, Mr Chairman, for your warm words of welcome. We greatly appreciate the very efficient arrangements that the Government of Malaysia has made and the warm hospitality extended to us in this beautiful country.

I would like to salute the Republic of Korea, which is participating for the first time as a fellow dialogue partner. Korea's presence and partnership is warmly welcomed by us. The European Community is pleased to be present as a full dialogue partner in the PMC.

Far-reaching developments are taking place both politically and economically which continue to transform international relations. Certain countries and fora for cooperation cope better with today's challenges than others. The member States of ASEAN are among the successful ones. I would like to commend the ASEAN countries for their impressive political and economic achievements. Their impact stretches well beyond this region.

We noted with great interest the increased focus on issues relating to peace and security in the region in the Joint Communiqué of the 24th ASEAN Ministerial Meeting. This reflects an increasing awareness that sustained economic development can only be achieved under conditions of peace, security and stability. As our own experience has shown, security is a concept which has more than just military connotations. Comprehensive security involves a more wide-ranging process. It encompasses close economic cooperation and integration as well as the human dimension, including democratic values and respect for human rights. We are pleased to share our experiences with others in this field in an open dialogue, also bearing in mind the content of the Declaration on Human Rights adopted by the European Council in Luxembourg on 28 and 29 June 1991.<sup>1</sup>

It is now over ten years since the European Community and ASEAN concluded a Cooperation Agreement. Since then relations between our two communities have prospered. The European Community attaches great importance to its cooperation with ASEAN. When we met in Luxembourg in May of this year the European Community and its Member States agreed that our cooperation must be extended and intensified. The Netherlands' Presidency for its part will encourage an early implementation of this commitment so that we may make genuine progress to our mutual benefit. The EC and ASEAN should grasp this opportunity to put their cooperation on a new footing.

Both ASEAN and the EC are preparing themselves to meet the new challenges which lie before them. The European Community and its Member States are in the process of taking a number of far-reaching decisions: the completion of the internal market; the establishment of both European Political Union and Economic and Monetary Union. In addition we will have to address the desire of a number of countries wishing to join the European Community, while establishing new forms of association with countries of Central and Eastern Europe. Furthermore, we are in the process of negotiating an extension of the internal market to the countries of EFTA. I should stress, Mr Chairman, that it is a firm Community objective that this single market of 350 million consumers will avoid becoming what was once referred to a 'Fortress Europe'. On the contrary, our overall objective is trade creation, not only involving our regional partners in Europe, but also our partners world-wide, like those in the Asia Pacific region, especially ASEAN countries, which have been among the first to profit from the new opportunities.

In this respect it is noteworthy that at the London G-7 Summit, the European Community joined in the commitment to aim to complete the Uruguay Round before the end of 1991 with the achievement of an ambitious global and balanced package of results with the widest possible participation of both developed and developing countries.

The European Community is firmly convinced that flexibility will be required from all parties to the negotiations and is prepared to play its full part in this give-and-take process in conformity with the relevant sections in the Declaration of the London G-7 Summit.

As I said earlier, sustained economic development can only be achieved under conditions of peace, security and stability. That is why we must all make every effort to try to resolve disputes peacefully wherever they might occur.

We welcome the significant progress towards a comprehensive political settlement of the Cambodian question. We hope the momentum of the peace process will be maintained, also through the convening of the Paris International Conference on Cambodia.

In the Middle East, we remain concerned about the failure by Iraq to comply fully with the relevant Security Council resolutions and about recent discoveries of attempts to violate the obligations imposed by the Security Council.

Noting the recent visit of Secretary Baker to Israel and the region, the Community and its Member States consider that the Middle East peace process has entered a crucial stage. We firmly support the current peace initiatives launched by the United States. We are hopeful that the peace conference may now soon be convened. The Community and its Member States call upon the parties concerned to refrain from any action which could jeopardize the peace efforts and to initiate confidence building measures that will improve the climate for an early start to negotiations. The recent positive evolution in the attitude of the government of Syria is welcomed.

In Europe new realities call for a dialogue without preconditions between all parties concerned on the future of Yugoslavia, based on the principles enshrined in the Helsinki Final Act and the Paris Charter for a New Europe, in conformity with the Charter of the United Nations and the relevant norms of international law.

Further violence and bloodshed can be avoided only through the full compliance by all parties concerned with the provisions of the Brioni Agreement and related decisions taken recently by the Presidency of Yugoslavia.

The European Community and its Member States are committed to continue their efforts of assistance to overcome the Yugoslav crisis, to the benefit of the Yugoslav peoples, the region, and Europe as a whole.

In particular we look forward to an early start to the process of negotiations on the future of Yugoslavia for which preparations should be made without delay. In short, Mr Chairman, there are challenges which confront us, some of which we have to meet together. We are convinced that

ASEAN's dynamic character, both in economic and political terms, will allow it to play a pivotal role in this part of the world.

We look forward to a fruitful and mutually beneficial dialogue in the coming days.

Thank you.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/194.

### **91/237. Opening statement at the ASEAN Annual Ministerial Conference (6+1 Sessions), held in Kuala Lumpur**

Date of issue: 23 July 1991

Place of issue: Kuala Lumpur

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:* Mr Co-Chairman, Your Excellencies, ladies and gentlemen, ten years have passed since our Cooperation Agreement was signed. Since then relations between ASEAN and the European Community have prospered. The focus is shifting from aid to trade, which we welcome. At the same time it is expanding in the fields of science and technology. The Cooperation Agreement was intended to promote developments of this very nature and has provided a solid base for expansion and intensification of cooperation between ASEAN and the EC.

Judging by our current joint experience, there is good reason to assume that relations between dynamic regions like yours and ours will develop more rapidly in the next ten years. They will extend to more sectors than has been the case in the past decade. We can also expect that future developments in the relationship between our two regions will be initiated and supported increasingly by the private sector. History has shown the private to be a decisive factor in economic development, a fact which is increasingly recognized world-wide.

In this meeting we propose to elaborate somewhat more on the decision taken in Luxembourg in May to revise our Cooperation Agreement of 1980. Our common aim is to broaden its scope to cover all fields of cooperation between our two regions so as to reflect more accurately the new conditions and priorities in both regions. We should analyse these changes and their consequences for intensifying our relations to our mutual benefit. ASEAN has made some concrete proposals to this effect which are currently being studied by us with a view to assessing their contribution to our future cooperation. We ourselves have mentioned some ideas on improving our economic relations, which we hope ASEAN will consider in the same spirit.

As I mentioned yesterday, at the same time a widening of the scope of the cooperation between ASEAN and the EC is called for. It is our conviction that economic development and cooperation cannot be viewed in isolation from such spheres as concern for the environment and respect for human rights and democratic values, in line with the June Declaration of the European Council.<sup>1</sup>

We feel that a genuine and candid dialogue on these matters, which we consider truly to be of a common interest, can enhance our mutual understanding and enrich our cooperation.

Past experience has shown both the European Community and ASEAN that the introduction of practical improvements with regard to working methods in our ministerial meetings would be beneficial to both sides. Ideas on this subject are circulating within both organizations and it would be useful to study them together and decide on new procedures.

The obvious step to take now, in my view, is to consider how we will follow up the Ministerial Meeting of Luxembourg, and to set an agenda and a time-scale for discussions, with the objective

of concluding a new agreement at the next EC/ASEAN Ministerial Meeting to be held in Manila in the second half of 1992.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/194.

**91/238. Statement concerning Burma**

Date of issue: 29 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

Recalling their statements of 4 January and 27 May on Burma, the Community and its Member States are appalled that the Burmese authorities still show no sign of respecting the wishes the Burmese people expressed in elections on 27 May 1990 for a democratically elected Government. Nor have the Burmese authorities put an end to violations of internationally accepted rules of conduct and of human rights. The Community and its Member States are likewise appalled that the Burmese authorities continue to spend large amounts of their country's meagre resources on arms. They wish, therefore, to draw the attention of the international community to their decision to refuse the sale of any military equipment from Community countries to Burma. They call on the rest of the international community to show similar restraint and desist from all such sales.

**91/239. Statement concerning the Middle East**

Date of issue: 29 July 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States reviewed the present developments in the peace process. They noted with satisfaction the emerging consensus on the current initiative, launched by the United States, to convene a peace conference leading to the beginning of negotiations between the parties.

The Community and its Member States welcome the fact that a number of Arab countries have responded positively to the call in the London G-7 Summit Declaration by offering a suspension of the Arab boycott in return for a freeze by Israel of its settlement policy. They stress how important it is that this positive gesture be reciprocated.

They stress again the importance of overcoming final difficulties, including the question of Palestinian representation, so that a conference, to which they will make their full contribution as a participant, may now be convened shortly. They are convinced that with the necessary political will and courage of the parties concerned a solution to those difficulties can be found.

**91/240. Statement on the occasion of the election of the President of Ethiopia**

Date of issue: 2 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration



The Community and its Member States convey to President Meles Zenawi their congratulations on the occasion of his election as Head of State of Ethiopia on 22 July and extend their good wishes for success in his high and demanding task during the coming two and a half years.

The Community and its Member States wish to recall their statement of 12 July 1991 and express their hope that parties and factions will join forces in order to reach a broad consensus that will lead Ethiopia towards democracy.

#### **91/241. Statement concerning Somalia**

Date of issue: 2 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the outcome of the Djibouti Conference, which could be a first important step towards the reconstruction of Somalia.

The Community and its Member States call upon all parties concerned to continue working for national reconciliation and the formation of a national government which will guarantee the peace and security in the territory of Somalia as a whole. In this context they emphasize the need for progress towards better government, including economic reform, respect for human rights, and the continued search for unity and territorial integrity of Somalia.

The Community and its Member States also reaffirm their commitment to provide humanitarian relief under conditions that guarantee an effective distribution.

#### **91/242. Statement concerning South Africa**

Date of issue: 2 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States have noted with interest the statement by President De Klerk on 30 July 1991 in answer to the recent revelations of secret funding by the South African Government of political and related organizations in South Africa and the alleged involvement of elements of the SADF and security forces in the violence.

Bearing in mind that orderly and early progress in the process of negotiation is necessary in order to maintain the momentum towards the establishment of a democratic, non-racial society in South Africa, they express the hope that the statement by President De Klerk will contribute to re-establishing a climate of trust, which is essential to further progress towards these negotiations. They welcome the Government's renewed commitment towards the creation, by peaceful dialogue, of a new South Africa.

#### **91/243. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 6 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States reviewed the situation in Yugoslavia on the basis of the report submitted by the Ministerial Troika. They welcomed the activities of the Troika and asked them to continue their efforts.

The Community and its Member States reconfirm their commitment to seek, with all parties concerned, a peaceful and negotiated solution to the present crisis. They will actively pursue their efforts to this end in accordance with the Joint Declaration of Brioni of 7 July 1991.

They are greatly concerned about the continuing bloodshed in Yugoslavia and deplore the absence of a cease-fire, and urge the acceptance of such a cease-fire, which the Troika has been trying to establish.

They strongly condemn the continuing use of force and attempts of any republic to impose by force solutions on other republics. They express the Twelve's strong interest in a peaceful solution to Yugoslavia's problems, not only for the sake of Yugoslavia itself and its constituent peoples, but for Europe as a whole.

The Community and its Member States are concerned to draw to the attention of those responsible for the present deadlock the consequences, for the whole of Yugoslavia, of a deterioration of the situation and of further delay in starting the negotiations on the future of the country. They urge the collegiate Presidency to convene forthwith negotiations on the future of Yugoslavia. They express their readiness to convene such a conference themselves if necessary.

Such negotiations should be based on the principles that any change of internal and international borders by force is not acceptable and that any solution should guarantee the rights of minorities in all the republics.

They invite the Commission to inform the Twelve about what economic and financial measures could be taken against those parties which refuse a cease-fire and do not abide by the above mentioned principles and how to improve economic and financial relations with those who do cooperate in this respect.

Bearing in mind the mandate received from the CSCE Meeting of High Officials, they welcome the convening of the follow-up CSCE Meeting later this week in Prague. They call on their CSCE partners to support the latest initiatives of the Twelve to bring about a cease-fire in Yugoslavia and to help promote peaceful dialogue which is necessary to create a situation in Yugoslavia that satisfies the aspirations of all its peoples.

They also welcome the intention of France and the UK as permanent members of the Security Council, and Belgium as non-permanent member, to keep the Security Council informed of EC actions regarding the situation in Yugoslavia with a view to the Security Council taking such measures as may be deemed appropriate.

The Community and its Member States took note that the Member States of the Western European Union have decided to instruct their representatives to take stock of the present situation in Yugoslavia and to examine whether there is any contribution which the Western European Union could make to the maintenance of an agreed cease-fire.

#### **91/244. Statement concerning the situation in Madagascar**

Date of issue: 19 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are deeply concerned about the recent tragic events in Madagascar. They urge both the authorities of Madagascar and all the political forces to do their

utmost in order to find a peaceful solution to the present crisis respecting democracy and human rights.

#### **91/245. Statement concerning the situation in the Soviet Union**

Date of issue: 19 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States have learned with grave concern that President Mikhail Gorbachev has been removed from office and that all powers have been taken over by a State Committee for the State of Emergency.

This change of power has created uncertainties concerning both the development of international relations and the continuation of the process of domestic reform in the Soviet Union.

An extraordinary EPC meeting of Foreign Ministers will be held in The Hague on Tuesday morning 20 August 1991, in order to discuss the situation and its possible consequences.

#### **91/246. Statement by an extraordinary EPC Ministerial Meeting concerning the situation in the Soviet Union**

Date of issue: 20 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States are deeply concerned at the *coup d'état* in the Soviet Union. They strongly condemn the removal of President Gorbachev from office and the seizure of all power by a 'State Committee for the State of Emergency' as a clearly unconstitutional act and a flagrant violation of the Soviet Union's obligations under the Helsinki Final Act and the Paris Charter. The Community and its Member States demand that constitutional order be re-established forthwith and that President Gorbachev be reinstated in his functions and rights as Head of State of the Soviet Union.

Although the outcome of the current events in the Soviet Union remains unclear, the first decree of this State Committee, providing, *inter alia*, for the suspension of democratically elected bodies and censorship of the media, leaves no doubt as to the true nature of the regime that now holds the reins of power in the Soviet Union. Bearing in mind all the implications of the situation, they urge the Soviet authorities, in conformity with the commitments of their country under the Helsinki Final Act and the Charter of Paris, to refrain from any act of intimidation or violence.

The European Community and its Member States believe that the continuation in power of the new regime cannot but bring to a halt the process of democratic reforms in the Soviet Union and the dramatic improvements in the international climate to which President Gorbachev has made such an important contribution and which they consider a prerequisite for fruitful cooperation between them and the Soviet Union.

They urge the present leaders to allow access to all elected representatives of the Soviet people as well as to President Gorbachev himself. The Presidency has been mandated to contact these people in order to assure itself of their well-being and their ability to exercise fully their rights and freedoms.

The Community and its Member States hold those now in power accountable for the possible consequences of their action for the stability, security and cooperation in Europe and for international relations in general. They are aware of the special concerns of the countries of Central and Eastern Europe in this respect.

As a measure of their solidarity with these countries, the Community and its Member States reaffirm their desire to conclude association agreements with Hungary, Poland and Czechoslovakia in the near future. In the same spirit, they reiterate their full support for the ongoing process of reform in Bulgaria and Romania. They also underline their commitment to reinforce contacts with Albania. The Commission will explore ways and means to further expand cooperation with Bulgaria, Romania and Albania.

They note that the *coup d'état* took place on the eve of the scheduled signing of a new Union Treaty, which would have been an important step towards improved internal relations and stability in the Soviet Union. They reiterate their view that the problems existing in the relations between the Soviet Union's constituent republics can only be overcome through negotiations and dialogue. In particular, they are seriously concerned at the reports of military actions in the Baltic States, and urgently appeal to the Soviet authorities to refrain from all threat or use of force against the democratically elected governments and representatives of the Baltic peoples.

The European Community and its Member States insist that the Soviet Union abide by all its international commitments and treaties, including those concerning troop withdrawals and disarmament. They expect it to respect the integrity and security of all States in Europe. Until the Soviet Union returns to constitutional order and the full observance of its international obligations under the Charter of Paris, the Community will suspend its economic assistance in the form of credits for food supplies and technical assistance. However, it will continue humanitarian emergency aid provided that it reaches the population in need. The Member States are invited to consider acting likewise.

Furthermore, the Community and its Member States are of the opinion that until such time that constitutional order and democratic freedoms will have been restored, their participation in the meeting in Moscow of the Conference on the Human Dimension in the framework of the CSCE cannot be justified.

#### **91/247. Statement by an extraordinary EPC Ministerial Meeting concerning the situation in Yugoslavia**

Date of issue: 20 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

On the basis of a review of the situation in Yugoslavia in the light of the Presidency's emissary's reports, the Community and its Member States express their grave concern at the frequent infringements of the cease-fire, resulting again in the serious loss of human lives.

They welcome the readiness of all the parties concerned to start negotiations about the future of Yugoslavia and they urge all parties to conduct these negotiations in good faith. Such negotiations should be based on the principles that any change of internal and international borders by force is not acceptable and that any solution should guarantee the rights of peoples and minorities in all the Republics. In particular, they appeal to the parties concerned to do everything within their power to ensure that the negotiating process will not be marred by further violence.

The Community and its Member States will continue to keep the situation in Yugoslavia under close review and stand ready to facilitate and assist the negotiating process and to provide for international monitoring of the cease-fire if the parties so desire.

**91/248. Statement concerning the return of refugees and political exiles to South Africa**

Date of issue: 22 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the agreement reached between the South African Government and the United Nations High Commissioner for Refugees on the process of the return of refugees and political exiles to South Africa. This agreement removes an important obstacle to progress towards substantive negotiations on a new constitution for a democratic and non-racial society in South Africa.

The Community and its Member States are equally encouraged by the draft agreement between the South African Government, the African National Congress (ANC) and INKATHA on measures against violence and look forward to the expected signing of the peace accord.

The Community and its Member States express their hope that all outstanding questions can be resolved in order to enable negotiations to begin as soon as possible.

**91/249. Statement concerning the Situation in the Soviet Union**

Date of issue: 22 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States have witnessed the collapse of the *coup* in the Soviet Union with profound relief and satisfaction. They rejoice in the reinstatement of President Gorbachev and the restoration of constitutional order and democratic freedoms.

They express their deep admiration for all individuals who resisted the *coup* and acknowledge the key role played in this respect by President Yeltsin and other democratically elected leaders. It gives them new cause for confidence in the future of Europe that after relatively few years of reforms, the democratic forces in Soviet society have already become so strong that they could not even be subdued by an alliance of Ministers controlling all the Union's security forces.

The European Community and its Member States congratulate President Gorbachev who is the architect of these reforms and President Yeltsin without whose courage the fruits of these reforms would not have survived.

The inhabitants of the Soviet Union have demonstrated that for them their Government's commitment under the Paris Charter to build, consolidate and strengthen democracy as their only system of government is not an empty phrase. The last three days have shown that democracy has taken root in Soviet society in an irreversible manner. The Soviet Union still faces many problems, notably in developing a new relationship among its constituent republics, but given the strength of its democratic forces it may be trusted to find solutions through negotiations and dialogue.

In view of the restoration of constitutional order and democratic freedoms in the Soviet Union, the European Community and its Member States have decided to revoke their decision of 20 August 1991 to suspend the Community's economic assistance in the form of credits for food supplies and technical assistance. They have also decided that there are now no obstacles to their participation in the forthcoming Conference on the Human Dimension in the framework of the CSCE to be held in Moscow in September.

**91/250. Statement concerning the human rights situation in Guatemala**

Date of issue: 23 August 1991  
Place of issue: The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States express their serious concern regarding the continuing violence and abuses of human rights in Guatemala.

They strongly condemn the murder on 5 August 1991 of Jose Miguel Merida Escobar, the police officer who was in charge of the investigation into the murder of Mirna Mack Chang, a human rights activist, which occurred on 11 September 1990 in Guatemala City. It is their view that such serious crimes cannot be allowed to go unpunished and that the perpetrators should be brought to justice without delay.

The Community and its Member States, therefore, welcome the Guatemalan Government's statement that it will not be deterred by violence from its firm intention to solve these and other crimes and that measures have been taken to prevent repetition thereof. It is clear that concrete measures are needed to bring about a substantial improvement in the human rights situation. In this light they applaud the arrest on 15 August 1991 of 7 military and naval personnel charged with murder, as a clear sign of the government's resolve to suppress lawlessness.

**91/251. Statement by an extraordinary EPC Ministerial Meeting concerning the Baltic States**

Date of issue: 27 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States warmly welcome the restoration of the sovereignty and independence of the Baltic States which they lost in 1940. They have consistently regarded the democratically elected parliaments and governments of these states as the legitimate representatives of the Baltic peoples. They call for open and constructive negotiations between the Baltic States and the Soviet Union to settle outstanding issues between them.

It is now time, after more than fifty years, that these States resume their rightful place among the nations of Europe. Therefore, the Community and its Member States confirm their decision to establish diplomatic relations with the Baltic States without delay. Implementing measures will be taken by Member States individually.

The Community and its Member States look forward to the early membership and participation of the Baltic States in all relevant international organizations, such as the United Nations, CSCE and the Council of Europe.

The Community and its Member States underline their commitment to support the Baltic States in their economic and political development. The Commission will explore all avenues for economic cooperation between the Community and the Baltic States and will put forward early proposals to that effect.

The Community and its Member States extend a cordial invitation to the Foreign Ministers of the Baltic States to attend their next meeting early September.

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**91/252. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 27 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States are dismayed at the increasing violence in Croatia. They remind those responsible for the violence of their determination never to recognize changes of frontiers which have not been brought about by peaceful means and by agreement. It is a deeply misguided policy on the part of the Serbian irregulars to try to solve the problems they expect to encounter in a new constitutional order through military means. It is even more disconcerting that it can no longer be denied that elements of the Yugoslav People's Army are lending their active support to the Serbian side. The Community and its Member States call on the Federal Presidency to put an immediate end to this illegal use of the forces under its command.

The Community and its Member States will never accept a policy of *fait accompli*. They are determined not to recognize changes of borders by force and will encourage others not to do so either.

Territorial conquests, not recognized by the international community, will never produce the kind of legitimate protection sought by all in the new Yugoslavia. Such protection can be brought about only by negotiations based on the principle of the fullest protection of the rights of all, wherever they may live in Yugoslavia.

The European Community and its Member States call on Serbia to lift its objection to the extension of the activities of their Monitor Mission in Croatia. Recent events have shown that without a comprehensive and effective cease-fire and impartial foreign monitors the situation in Yugoslavia cannot be sufficiently stabilized to allow for productive negotiations to be held.

In view of the deteriorating situation in Yugoslavia the European Community and its Member States have asked the Presidency to request the Chairman of the CSCE Committee of Senior Officials to advance the additional meeting of that Committee, agreed on during its second emergency meeting on 9 August 1991, to early September.

The Community and its Member States cannot stand idly by as the bloodshed in Croatia increases day by day. An agreement on the monitoring of the cease-fire and its maintenance should allow the Community and its Member States to convene a peace conference and establish an arbitration procedure.

This peace conference will bring together:

- on the part of Yugoslavia, the Federal Presidency, the Federal Government and the Presidents of the Republics.
- the President of the Council, representatives of the Member States and the Commission.

The arbitration procedure in the framework of this peace conference will be established as follows. The relevant authorities will submit their differences to an Arbitration Commission of five members chosen from the Presidents of Constitutional Courts existing in the Community countries. The composition of the Arbitration Commission will be:

- two members appointed unanimously by the Federal Presidency
- three members appointed by the Community and its Member States.

In the absence of agreement on the members to be appointed by the Federal Presidency, they will be designated by the three members appointed by the Community.

This Arbitration Commission will give its decision within two months.

In the absence, by 1 September 1991, of an agreement on the monitoring of the cease-fire and its maintenance and on the peace conference, the Community and its Member States will consider additional measures, including international action. To this effect they will convene a meeting to which they will invite the Presidents and the representatives on the Federal Presidency of the Republics which support these two steps. The Prime Minister and the Foreign Minister of the Federal Government will also be invited to this meeting.

The Presidency has sent a special envoy to Yugoslavia to clarify the Twelve's position in this regard. The Member States which are members of the Security Council will bring this declaration to the attention of that body.

### **91/253. Statement concerning the decision of China to accede to the Treaty on the Non-Proliferation of Nuclear Weapons**

Date of issue: 28 August 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States welcome the announcement by Chinese Prime Minister Li Peng, that China has decided, in principle, to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The European Community and its Member States look forward to China's formal accession to the NPT as soon as possible. Once China adheres to the NPT, all five permanent members of the United Nations Security Council, being the nuclear weapons states as envisaged in the Treaty, will be parties to it, thereby giving the non-proliferation regime a truly universal stature.

The European Community and its Member States commend the Chinese Government's decision and they call upon China to reinforce the effectiveness of nuclear non-proliferation by accepting the Nuclear Supplier Guide-lines as a standard for nuclear exports.

The European Community and its Member States attach great importance to the NPT as a cornerstone of international peace and stability. They express the hope that those states which have not yet adhered to the Treaty, will decide to do so with a view to strengthening its effectiveness and achieving its universality.

### **91/254. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 3 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the fact that all Yugoslav parties have accepted the goals and instruments for a solution to the crisis as contained in the EC Declaration of 27 August 1991 and that, by signing the cease-fire agreement and the Memorandum of Understanding on the extension of the activities of the EC Monitoring Mission, they have demonstrated their commitment to cooperate to that end.

The Community and its Member States call upon all parties to respect strictly their obligations under the cease-fire agreement and the Memorandum of Understanding. On that assumption, the



Community and its Member States will convene under their aegis a Conference on Yugoslavia in the Peace Palace in The Hague, on 7 September 1991, and at the same time set up an arbitration procedure.

Also acting under that assumption, the Community and its Member States are prepared for an immediate further enlargement of the Monitor Mission and for the implementation of its extended mandate in Croatia. This will include participation by a number of other CSCE participating States. At their meeting of 6 September, Ministers will have an occasion to assess the situation.

The Conference will bring together the Federal Presidency of Yugoslavia, the Federal Government and the Presidents of the Republics. The Community and its Member States will ensure the Chairmanship of the Conference, the proceedings of which will be conducted on their behalf by a Chairman on the basis of a mandate from them. They are pleased to state that Lord Carrington has accepted to chair the Conference.

The Conference will adopt arrangements to ensure peaceful accommodation of the conflicting aspirations of the Yugoslav peoples, on the basis of the following principles: no unilateral change of borders by force, protection for the rights of all in Yugoslavia and full account to be taken of all legitimate concerns and legitimate aspirations.

In the framework of the Conference, the Chairman will transmit to the Arbitration Commission the issues submitted for arbitration, and the results of the Commission's deliberations will be put back to the Conference through the Chairman. The rules of procedure for the arbitration will be established by the Arbitrators, after taking into account existing organizations in that field.

Through the CSCE Chairmanship and Secretariat, the European Community and its Member States will keep the other CSCE Participating States fully informed of the proceedings of the Conference on Yugoslavia.

The Community and its Member States are prepared in principle, and subject to the consent of the Yugoslav parties, to continue their monitoring activities, as long as will be needed for the Conference to be successful. They expect the Yugoslav parties to fulfil their obligations accordingly.

The Community and its Member States hope that a normalization of the situation will permit them to put into effect as soon as possible the financial protocols so as to contribute to the indispensable economic recovery of the country.

The Community and its Member States are ready to consider providing emergency assistance to the victims of violence.

**91/255. Joint Statement at the occasion of the meeting between the EC Ministers of Foreign Affairs, the representative of the Commission and the Foreign Ministers of the Republics of Estonia, Latvia and Lithuania**

Date of issue: 6 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Ministers of Foreign Affairs of the Member States of the European Community and the representatives of the Commission and the Ministers of Foreign Affairs of the Republics of Estonia, Latvia and Lithuania met in Brussels on 6 September 1991 to mark the restoration of sovereignty and independence of the Baltic States.

On this festive occasion, the Ministers of Foreign Affairs of the Member States of the European Community and the representatives of the Commission warmly congratulated their col-

leagues on the resumption by the Baltic States of their rightful place in the international community. They regarded their meeting as a seal of the establishment of diplomatic relations with them. They also stressed the willingness of the European Community as such to establish diplomatic relations with the three Baltic States. The EC Ministers expressed their readiness to help the Baltic States become members of all relevant international organizations at the earliest possible date.

The Ministers of Foreign Affairs of the Member States of the European Community and the representatives of the Commission reiterated their willingness to explore together with the three Baltic States all avenues to assist them in their democratic and economic development. They stated their readiness to see the Baltic States participate in the Group of 24 and benefit from the European Community's Phare Programme. The Commission will have early discussions with the authorities of the Baltic States about the conclusion of trade and economic cooperation agreements with the Community.

The Foreign Ministers of the Baltic States declared the commitment of their countries to democracy based on the respect for human rights and the rule of law and to market-oriented economy, social justice and environmental responsibility, together with the other principles contained in the CSCE Helsinki Final Act and Paris Charter. They pledged that their countries, in their efforts to liberate themselves from the legacy of the past, would strive to settle all outstanding issues in a process of open and constructive dialogue, mindful of the need for future cooperation between all States in Europe.

#### **91/256. Statement on the occasion of the ceremonial opening of the Conference on Yugoslavia**

Date of issue: 7 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Joint Declaration

We, the Representatives of the European Community and its Member States and of Yugoslavia and its Republics, participating in the opening session of the Conference on Yugoslavia, have assembled in the Peace Palace at The Hague on 7 September 1991.

Our common aim is to bring peace to all in Yugoslavia and to find lasting solutions which do justice to their legitimate concerns and aspirations. To this end we have decided also to establish an Arbitration Commission in the framework of the Conference.

Today's opening session marks the beginning of the negotiations on the future of Yugoslavia and its peoples, the outcome of which must take into account the interests of all who live there.

We pledge to seek a peaceful settlement based on all the principles and commitments agreed upon in the CSCE process.

We are determined never to recognize changes of any borders which have not been brought about by peaceful means and by agreement.

We reiterate our commitment undertaken in the Charter of Paris for a new Europe to build, consolidate and strengthen democracy as the only system of government for us all.

We solemnly declare our will to do everything in our power to enable the Conference on Yugoslavia to proceed in a peaceful environment for which the cease-fire observed in all its elements immediately is essential, thus contributing to its successful outcome.

**91/257. Welcoming address at the opening session of the Conference on Yugoslavia, held at the Peace Palace, The Hague**

Date of issue: 7 September 1991

Place of issue: The Hague

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Lubbers:* Distinguished President and Members of the Federal Presidency of Yugoslavia and the Federal Government, distinguished Presidents of the Republics, Ministers of Foreign Affairs of the Member States of the European Community, Mr President of the European Commission, Representative of the Chairman of the CSCE Council, Mr Chairman designate of the Conference on Yugoslavia, distinguished members of delegations,

Today we are gathered here in the Peace Palace to begin the Conference on Yugoslavia. I wish to welcome you here in the Netherlands and express my hope that this Conference will contribute to the solution of the crisis in Yugoslavia. The Netherlands' Government will do all in its power to ensure that the Conference is successful.

Less than one year ago, on 21 November 1991, at the Paris Summit of the CSCE Participating States, we buried the Cold War. The Charter of Paris has become our new European constitution; it enshrines our commitment to human rights, democracy and peaceful development. We also stated in the Charter of Paris for a New Europe that 'our States will cooperate and support each other with the aim to make democratic gains irreversible.' Today this Conference embodies that common resolve. We cannot, at our own peril, stand by when the neighbouring house is on fire: we must help put out the fire, or risk our own homes.

The venue of this Conference, the Peace Palace is a symbol of ideals of an earlier age, now embodied in the Charter of the UN. To peacefully negotiate in order to resolve differences and, if so desired, to let Justice decide where a solution lies: when the Peace Palace was built in the beginning of this century, thanks to the generous gift of Andrew Carnegie, it was destined to become an 'international temple of peace'. This magnificent building is thus an appropriate venue for this conference as it endeavours to bring peace to a part of Europe that is so close to the hearts of all present here today. Its initial occupants were the famous Library of international law and diplomacy, and the Permanent Court of Arbitration. This Arbitration Court was the first global mechanism for the settlement of international disputes. It represented the first stage of an evolution in the direction of a World Court and was indeed followed in 1922 by the precursor of the actual International Court of Justice, the principle judicial organ of the United Nations. I suggest that the facilities of the International Bureau of the Permanent Court of Arbitration be taken into consideration when the Arbitration Commission, which is to work in the framework of this Conference, will determine its working arrangements.

Mr Chairman, revolutionary change strikes Europe again this year and again from the East. I am referring to the momentous developments in recent weeks in Moscow and elsewhere. Democratic forces everywhere have strongly supported the courageous action of the popular movement for democratic reform in Russia. There is a clear lesson in these developments, in my view also a very pertinent lesson to the participants in this Conference on Yugoslavia: those in power cannot escape answering to their electorate if they intend to turn back the clock and maintain by force of arms structures and practices that have had their time.

We on the part of the European Community are compelled by our many ties with you to do what we can and help defuse tensions and contribute to a dialogue for a peaceful solution for the benefit of all concerned. It is certainly gratifying to experience that European integration can involve more than serving the economic interests of the inhabitants of the EC member countries. A

success of this Conference would also make clear that the European Community can have a positive influence on peace and stability in Europe as a whole. I sincerely hope that the citizens and peoples of Yugoslavia will be among the first to benefit. Let me conclude by wishing you a productive Conference. Thank you.

#### **91/258. Statement at the Conference on Yugoslavia**

Date of issue: 7 September 1991

Place of issue: The Hague

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:* Your Excellencies, ladies and gentlemen, speaking on behalf of the European Community and its twelve Member States, I would like to welcome you to the Conference on Yugoslavia. Particularly I would like to welcome the different participants from Yugoslavia: the Federal Presidency, the Prime Minister and Foreign Minister of the federal government, and the Presidents of the six Yugoslav Republics.

I am also happy to welcome in our midst Lord Carrington, who has been so kind as to accept at short notice our invitation to serve as a Chairman of this Conference on our behalf. I would also like to welcome the representative from the chair of the Conference on Security and Cooperation in Europe.

Let me express my warm gratitude to the representatives from the International Court of Justice and the Carnegie Foundation, both of which have been so forthcoming in providing a venue for this Conference in such an appropriate place: the Peace Palace in The Hague.

Last but certainly not least let me welcome the many representatives from the media who will keep world opinion informed about our proceedings. Particularly I hope they will give the citizens and peoples of Yugoslavia an objective and fair picture of reality as it unfolds here in and around the conference room and thus contribute to the atonement of heated and even blind emotions.

We are gathered here to give reason a chance. As we all know, Yugoslavia is in deep trouble. It is on the brink of full-scale civil war, if it hasn't already crossed that line.

Hundreds, soldiers and civilians alike, have been killed. Many more could follow, if the fighting doesn't stop and a process of peaceful dialogue and political settlement doesn't come off the ground. First of all the well-being of Yugoslavia and its citizens and peoples is at stake. I specially salute the mothers who grieve over lost lives and demonstrate against the folly of war. But if this conflict is allowed to fester, it not only threatens the security of the Balkan region, but that of Europe as a whole.

Use of force to solve political problems or to change borders, be they internal or external, is simply unacceptable. It does not belong to our era. It does not accord with the spirit that now prevails in Europe, where we are trying to shape a continent at peace with itself, in which everyone has a respected place and can live free from want and fear.

Nationalist extremism and ethnic strife are simply no solutions to the emotional vacuum which accompanies the demise of communism. Justified national pride is too precious a feeling to be manipulated and abused.

We are convinced that the advancement of democracy and respect for and effective exercise of human rights are indispensable for peace and security in Europe. Democracy is the best safeguard for freedom of expression, for tolerance of all groups of society, and for equality of opportunity for each person. I am quoting from the Paris Charter for a New Europe, our new constitution to which all of us are committed.

Europe whole and free is calling for a new beginning, not for a return to an unhappy past. Jean Monnet, one of the founders of the European Community, taught us that we should not fight over national borders but rather make them irrelevant through ever increasing economic and political cooperation so as to be able to remove them altogether in the end. So what we need, now that old barriers in Europe have collapsed, is an alliance of constructive, cooperative and peace-loving forces, in Yugoslavia itself and between people in Yugoslavia and their friends abroad. This Conference should seek to establish such an alliance.

The role of the European Community has, at all times, been to assist and facilitate the Yugoslav parties to engage in a process of peaceful dialogue and settlement of their political differences. From the Brioni agreement of 7th July<sup>1</sup> onwards these efforts have followed two separate but closely linked, paths. On the one hand we have stimulated parties to resume negotiations on all aspects of the future of Yugoslavia, while temporarily refraining from the implementation of steps that could prejudice the outcome of such negotiations. Although parties have made attempts at holding such negotiations, their efforts have not yielded enough results for the many obstacles on the road to peace to be removed. This Conference should now allow to move forward on that road.

On the other hand, if this Conference wants to stand a chance of success, the fighting must stop. Talking and shooting do not go together. For that reason the EC has constantly insisted on a cease-fire with international monitoring. With regard to the situation in Slovenia this approach has worked reasonably well. In Croatia, the situation is dramatic. Last Sunday night all parties finally accepted international monitoring of the cease-fire. But the EC Monitor Mission cannot do its job, while the fighting in Croatia continues. Moreover, it is our conviction that no cease-fire will hold if all those at arms remain with their weapons at the ready and do not return to normal life, to their barracks or homes and families. All parties, without exception, must fulfil their obligations under the cease-fire agreements. Each of them is responsible for the climate in which this Conference will take place. The intentions of each of the Yugoslav parties gathered at the Conference table will be judged by their conduct on the ground. We simply cannot accept a policy of *faits accomplis*.

This runs counter to the very notion of negotiating in good faith.

As to substance, the Conference should seek arrangements that ensure peaceful accommodation of the conflicting aspirations of the Yugoslav peoples. No option for solution should be excluded beforehand but the Conference should allow itself to be guided by the following principles:

- no unilateral change of borders by force;
- protection for the rights of all in Yugoslavia; and
- full account to be taken of all legitimate concerns and legitimate aspirations.

Two months ago to the day, at Brioni, we concluded that a new situation had arisen in Yugoslavia, and that it was up to the peoples of Yugoslavia to decide on their future. Since then much valuable time has been lost in a futile attempt at determining the future shape of Yugoslavia by the force of arms.

This is clearly unacceptable. New political arrangements will have to replace the present constitutional structure of Yugoslavia. To determine these arrangements peacefully and by common consent, taking into account the interests of all inhabitants of Yugoslavia, is the purpose of this Conference.

Given the demographic and ethnic composition of Yugoslavia it is of the greatest importance that all Yugoslav citizens, irrespective of their national group, must be able to identify with this Conference and its outcome. If retired, this Conference should enable those who are insufficiently represented around this table, to make their views known.

If there are enough reasons to be cautious as to the possible success of this Conference, the chairman designate is certainly not one of them. A former Foreign Secretary of the United Kingdom, who has held many other distinguished public posts, Lord Carrington is a man of great authority, integrity and wisdom. The European Community and its Member States have been very fortunate to find him willing to accept what will certainly prove to be a demanding task. The Yugoslav parties will find him to be an impartial and indefatigable chairman to inspire and coordinate their peace efforts and to mediate and conciliate between them whenever necessary. We wish him to be as successful as in 1979 in the Lancaster House negotiations on the independence of Rhodesia/Zimbabwe. He can count on our full support.

In the course of the Conference parties may find it necessary or expedient to earmark specific disputes on which they cannot agree in political negotiations for settlement by arbitration. In order to serve them with binding advice an Arbitration Commission will be established in the framework of the Conference, for which five of the most senior judges from EC Member States will make themselves available. The Conference Chairman will transmit the pertaining disputes to the Arbitration Commission and the results of the Commission deliberations will be remitted to the Conference through the Chairman.

All of Europe is watching us. Our common efforts to overcome the Yugoslav crisis have from the outset taken place in close cooperation with the Conference on Security and Cooperation in Europe, which has fully endorsed our endeavours. Through the CSCE Chairmanship and Secretariat, we will keep all CSCE partners fully informed of the proceedings of this Conference. I am glad to note that four other CSCE states -- Canada, the Czech and Slovak Federal Republic, Poland and Sweden - have agreed to join the enlarged EC Monitor Mission, which will continue its monitoring activities as long as is necessary for the success of the Conference.

As to further procedure, I hope this meeting can issue a joint political declaration. Also, we must formally designate the Conference Chairman, decide on the appointment of the Arbitrators and agree on some basic principles of procedure for the Conference. I will come back to these points at a later stage, after official statements have been delivered.

In conclusion:

The Yugoslav lands are an age-old battleground for imperial ambitions, religious beliefs, political allegiances and ethnic identities. From this angle, Yugoslav history resembles a microcosm of European history. In the present situation you and we stand for a historical choice. Either we allow the violent past of Europe to return or we overcome this legacy and continue along the path towards unity in a Europe at peace with itself. In our search for a solution to the Yugoslav crisis we should keep in mind the desire of many in Yugoslavia to participate in the further construction of Europe. May this Conference pave the way for a European future of Yugoslavia's citizens and peoples.

I trust that we will have a fruitful Conference and thank you for your attention.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/204.

## **91/259. Statement concerning the recognition of the independence of Belize by Guatemala**

Date of issue: 9 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States warmly welcome the statement made by the President of the Republic of Guatemala on 5 September 1991, in which the Government of Guatemala recognized the independence of the State of Belize. President Serrano's historic initiative constitutes a major step forward towards the resolution of a bilateral difficulty of long standing. It also removes a source of international tension and should strengthen regional stability.

The Community and its Member States congratulate the Governments of Belize and Guatemala on this important progress, and urge them to continue to work for a full and final settlement of their dispute.

### **91/260. Statement concerning the situation in Yugoslavia**

Date of issue: 10 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of European political cooperation:* Mr President, I must first apologize for being here instead of the real President of European political cooperation. But you will appreciate that his presence was required at the human rights conference in Moscow. That is why I am here in his place.

I would like to make a statement to Parliament on the situation in Yugoslavia as we see it at the moment. This statement consists of three parts: the problems of the past, the problems connected with the conference that began last Saturday and, in this context, the problems connected with monitoring.

On 7 July the Yugoslav parties concerned and the Community's Troika reached an agreement in Brioni on a cease-fire and the dispatch of a Community monitoring mission to Slovenia and Croatia. A memorandum of understanding was signed on this. The activities of the mission are intended to ensure that the cease-fire, to which the federal army and Slovenia agreed at that time, is observed. It is also monitoring the deferment of the implementation of the declaration of independence, which was similarly agreed in Brioni. My feeling is that this has now resulted in a return to normal in Slovenia.

The conflict between Serbia and Croatia, or between Serbs and Croats, is obviously different from the conflict between Slovenia and the Yugoslav national army. At the meeting of the General Affairs Council on 29 July the Twelve agreed that the activities of the monitoring mission should be extended to include Croatia, although this required a new memorandum of understanding, which was signed in the evening of Sunday, 1 September. It imposes an effective cease-fire and calls on all the parties concerned to guarantee the safety of the monitoring mission. Attempts by the Troika in early August to persuade all the parties concerned to accept the various procedures for extending the activities of the monitoring mission to include Croatia did not, as you know, or at least did not at that time, produce the intended result. In August attempts were made in various quarters to set the negotiating process among the parties concerned in Yugoslavia in motion and to stimulate this process. At various extraordinary EPC meetings held to discuss Yugoslavia the Twelve considered, for example, how to achieve the close coordination of positions needed for a coherent policy. At the same time Ambassador Wijnaendts paid several visits to Yugoslavia as the Presidency's special envoy with a view to ascertaining the positions of the various parties, among whom there is a high level of mutual distrust, even enmity.

As you know from the news you see on the television every day, acts of violence continue on a large scale. They are being committed by the Croatian national guard, the various police forces, the Serbian Chetniks, who attack villages in Croatia, and not least the Federal army, which has

sided with Serbia in the conflict and is playing an active part in the aggression against Croatia. This last statement is based not only on information from Croatian sources or the press: Ambassador Wijnaendts saw it with his own eyes last week, when Yugoslav federal units joined in the fighting in Croatia with heavy artillery.

The situation in Slovenia, as I have already said, has largely returned to normal, primarily because of the monitoring mission's activities in connection with the surrender of weapons, for example. In Macedonia a referendum on sovereignty was held on 8 September, although the aim is not really secession from the federation. In mid-August Macedonia decided to stop contributing to the federal budget and providing Macedonian national servicemen for the YNA. This has meanwhile resulted in increased tension between the Yugoslav army and Macedonia.

Mr President, I would now like to say a few words about the human rights situation of the ethnic Albanians in Macedonia and the now only nominally autonomous province of Kosovo. As you know, the situation is bad and getting worse. There have been recent signs of the Serbian authorities trying to tighten their grip on Kosovo. There are opposition plans for a referendum on the future of Kosovo in the federation, and there is a two-way movement of refugees across Kosovo's border with Albania. The political parties in Kosovo want ethnic Albanian national servicemen to serve only in the areas where they live.

There is also the autonomous province of Vojvodina – nominally autonomous, I would say – where the acts of violence in neighbouring Croatia are being watched with anxiety, particularly by the Hungarian minority. Finally, there is Bosnia-Herzegovina, where the disparate composition of the population means that the tension is growing, particularly as a result of provocative statements on partition by Croatia and Serbia. Reports of these from Croatian and Serbian authorities have greatly increased the fear of such a solution, and clashes are occurring close to Croatia's border with Bosnia. As you know, the Community's Ministers appealed to the Serbs in a statement on 27 August to drop their objections to an extension of the activities of the Community's monitoring mission to include the Serbian areas in Croatia. It was said that, if it proved possible to maintain a cease-fire and have it supervised by the Community's monitoring mission, the Community would hold a peace conference with all the Yugoslav parties and would try to establish an arbitration procedure. If this failed, the Community would convene a meeting of the parties in Yugoslavia who had supported these two steps – a conference and a cease-fire. And on this occasion other measures would also be considered.

Fortunately, the second option is not being discussed at the moment. On Sunday, 1 September, the Netherlands Minister for Foreign Affairs was in Belgrade, where the documents needed to set in motion both the extension of the monitoring mission's activities and the conference were eventually signed. This conference, as you know began last Saturday, 7 September, at the Peace Palace in The Hague. All the Yugoslav parties were present, as were all the Member States of the Community, the President of the Commission and Commissioner Matutes. The CSCE was also represented at the conference by a senior official of the German Presidency of its Council of Ministers.

The conference gave the various Yugoslav parties an opportunity to make their views on the role of the conference known to the European Community and the public at the highest level. The President-in-Office of the Community spoke on the Community's behalf and set out the premisses. I will repeat them here:

The Conference should seek arrangements that ensure peaceful accommodation of the conflicting aspirations of the Yugoslav peoples and be guided by the following principles: no unilateral change of borders by force, protection of the rights of all in Yugoslavia and full account to be taken of all legitimate concerns and legitimate aspirations.

Those are the underlying principles, and it will be for the conference chairman, Lord Carrington, to give them more substance. The conference approved the attached declaration, the most important aspect of which seems to be that the participants undertake



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to do everything in our power to enable the conference to proceed in a peaceful environment for which the cease-fire observed in all its elements immediately is essential, thus contributing to its successful outcome.

During the conference an arbitration committee was set up to look into the differences among the parties, which they will be communicating through the conference chairman, Lord Carrington. The composition of the committee will be made known to you shortly. It will include five presidents of the supreme courts of the Member States. The Yugoslav parties have been invited to attend the first working meeting to be held in The Hague on Thursday, 12 September, at Foreign Minister level. Lord Carrington and the Yugoslav parties are the participants, and the meeting is intended to enable the delegations to present their views on what they want the negotiations to produce and to agree on the programme of work. The intention is to convene meetings of working parties chaired by Vice-Presidents to discuss specific aspects. These Vice-Presidents will be provided by the Netherlands and Spain among others.

Arrangements will also be made to enable the ethnic groups in Yugoslavia – the Albanians in Kosovo, the Serbs in Croatia, for example – who do not want to sit down at the same table to present their views to the conference. The Presidency will keep the partners in Political Cooperation informed of developments.

Now, Mr President, a few words about the cease-fire and the activities of the monitoring mission. Since the Netherlands Foreign Minister, Mr Van den Broek, attended a meeting of the European Parliament's Enlarged Bureau on 12 August, the situation has changed significantly. Since then all the Yugoslav parties have agreed to the cease-fire and to international monitoring activities to ensure that the cease-fire is observed. All the parties have also agreed to attend the conference on Yugoslavia chaired by Lord Carrington.

The Community and the Member States regret that the cease-fire has meanwhile been violated by the parties. I take this opportunity to appeal once again to all the parties to refrain from using force. I would remind them of the statements by the Community to the effect that it will not recognize frontiers which are established unilaterally, particularly by force. This principle was also accepted by the participants in the conference on Yugoslavia last Saturday. The declaration adopted at that conference states, for example:

The negotiations on the future of Yugoslavia and its peoples must take into account the interests of all who live there.

And then the point I have just mentioned:

Changes of any borders which have not been brought about by peaceful means and by agreement will not be recognized. A peaceful settlement will be based on all the principles and commitments agreed upon in the EC/CSCCE process. All parties must do their utmost to enable the conference to proceed in a peaceful environment for which the immediate observation of the cease-fire in all its elements is essential.

The monitoring mission, which has already done a great deal recently to help stabilize the situation in Slovenia, is now trying to do the same in areas of Croatia where there have been or are still hostilities. Like the present monitoring mission in Slovenia, this mission is civilian. The monitors wear white civilian clothes and are unarmed. At the request of the Yugoslav parties the observers from Community countries will now be joined by observers from four non-Community CSE countries, Canada, Czechoslovakia, Poland and Sweden.

The extension of the monitoring mission's activities requires careful thought. On the one hand, they need to be extended as quickly as possible so that the mission may help to ensure that the cease-fire is observed and the political pressure on all the parties to honour their commitments may be maximized. On the other hand, there is the problem of ensuring the safety of the people concerned. This means that the monitoring mission's activities can be fully extended only if the cease-fire is observed everywhere. We are also fully aware that occasional violations of the cease-

fire cannot mean that the monitoring mission should cease all its activities under the new agreement.

In these circumstances Ambassador Wijnaendts, as the Presidency's representative, is endeavouring to define with the relevant Yugoslav parties the areas in which monitoring activities can be undertaken if certain criteria, including the safety of the monitors, are satisfied. On 6 September Ambassador Wijnaendts succeeded in reaching an implementation agreement of this kind for the area of Eastern Slovenia and Barnaja with the approval of all the parties concerned, that is to say, the Yugoslav national army, the Croat authorities and the representatives of the Serbian population in Croatia. As a result the first group of French, Dutch, British, Danish and Italian monitors headed by the Irish Ambassador moved to Osijek on 8 September.

We see this as the first step in a process that must lead to the stabilization of the cease-fire throughout Croatia. Once again, there is a basic link between the cease-fire and progress at the conference on Yugoslavia. It is essential that all the parties honour their commitments under the cease-fire. Violations of the cease-fire are bound to have an adverse effect on the consultations. On the basis of reports received from the head of the monitoring mission we will therefore bear in mind the possibility of establishing at a given moment whether certain parties are responsible for such violations.

Mr President, that is the situation as it has developed in the last few weeks. It is clear that the Member States of the European Community are doing their best to bring about a cease-fire so that the conference may proceed and the dreadful conflict in Yugoslavia may be resolved peacefully with the European Community's help.

*[After the ensuing debate, Mr Dankert stated:]*

Mr President, let me begin by thanking all those who have expressed support for the policy which the Community has pursued in the past few months and particularly those who have discussed the Presidency's role.

I realize that this was not forthcoming from all the political groups and that the Liberal and the Christian-Democratic centre struck a rather more critical note from time to time. I will therefore begin with Ms Cassanmagnago Cerretti, who wants to see us charting a very different course from the one we are now on. I would say that the course she advocates is certainly no alternative, that it has in fact already been taken in some respects and resulted in the present situation. I am referring in particular to the CSCE.

The Twelve – I would almost say as a section of the CSCE – interceded in the Yugoslav conflict because that was the only way to ensure the early involvement of CSCE partners in the process. I am glad that in this second phase of the monitoring we can see a number of CSCE countries joining in what the Twelve are doing, but if we had concentrated on the CSCE, I believe it would have been impossible to reach the stage we have now reached, and that is an extremely important inference. It also means – and I entirely agree with all those who have said this – that the European Community is discovering in this process that responsibility in the foreign policy field is tremendously important on the European scene and that in this process we are learning to cope with this responsibility. It is not, of course, the easiest of responsibilities. We do not yet have the institutional instruments: we are now developing them as we progress towards European Political Union and so on. But that is the direction that is being taken.

When I then consider the developments, the presence of monitors at the moment, and also calls for a peace-keeping force and all that kind of thing, I would point out that, given the requirements of the Helsinki process, of the Paris agreements, there would be neither monitors nor a peace-keeping force in Yugoslavia at the moment if a peace-keeping force or *force d'intervention* had

been demanded. It is a question of the internal situation in Yugoslavia and agreements that have to do with all those concerned in Yugoslavia, and these agreements, difficult though they may have been, could only concern – and I want to make this very clear – the monitoring situation that we have at the moment.

There was a long debate on recognition. I would definitely say that recognition would not have brought peace and would have seriously aggravated the problems in the short term. That is not something that Ms Cassanmagnago Cerretti suggested: it is a criticism I must level at the Liberal Group, and I do so here and now.

Mr President, I am pleased that Mr Rossetti and others endorsed the Community's initiatives in this respect. I was also pleased to hear various groups expressing concern about the inclination of individual Member States of the Community to undertake activities or make statements on their own. I believe this attempt at a common foreign policy can succeed only if we act together and are prepared to accept the compromises that are needed if this common approach is to be sustained. To my mind, that is also an essential element in the eventual declaration of the cease-fire in Yugoslavia and so in the arrangement and successful conclusion of the conference we began in The Hague last week.

I do not really feel much like responding, but I will say something about Ms Pack's reference to Ministers meeting in Political Cooperation – and I assume she includes Minister Genscher in this – being 'naive and unrealistic', a comment from which I must certainly dissociate myself. When I consider how the negotiations between the Troika and the Yugoslav partners have proceeded and how difficult it was to achieve what we now have, all I can say is that such allegations are very remote from the reality of what has happened and that they certainly do not contribute to a correct assessment of what we are currently trying to do within the EPC framework. I could say much the same about Mr Verbeek's remarks on this aspect.

I would now like to make a brief comment which I feel is important. I am referring specifically to what Mr Oostlander and others said about the problem of the minorities within the republics in Yugoslavia, the problems facing the Albanians, Hungarians and all the other groups. As I said in my introductory statement, we have explicitly ensured that these groups, whose situation is not improving, and I myself said that the situation of the Albanians is deteriorating, must have their place at the conference table in the sense that their problems are also communicated to Lord Carrington. These problems will not simply disappear when the conflict between Serbia and Croatia is resolved. There is far more to be considered, and this must certainly be borne in mind, because the settlement of one set of problems may have implications for the other. I feel we must be extremely vigilant in this respect and that the comments that have been made on this are extremely important.

'Too little too late,' Mr Lamassoure said. The Community was perhaps rather hesitant in its efforts to establish how it should proceed in a conflict of this kind, for which it is not specifically equipped and organized, but when I consider the developments as a whole, I would certainly not say 'too little too late'.

Mr President, we will endeavour to bring about a ceasefire through the activities of the monitoring missions. There is a misconception that must be removed: a cease-fire is not a precondition for the conference. This possibility was discussed in the early stages, and it would have been a very good thing if a cease-fire had been a precondition for the conference, but a cease-fire cannot be achieved in this way. This means that at the moment there is a link between the process of achieving a cease-fire and the launching of the conference. I indeed hope, and I hope you join with me in hoping, that this will result in peace eventually being restored in Yugoslavia and in this happening in such a way that all those currently involved in the conflict will ultimately see their interests protected by peaceful means.

**91/261. Opening statement at the third meeting of the Conference on the Human Dimension, held in Moscow**

Date of issue: 10 September 1991

Place of issue: Moscow

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:*

**1. Introduction**

Mr Chairman, 'Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of the people and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe. Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms: prosperity through economic liberty and social justice: and equal security for all our countries.'

These inspiring words are taken from the Charter of Paris for a New Europe, a document which has already attained historic stature although it was adopted less than a year ago. The Charter shows, that Europe has become more than just a geographical reference. It is increasingly evolving into a concept which embodies shared values, a common respect for fundamental freedoms and principles such as human rights, democracy, the rule of law and the free movement of individuals, ideas and information.

The force of these principles and ideas has been demonstrated by the dramatic events in the Soviet Union in the past few weeks. These events are evidence of the fact that democracy and the rule of law have taken root in the Soviet Union. The courageous men and women in Moscow, Sankt Peterburg and elsewhere are living proof of the support among the people in the Soviet Union for the respect for human rights and fundamental freedoms, pluralistic democracy and the rule of law.

The logic of freedom was just too strong for the *coup* to succeed. Indeed, its failure demonstrates the strength and dynamism of the forces of democracy and reform. And yet, it took the courage of individuals to avert the relapse into totalitarianism. Those who were behind the *coup* underestimated the forces they were up against, just as others at the time were surprised when the urge for freedom and democracy prevailed in the dockyards of Gdansk, on Wenceslaus Square in Prague, in front of Ceausescu's balcony, and near the Berlin wall.

What we see is an emerging arch of freedom and democracy. When these values and ideals were put to a frightening test in the streets of Moscow, our hearts were with those who put their lives on the line. Geographic distance was of no relevance in the face of those events. I want to pay a special tribute here to the young people in this country, to their faith and strength, to the fire in their souls.

This positive outcome should not blind us to the instability and uncertainty which are inherent to rapid, I would say revolutionary, change such as now is sweeping through the Soviet Union and in Central and Eastern Europe.

The violent confrontations in some parts of Europe – I refer to Yugoslavia and Armenia – in recent months have shown that the evils of chauvinism, xenophobia and intolerance endure. There are still those who try to exploit these evils for their own ends.

They show that Europe clearly needs constant commitment to principles, and mechanisms which can be used to implement these principles and to cope with tensions and confrontations that seriously violate our common values.

## 2. Significance of the CSCE

In the opinion of the European Community and its Member States, on whose behalf I have the honour to speak today, the principles guiding the relations between the participating states and the commitments which have been laid down in the CSCE documents provide us not only with an ambitious agenda.

They are also a yardstick by which to measure the changes and the progress achieved.

As a result of the political changes in the Central and Eastern European countries, the human dimension of the CSCE has been raised to a qualitatively new level, outlined first in the Copenhagen Document and subsequently in the Charter of Paris. The notion of the human dimension has been broadened.

It now also refers to democracy and the rule of law.

Regarding the human dimension we have defined and elaborated, *inter alia*, the following principles which are pertinent today:

- We have established the principle of free elections and the accountability of the executive to the elected legislature or the electorate, to ensure that the will of the people serves as the basis of the authority of government. This could be specified by the provision that the legitimacy of every government derives ultimately from the popular mandate.
- We have also formulated the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law.
- Another important point is the separation between the state and political parties. The merger of the two has been shown to be incompatible with democracy.
- Furthermore, in Copenhagen we agreed that the military forces and the police will be under the control of, and accountable to, the civil authorities. As events have shown, this must apply to all armed forces, including internal security forces, and the secret services.
- Moreover, it was agreed that everyone will have freedom of expression, including the freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers. President Gorbachev has described how he was informed about events during the period he was kept in confinement. He listened to the BBC. President Yeltsin was able, through the media, to address the people in Moscow, and eventually in the Soviet Union as a whole, thereby contributing significantly to the failure of the *coup*. This highlights the importance of full implementation of CSCE commitments with regard to the activities of journalists, foreign and domestic.
- The people of Moscow, Sankt Peterburg and elsewhere have shown us what is meant by the provision that everyone will have the right of peaceful assembly and demonstration.
- By acting as they did, these people stood up for their rights and freedoms and exploited them in full. This underlines the importance of the principle that the individual should know his rights and be able to act upon them.
- Rights and fundamental freedoms amount to nothing if they can be suspended without proper justification. That is why the Copenhagen Document stipulates that the exercise of human rights and fundamental freedoms will not be subject to any restrictions except to those which are provided by law and are consistent with states' obligations under international law.
- A last example. In order to protect their rights, citizens of the participating states must have the possibility of access to a judge or other officer authorized by law to exercise this function. This access is only meaningful if the independence of the judiciary is ensured. The international standards in this regard should obviously be respected.

## 3. Implementation

Mr Chairman, the CSCE has always had a dual function regarding the human dimension: standard-setting on the one hand and monitoring of implementation on the other.

The participating states dispose of a number of tools of monitoring: the mechanism of the human dimension, the implementation debate during CSCE meetings, and the discussions in the political organs of the CSCE. Time has come in our opinion for some of these instruments [to] be strengthened, some could be linked to others.

In this context I would like to note that the Charter of Paris states that the human dimension mechanism has proved its usefulness, and that the participating states are consequently determined to expand it. The European Community and its Member States hope that this meeting will lead to new procedures involving, in the context of the mechanism, the services of experts, and to new provisions which allow for individuals to play a role in the protection of their own rights. We certainly intend to contribute actively to this.

This meeting in Moscow will be the last one of the three provided for in the Concluding Document of Vienna. The Helsinki Follow-up Meeting of 1992 will, I hope, decide to carry on with the tasks of the Conference, taking account of its results, the new structures and institutions of the CSCE process, and the range of subjects which now make up the human dimension.

Recently, a third function has been added to standard-setting and implementation, and that is the practical cooperation in consolidating what has been achieved in the field of human rights, democracy and the rule of law. The seminar of experts on democratic institutions, which will take place in Oslo in November next, will, I am sure, be a good opportunity for this third function to be exercised. We look forward to the contribution which the Council of Europe with all its experience in this field will make to the Seminar.

However, it is imperative that attention be focused on the implementation of CSCE commitments. The participating states should continue to hold each other responsible for ensuring due compliance with the letter and spirit of the commitments. This still holds true, despite the vast improvement in the situation in Europe compared with the past.

We are concerned by the clashes, for instance, between Armenians and Azeris, and the deportation of Armenians from Nagorno-Karabakh. They induced the European Community and its Member States to submit a request for information under the human dimension mechanism. The subsequent response by the Soviet authorities at the time, although welcome in itself, did not alleviate our serious concerns. The European Community and its Member States call for a peaceful solution to this situation, based upon respect for human rights. This conference presents a good opportunity to discuss this matter.

The violent confrontations in Yugoslavia do not leave us indifferent either, as has been shown and still is being shown by the intense involvement of the European Community and its Member States in the efforts to solve the crisis. To this end, we helped to reach a cease-fire, agreed to assist in monitoring the implementation of the agreement between the Yugoslav parties, and convened the Conference on Yugoslavia in the Peace Palace in The Hague.

Our aim is to bring peace to all in Yugoslavia and to find lasting solutions which do justice to legitimate concerns and aspirations. All the participants to the conference on Yugoslavia agreed that a peaceful settlement must be based on the principles and commitments agreed upon in the CSCE process. Moreover, it was agreed that changes of frontiers which have not been brought about by peaceful means and by agreement will not be recognized.

Although our attention as far as Yugoslavia is concerned is at present focused on the events in Croatia, we must not forget that the situation elsewhere in the country is very serious as well.

In this context, Kosovo immediately springs to mind. The state of affairs in that part of Yugoslavia has been exacerbated by the suspension of the autonomy of Kosovo, which has led to a critical situation.

#### 4. Minorities

Mr Chairman, recent events, as just mentioned, illustrate that ethnic conflict and the way in which minorities are treated in some participating states remain causes for concern and a threat to peace and stability in Europe.

The existence and aspirations of minorities, disregard for their specific minority rights, the treatment they are sometimes subjected to, and the problems this can entail, are liable to create tension and conflict not only within, but also between states.

It is alarming that some states apparently still have the idea that violence and oppression can solve their problems with minorities. They are wrong. Measures to restore order by means of brutal force are politically counter-productive. They may appear to restore order. But all parties concerned will become more irreconcilable: and the road towards a solution acceptable to all parties will become increasingly impassable.

The alternative approach -- which is more complex, but ultimately more rewarding -- is to seek to define the rights of persons belonging to minorities, to be exercised and enjoyed individually as well as in community with other members of their group, and try to reach agreement as how they should be safeguarded.

The aim must be to create relationships between the majority and minority communities such that persons belonging to minorities are able to exercise their rights. Questions relating to national minorities can only be satisfactorily solved in a democratic political framework based on the rule of law, with a functioning independent judiciary.

All European states are entitled to take part in the CSCE. However, standards must be met. The status of a participating state does not only, or even in the first place, confer rights on the state concerned: it primarily entails duties and commitments. That is notably true of the human dimension of the CSCE process.

The participating states can and will formulate conditions before a state will be accepted as participant. If new independent states are created, the quality of our relations with them will depend to a high extent on the degree to which they will comply with the CSCE commitments, notably those of the human dimension: pluralist democracy, the rule of law, and respect for human rights including those of persons belonging to minorities.

#### 5. Baltic States

Mr Chairman, the European Community and its Member States have consistently supported the restoration of the sovereignty and independence of the Baltic States. They have finally resumed their rightful place among the nations of Europe.

We warmly welcome Estonia, Latvia and Lithuania in the CSCE and their acceptance of all documents of the Conference on Security and Cooperation in Europe and of the commitments contained therein.

#### 6. Albania

We are also pleased to welcome Albania today. The results of the CSCE fact-finding mission which will visit the country within a week will help us in determining how we can be of assistance, so that Albania can carry out the full implementation of CSCE commitments which is incumbent on every participating state.

## 7. Council of Europe

Mr Chairman, in discussing human rights, democracy and the rule of law, and minorities, who can forget the Council of Europe, which now has 25 states as members, Hungary and Czechoslovakia having recently acceded and Poland standing on the threshold. The Council is gradually becoming more and more involved in the CSCE process. The Copenhagen document explicitly recognized its contribution where the human dimension is concerned, and the Council of Ministers decided in Berlin that the Council of Europe should contribute to the present meeting in its own right.

The European Community and its Member States welcome the Council here today and hope that it will put its specific achievements and expertise at the disposal of the CSCE states.

The Council of Europe can play a useful role within the CSCE framework without having to abandon the specific legal character of its instruments.

The Council must of course continue to exist in its own right alongside the CSCE, which is evidently of a very different nature, given the political character of the CSCE negotiations and agreements, its broader field of operations, its concern to preserve a balance between the military and the human dimension, and the much larger number of participating states of the CSCE.

In this way, the Council of Europe and the CSCE can complement each other and each provide its own contribution to security and cooperation in Europe. The CSCE can form a bridge between the Council of Europe and those states which are not or not yet members. What we must avoid, of course, is the duplication of the work of the Council within the CSCE framework, or divergence in their respective systems of norms and values.

## 8. Access of NGO's and Media

Mr Chairman, allow me to salute our hosts who during this meeting will have, the by no means easy task to accommodate the wishes of 38 delegations. The ancient and beautiful city of Moscow by itself is an asset any host would wish to have for his conference. We have already experienced the warm welcome of our hosts, which makes us feel at home.

We are certain that this hospitality will also be extended to those non-governmental organizations, media and members of the public who wish to attend during the meeting.

Access to the Meetings of the Conference on the Human Dimension of the CSCE for non-governmental organizations, the media and the members of the public is of great importance. They must have the opportunity to attend the conference's public meetings and above all to make contact with the national delegations on the conference premises. The programme of parallel activities, however interesting and comprehensive it may appear to be, can never be a substitute.

## 9. Conclusion

Mr Chairman, we are marching with history. In Paris, the standards we set echoed ideals which had been put into writing two centuries earlier. The Berlin setting of the meeting of the Council of Ministers made us reflect upon the rise and fall of two totalitarian systems which caused so much suffering in this century. Today, our thoughts go back to historic events which transpired merely a few weeks ago, here in Moscow. And as we did in Paris, we pay tribute to the courage of men and women, the strength of the will of individual people and the power of ideas. Thank you Mr Chairman.



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**91/262. Statement concerning the situation in the Soviet Union**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of the Council:* Mr President, the failure of the *coup d'état* of 19 to 21 August brought major shifts of power in the Soviet Union in its wake. The *coup* produced the exactly opposite effect of what its instigators hoped to achieve. The success of the popular protest gave the Russian people new self-confidence which will be difficult to curb. The re-establishment by force of law and order in the country together with the curtailment of democratic freedoms was obviously seen by many as no longer an acceptable remedy for the frail economy.

The result is that the position of the conservatives in the Soviet Union has been seriously weakened. President Gorbachev has solemnly promised that he will not make any more concessions to the conservatives. The President of the Russian Federation, Mr Yeltsin, has not merely strengthened his moral authority but his formal position together with that of the Russian Republic has been extraordinarily boosted. Thus various Union institutions on the territory of the Russian Republic have been put under the authority of the Russian Republic and various Union functions filled by officials from the Russian Republic.

The Presidency welcomed Yeltsin's commendable action during the *coup d'état*. But that in itself does not establish democracy. That process has yet to take place. His action has given rise to an increase in nationalistic sentiments in the Soviet Union as a whole. We can only hope that in the months ahead the process will settle down into more regular patterns.

The first tangible consequence of the shift in power in the Soviet Union is seen in the relationship between the Union and the individual republics. The original Union Treaty, which was due to be signed the day after the *coup*, is no longer acceptable. The various republics hurried to strengthen their own position in the negotiations. Eight of the fifteen republics have declared their independence since the start of the *coup*. Two had done so earlier. For the very first time President Gorbachev took the opportunity to speak publicly about possible forms of cooperation with the republics which were leaving the Union. And in the meantime three republics, the Baltic republics, have left the Union and had that fact recognized by the Soviet Union on 6 September. The definition of the term 'independent' as used by the various republics is not always particularly clear. The term does not necessarily mean complete sovereignty without any links with the Union. Apart from the Baltic States it is really only Moldavia which has declared total independence and may well look in the future to joining with Romania.

On Monday 2 September the extraordinary Congress of People's Representatives was taken aback by a proposal for a new structure for the Soviet Union which Gorbachev and the leaders of ten Union republics had agreed on the day before. On 5 September the Congress abolished the old power structures in the Union. During the transitional period, until such time as a new Union Treaty is concluded and a new constitution established, the Union will be in the hands of a collective leadership under Gorbachev, more or less under the supervision of the Supreme Soviet of the Union which is dominated by the republics. An inter-republican economic committee is responsible for the economic policy of the republics and the implementation of economic reforms. The economic cooperation agreement should be possible under more radical reform. That is what we can expect, in view of the composition of the economic team which will emerge in the next few months. The extremely serious economic crisis is one of the major problems facing the Soviet Union. Aid from the West should concentrate in the short term on food shortages, health care and

the like. In the longer term it should concentrate on measures which fit into the reform process. The Commission is currently studying which measures could be considered.

In view of the greatly enhanced influence and authority of the individual republics it is both desirable and necessary to strengthen our relationships with them. We must consider how to do that without giving the impression that these states also wish to be recognized as independent. It was also decided at the extraordinary meeting of the European political cooperation of 27 August that the recognition of the Baltic States through the establishment of diplomatic relations does not create a precedent for other republics of the Soviet Union which declare independence. That brings me to some comments on the activities of the EPC to date in relation to the Soviet Union.

The West has condemned the *coup d'état* in the Soviet Union. The European political cooperation did so in a declaration of 19 August<sup>1</sup> and again in an extended declaration after the extra-ministerial EPC convened in The Hague after the *coup*.<sup>2</sup> In the latter declaration economic cooperation with the Soviet Union was suspended, the holding of the Conference on Human Rights in Moscow was made dependent on an improvement in the situation and a number of other measures were taken. These measures were rescinded in an EPC statement on 22 August when it became clear that the *coup* had failed.<sup>3</sup>

Although the *coup* attempt was condemned, the recommendation to restore democracy was welcomed, not only with regard to the Soviet Union but equally with regard to the vulnerable countries of Central and Eastern Europe. The aim of aid to the Soviet Union must be clearly defined. If we assume that our objective should be to encourage the democratic forces in the Soviet Union and ward off instability, then the recommendation should be quickly transformed into emergency aid and the supply of consumer goods. The reason for this is that the continuing economic problems facing ordinary people help to destabilize the domestic political situation. Emergency aid should be given as a free gift so that the West, not only the EEC countries but also the US and Japan for example, make an unequivocal gesture towards the Soviet Union.

In the longer term we must think in macro-economic terms and adopt a sectoral approach, such as in the Lubbers plan for energy cooperation or credit undertakings, for example. Consideration should be given first and foremost to implementation through multilateral channels.

I assume that the Commission will take the opportunity of going into cooperation with the Soviet Union in greater detail. But I would just add that cooperation should also be put in a wider context, of the G-7 for example; we must coordinate our activities on a wider international scale as we are seeking a fair sharing of the burden of the total wealthy part of the world, and not of the European Community alone. When we talk about the coordinating role of the EEC or the Commission and draw a parallel with the G-24, then the inevitable conclusion is that the burden has been put very much unequally on the shoulders of the European Community if you consider the total share of the EEC in the role of the G-24. That is not a problem in itself for Eastern Europe, but it does become a problem when we realize the extent of the problems of the Soviet Union.

So much for my comments on relations with the Soviet Union. I assume that the Commission will develop the other issues such as the position of the EBRD and other relevant matters, such as possibly extending the market to the Soviet Union.

I do not know whether you intend to include the Baltic States in this discussion on the Soviet Union. I think it would be useful in view of developments in the last few weeks. The Member States of the Community have meanwhile recognized the independence of the Baltic States and declared their willingness to enter into diplomatic relations with them. On Friday of last week, 6 September, a meeting took place with the Foreign Ministers of the three Baltic States on the sidelines of a General Council meeting in Brussels, during which the President of the Council expressed the determination of both the Community and the individual Member States to help the

Baltic States reintegrate into the international community and to fulfil their role in the European institutions with special emphasis on the CSCE and the Council of Europe. Minister van den Broek also declared that the Community was prepared to aid the three Baltic States in their reform process and development, with particular reference to the G-24 and the PHARE programme. The Baltic ministers on their part emphasized the desirability of beginning negotiations quickly on the association agreements. All three declared their determination to institute reforms within the framework of a market economy.

I would draw your attention to a particular problem in the context of the Baltic States, for even after their independence from the Soviet Union there are still many problems about their existence which will have to be settled with Moscow. Not only the withdrawal of Soviet troops but also financial and economic issues, including the public debt, all these are part of the relationship with Moscow which is yet to be defined. I hope that can take place during constructive negotiations. In view of the intertwining of the Soviet economy with that of the Baltic States a more permanent form of cooperation is undoubtedly called for.

The Baltic States will then have to join the international organizations to which they are entitled, particularly the CSCE, the UN and the Council of Europe. It is assumed that accession to the CSCE will take place in Moscow during the conference on Human Rights. On the UN, I can inform you that on 3 September the permanent representatives of France and the United Kingdom handed the Secretary-General three letters in which the three Baltic States request membership of the UN and urge speedy consideration of their application, so that the three Baltic States can attend the coming General Assembly of the UN as members. It goes without saying that the Baltic States are extremely welcome in the Council of Europe as soon as they meet the criteria laid down for membership of that Council. That, I think, concludes my report and recommendations on developments since the *coup* in Russia and the Baltic republics.

<sup>1</sup> *EPC Bulletin*, Doc. 91/074.

<sup>2</sup> *EPC Bulletin*, Doc. 91/076.

<sup>3</sup> *EPC Bulletin*, Doc. 91/078.

**91/263. Question No H-689/91 by Mr Barros Moura concerning EEC/ASEAN and human rights violations in East Timor**

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Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

To what extent did the recent meeting of the EEC/ASEAN Council of Ministers, at which the Indonesian Foreign Minister, Mr Alatas, spoke on behalf of ASEAN, discuss that country's violation of human rights through the illegal occupation of and organized genocide in East Timor?

*Mr Dankert, President-in-Office of European political cooperation:*

[...]

Now I come to Mr Barros Moura's question on EEC/ASEAN and violations of human rights in East Timor. At the ninth EEC/ASEAN ministerial conference in Luxembourg in May 1991 an extraordinary amount of attention was devoted to the question of human rights. The Ministers spoke about developments in Burma and Vietnam and I notice that on that occasion East Timor was not discussed. During the meeting the Indonesian Foreign Minister, Mr Alatas, speaking on behalf of

the ASEAN countries, stressed that civil and political rights, economic and social rights, are inseparably and mutually linked. He could not justify preferring one category to another. He emphasized that the ASEAN countries accepted and recognized the universal value of certain fundamental rights and freedoms, but that national jurisdiction had to be given preference where implementation was concerned. A lack of balance between individual human rights and the obligations of individuals with regard to their community could, in Mr Alatas's opinion, lead to a devaluation of the rights of the community in general and to instability and anarchy, in particular in developing countries. The Indonesian Foreign Minister also emphasized that in an evaluation of the application and implementation of human rights in individual countries, other factors needed to be taken into consideration, such as the national scale of values together with the real social, economic and cultural situation in the country.

The Community and the Member States, for their part, naturally stressed their conviction that the promotion and protection of human rights was an essential cornerstone of their relations with other countries and was a legal and permanent duty of the world community including all states both individually and collectively. I am referring here, as you appreciate, to the initial points which were further elaborated in the declaration on human rights adopted by the European Council in June 1991 in Luxembourg.

Finally I can assure the honourable Member that the Community and the Member States will continue to follow closely the situation with regard to human rights in East Timor and will ensure that the Indonesian authorities are continually reminded of the importance which the Community and its Member States attach to a scrupulous respect for human rights. The Member States of the Community remain convinced that a comprehensive and internationally accepted settlement in East Timor can best be attained under the auspices of the United Nations. They therefore confirm our support for the contacts between Portugal and Indonesia under the auspices of the Secretariat General of the United Nations and express the hope that they will lead to a solution compatible with the basic principles of the UN Charter and with respect for the lawful interests of the population of East Timor.

*Mr Barros Moura (CG):* I gather, listening to the reply from the President of Political Cooperation, that the introduction of this proposal here, before the European Parliament, had a certain importance, since it allowed the Council to explain a set of principles about the need to respect human rights in all latitudes, principles which, unfortunately, seem to me to have been overlooked in a succession of statements from the EEC/ASEAN meeting.

The President of Political Cooperation tells me that in fact the Ministers made no statement about Timor although they did make statements about Burma and Afghanistan. I wonder whether it might be imagined that, owing to the economic power of Indonesia and the fact that it has oil, the references to its infringements of human rights in East Timor were overlooked, and whether in this sphere two kinds of weights and measures are permissible. So I shall finish by asking what the Portuguese Government has done in these circumstances.

*Mr Dankert:* Having regard to the statement I made and to the texts adopted by the European Council on human rights – I referred to the European Council's June declaration on that point – I should like to stress that there is no question, as Mr Barros Moura suggests, of double standards in the European Community's approach. I assume that Indonesia too has taken clear note of the declaration made by the European Council.

*Mr Cravinho (S):* I should like to support the remarks of my honourable friend, Mr Barros Moura, and to say that I am astonished that the situation in Timor should have been absolutely ignored in the statement. How could it be possible to ignore the genocide which has slaughtered at least a third of the population of the island, genocide which was widely known and was the subject of a

number of resolutions approved in the European Parliament, in the Council of Europe and in the Security Council of the United Nations?

There really are two kinds of weights and measures. That is undeniable. And moreover since that ASEAN meeting there has been a meeting in which the EEC, Japan, the United States, Indonesia and other countries of the region took part, and in which once more the same mistake was made. So if in fact attention is being paid to the problem of human rights, it is certainly not in East Timor.

*Mr Dankert:* This is not the first time that the East Timor question has come up in this Parliament, and that further illustrates to the Indonesian authorities the justice of certain demands concerning human rights. I repeat that the European Council's declaration on human rights makes it completely clear to Indonesia also what the Community's position on this matter is.

*Mr Marques Mendes (LDR):* Mr President of Political Cooperation, I have heard the answers you have just given and have noted your reference to the need for an agreement to be reached under the auspices of the United Nations and the fact that the Council always takes account of human rights.

I should simply like to ask whether the Council always takes account also of the resolutions of the United Nations condemning the invasion of East Timor.

*Mr Dankert:* The Council is fully aware and constantly takes note of all existing United Nations resolutions on this point.

*Mr Habsburg (PPE):* Mr President of the Council, is not the Council's recent hesitation in this very question of East Timor due to the fact that the reports reaching the Council have shown that there have been substantial improvements recently as regards human rights in East Timor?

*Mr Dankert:* I should like to answer that question in the negative.

**91/264. Question No H-696/91 by Mr Brian Simpson concerning the visit by President Waldheim to the grave of the Ayatollah Khomeini**

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Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Have EPC considered the significance of the recent visit by President Waldheim of Austria to the grave of Ayatollah Khomeini?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* I must inform the honourable Member, as sometimes happens in this kind of debate, that the question concerned has not come up within the framework of European political cooperation. It would be strange if it had in fact done so.

*Mr Hughes:* It is strange that Piet Dankert should tell us tonight that it is strange that EPC would have considered this. In fact, EPC must consider such an act by the President of a country which is seeking membership of the European Community. This visit was a repugnant act in view of the

level of human rights abuses in Iran under Khomeini, abuses which are continuing under Rafsanjani. Would the President-in-Office not go further and say that, in view of Iran's role in international terrorism, the assassinations last year, the recent assassination in Paris and the level of human rights' abuses recently recognized by the UN Human Rights Subcommittee, it would be wrong for any EC Head of State or the Troika to visit Iran and give this regime credence until it recognizes officially accepted standards of human rights?

*Mr Dankert:* The honourable Member is anticipating events a little, because my impression is that Austria has not yet joined the Community. The Community is not therefore actually responsible for what the Austrian President does or what visits he pays.

I should like to add that in the framework of European political cooperation we do jointly whatever needs to be done together from the point of view of European responsibility. It is already hard enough, when you note how stormy the international world has been in recent times, to arrive at a Community line. I should not like to bring in superfluous matters. I think it is best for Member States to have the freedom to think their own thoughts on certain things. That does not need to be laid down in resolutions in the framework of European political cooperation. That only produces more paper.

*Mr Nordmann (LDR):* In spite of the answer Mr Dankert has just given, I should like to associate myself with Mr Hughes's questions, because although it is true that Austria is not yet part of the Community, it has applied to join, and the Commission has just delivered an opinion which, technically speaking, sees no obstacle to Austria's accession.

But does not President Waldheim's conduct amount, at least for the time being, to a political obstacle to accession, an obstacle to the evaluation of the altogether special situation of Austria, which, let us not forget, is the third German state to emerge from the Third Reich and which, unlike the Federal Republic and even, to a certain extent, unlike the former GDR, was not 'denazified' – which constitutes an obstacle, and a major one at the political level, to its accession?

*Mr Dankert:* The honourable Member comes from a country in which national sovereignty is not an unknown concept. I should like to leave the Austrians the sovereignty to judge their President's actions for themselves. We do not always need to do that for them. In addition there is the fact that as I understand it the Austrian President is subject to Austrian authority and Austrian political control. Austria's democracy is such that I can best leave that to the Austrians.

*Mr Ephremidis (CG):* The tactics with which the President-in-Office has answered are strange, not to say unacceptable. Mr Waldheim was elected and occupied the position of Secretary-General of the United Nations, and indeed he was elected by the votes of the twelve Community countries. It follows that what he did or did not do is also the responsibility of the twelve countries that elected him.

Secondly, Austria is the country which, under the Presidency of Mr Waldheim, who is looked at askance because of his Nazi past, is submitting an application for accession to the EEC. The Commission and the Council are favourably disposed, and that gentleman is behaving unacceptably when he goes to pay his respects at the tomb of a fanatical Islamist, an act which could spark off a pan-Islamic campaign with unforeseeable consequences for Europe. Does the President-in-Office have no attitude to the matter? I ask him at least to explain why that is not his personal responsibility or his responsibility as a representative of the Netherlands, but a European responsibility.

*Mr Dankert:* As President of the Council I find it extraordinarily hard to express an opinion on what Mr Ephremidis just called 'visiting the graves of fanatics', because if the Council is required

to do that I think we can issue very many statements every Question Time since the world does produce fanatics from time to time. I do not wish to go into that. But following on from Mr Nordmann's question I should like to say that as far as I know, as regards Austria's accession to the Community, the present President of Austria is not a candidate in the presidential elections which are shortly to be held in Austria.

**91/265. Question No H-715/91 by Mr McMillan-Scott concerning the Community's relations with Romania**

Date of issue: 11 September 1991

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Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In the light of Romania's conclusion of a Treaty of Mutual Cooperation and Friendship with the Soviet Union, does EPC agree that it would not be appropriate to approve Romania's request for the conclusion of an Association Agreement, as proposed by Mr Eugen Dijmarescu, the Romanian State Minister, during his visit to Brussels on 30 May 1991, particularly in the light of the rejection by Poland, Hungary and Czechoslovakia of similar treaties proposed by the Soviet Union?

*Answer:*

During the many occasions over the past few months that the honourable Parliamentarian has animated the debate on Romania, the Presidency has commented on a variety of aspects concerning developments in post-Ceausescu Romania.

At the June session of Parliament, in response to a question by the honourable Member regarding the Romano-Soviet Mutual Cooperation and Friendship Treaty<sup>1</sup>, my predecessor explained that the Romanian Government was firmly of the opinion that the provisions of this treaty, including article 4 concerning bilateral relations in the field of security, were entirely in conformity with the CSCE and the UN Charter and could, therefore, not be considered to go against the rights and interests of other States. At the same time, Parliament was assured that the Community and its Member States would continue to follow closely developments in Romania.

The recent dramatic events in the USSR have once again underlined the importance of stability and security for economic and institutional development in Eastern and Central Europe and for fruitful cooperation between the countries of Europe as a whole. The Community and its Member States have all along sought closer ties with their Eastern European neighbours, and negotiations formalizing their relationship with Poland, Czechoslovakia and Hungary through association agreements were already in an advanced phase when the *coup d'état* in Moscow was staged. The infamous three days in August only helped to strengthen their desire to conclude association agreements with these countries in the near future and give renewed impetus to the on-going process of integration in Europe.

In the same spirit, the Community and its Member States at their meeting on 20 August 1991, reiterated their full support for the process of reform in Bulgaria and Romania expressing their desire to reinforce their ties with those countries. Following this declaration, the General Affairs Council on 6 September 1991 asked the Commission to make the necessary preparations with a view to expanding cooperation with both countries.

<sup>1</sup> EPC Bulletin, Doc. 91/176.

**91/266. Question No H-727/91 by Mr Robles Piquer concerning the Spratly Islands**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Can the Ministers provide any information on the tension which has arisen with regard to the Spratly Islands in the South China Sea and on the efforts being made towards an agreement, particularly through the conference due to be held in July 1991 in Bandung, on the initiative of Indonesia?

*Answer:*

Tension has occasionally risen in the area as the result of competing claims.

The Indonesian Government has been active in seeking a solution to the problems of the area. In January 1990 it hosted an informal seminar on the island of Bali attended by representatives from the ASEAN countries and Canada. It subsequently hosted a 'Workshop on Managing Potential Conflicts in the South China Sea', 15 to 18 July in Bandung. 66 experts from the six ASEAN countries, Laos, Vietnam, China and Taiwan took part (some Canadians also attended as a 'resource delegation'). A final joint statement was produced couched in terms of recommendations to parties concerned, the main points of which were to explore areas of practical cooperation without prejudice to territorial and jurisdictional claims, and to resolve any such disputes by peaceful means.

**91/267. Question No H-753/91 by Mr Dessylas concerning putting an end to the mass death sentences being handed down by Kuwaiti courts**

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Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Amnesty International recently delivered an urgent appeal condemning as unethical the mass trials culminating in death sentences now taking place in Kuwait (the first 13 persons have already been sentenced to death) and calls for immediate measures to put pressure on the Kuwaiti authorities to: (a) commute the death sentences and (b) comply with international standards and ensure that defendants enjoy all the procedural guarantees provided for in international conventions on human rights.

What steps have the 12 Foreign Ministers meeting in EPC made – or are they about to make – to comply with the urgent appeal made by Amnesty International and make representations on this matter to the Kuwaiti authorities?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* Since the liberation of Kuwait the Community and the Member States have been paying great attention to human rights in Kuwait, including those of the Palestinian community. On many occasions, and in particular at the time of the ministerial meeting between the EC countries and the Gulf Cooperation Council in May this year in Luxembourg and by means of repeated *démarches*, one of them very recent, the



Kuwaiti authorities have referred to the importance they attach to respect for human rights. The Community and the Member States have in particular expressed their deep concern with regard to the course of legal proceedings and the state of public order in Kuwait. They have called for greater respect for legal procedures, in particular as regards the right to legal assistance. They have expressed the hope that the internationally recognized rules during legal proceedings should be respected, that no death sentences should be pronounced or else that they should be commuted to imprisonment. The Community and the Member States have also expressed their concern on many occasions about the deportation of Arab citizens, in particular Iraqi Shi'ites and Palestinians.

Although we must closely monitor the observance of fundamental human rights in Kuwait, recent reports indicate a rather more favourable trend. On 26 July the Kuwaiti authorities raised the state of siege and commuted death sentences to imprisonment. Progress, at least to some extent, may be noted at the moment in the prison system. Legal proceedings are moreover no longer leading to wholesale death sentences. That does not prevent the Community and the Member States from continuing to follow developments closely, and in particular from expressing their disquiet as soon as cause arises in relation to the deportation of residents not possessing Kuwaiti nationality or of Palestinians. The problems arising in Jordan owing to the return of many Palestinians are receiving our particular attention.

*Mr Desyllas (CG):* I am not satisfied by the President-in-Office's answer to my question. I am not asking what was not going on in May, or whether he is concerned, or whether he is interested in legal aid or the expulsion of Indians, Palestinians, etc. So far as that is concerned, he is right to be concerned and to be interested about the expulsions. But here, I am asking a specific question: there is an appeal by Amnesty International, directed to all, including the EEC and therefore the Twelve too, on specific issues. Of course, it is calling for immediate intervention by the EEC as well with the degenerate, in my opinion, feudal regime of the sheikhs of Kuwait, to persuade them to commute the death sentences. All the death sentences. To abolish the death penalty and give legal guarantees to those persecuted and on trial, on the basis of international norms and international agreements and for the protection of human rights.

And I ask: what specific approaches are to be made to the degenerate regime of the sheikhs of Kuwait in response to Amnesty International's appeal, by the Community, the Twelve, and by Mr Dankert himself, who I remember used to be in favour of abolishing the death penalty?

*Mr Dankert:* Quite honestly I do not understand the honourable Member's agitation. I have stated what EPC policy is with regard to Kuwait. The honourable Member has recited a list of points to which, according to Amnesty International, that policy should also be applied. I thought the specific points I mentioned here coincided perfectly with the points laid down by Amnesty International as a basis for policy, with which we thus largely agree.

*Mr Habsburg (PPE):* Mr Dessylas is not entitled to call the Kuwaiti Government corrupt, particularly since there have also been scandals in European states too, even closer to his home.

But these are my questions to the President of the Council: First, is it true that since our Community has intervened, no further death sentences have been carried out? Secondly, is it not, in international law, the right of a state to deport those foreigners who have collaborated with the occupying authorities in that state and have committed various crimes, or where at least there are grounds for suspecting that they pose a threat to the state's internal security?

*Mr Desyllas (CG):* Mr President, I would like to say something on a personal note. First, I am a Member of the European Parliament, and I have the same rights as any other Member including Mr Habsburg. Secondly, I am proud to be Greek, and proud that we abolished the monarchy by referendum in 1974 in Greece.

*Mr Dankert:* I have already answered Mr Habsburg's question about steps taken by the Community and commuting death sentences, so I can reply in the affirmative – and to the second question as well, but there I should like to make a qualification. The question is how this possibility is interpreted, and my impression, which therefore covers the last part of my answer, is that the authorities in Kuwait are interpreting that possibility much more broadly than is necessary from a humanitarian point of view.

*Mr Andrews (RDE):* First of all, I agree with the previous speaker that the regime in Kuwait is corrupt. What is happening there boggles the mind, and there is a deplorable lack of support for the Palestinians who have been persecuted in Kuwait and expelled from the country for no reason at all. Mr Habsburg talks in terms of collaboration. There was absolutely no collaboration by the vast majority of the people who are now being persecuted. There is no question about that. It is a shame that people can stand up in this House to defend the persecution of the Palestinians! They have had enough persecution in the Occupied Territories without us involving ourselves in a similar witch-hunt.

I would like to ask the President-in-Office if he is serious about his replies to the questions which have been put to him in a reasonable way about the situation in Kuwait. There is no doubt that the Community, and indeed Mr Dankert himself, as has already been said, have been against the death penalty. I think the vast majority in this House are against the death penalty. It is an awful shame that you have to come here and take somebody else's brief. Can't you stand up and say what you really believe and not what your Government is telling you to believe about Kuwait, or what the Americans are telling us we should believe about Kuwait?

*Mr Dankert:* Sometimes it is a happy coincidence that personal feelings and agreement among the Twelve coincide. As I said before, and I think Mr Andrews knows this, I objected to the manner in which the Kuwaitis interpret the right to expel people. I have clearly stated that I think there is abuse, and the Community has made representations against such an extensive interpretation of the right of the Kuwaitis to expel people who have not been collaborators and who are not a security risk to the Kuwaiti Government, as has happened time and again.

**91/268. Question No H-770/91 by Mr von Habsburg concerning the situation in Andorra**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The Community has rightly called on the states of Central Europe to introduce a multi-party system.

Andorra is situated in the midst of the Community.

What view do the Foreign Ministers meeting in EPC take of the fact that the Government of Andorra has still done nothing – even after the agreement with the Community – to introduce at long last the law authorizing the formation of political parties?

*Answer:*

The question raised by the honourable Member has not been discussed in the EPC framework.

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**91/269. Question No H-771/91 by Mr Pierros concerning the accession of Greece to the WEU**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The conclusions of the European Council meeting in Luxembourg on 28 and 29 June 1991 specifically refer to the decisive role of the WEU in the process of European unification.<sup>1</sup> Greece, which is not a member, has officially expressed its desire for membership on a number of occasions. It aspires in this way to contribute in a permanent and systematic manner to endeavours to shape the Community's approach to defence. What measures do the Foreign Ministers meeting in EPC intend to take to satisfy this request which is absolutely just and indispensable from the point of view of defence policy?

*Answer:*

The specific question raised by the honourable Member is not within the competence of EPC.

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<sup>1</sup> EPC Bulletin, Doc. 91/193.

**91/270. Question No H-772/91 by Ms Ruiz-Gimenez Aguilar concerning the world conference on the environment in Brasilia**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In the light of the forthcoming world conference on the environment, which is to take place in Brasilia next year, could the Council meeting in European political cooperation say what proposals and initiatives are being prepared by the Community for this conference?

Does the Council not consider that it would be useful to hold a ministerial summit with the Rio Group, to coincide with the year 1992, devoted specifically to studying possible means of cooperation between the European Community and Latin America in the field of the environment and natural resources?

*Answer:*

As the United Nations Conference on Environment and Development (UNCED), to be held in Rio de Janeiro in late spring 1992, is being prepared in the appropriate fora, the specific aspects of the question are not principally dealt with in the framework of European political cooperation. However, common Twelve positions are likely to be coordinated within EPC. This concerted approach within EPC also inspires Twelve experts at the United Nations.

Concerning the second volet of the question raised by the honourable Member, the Presidency wishes to recall that, on the occasion of the first institutionalized Ministerial Meeting between the European Community and the Rio Group, held in Luxembourg on 26 and 27 April 1991,<sup>1</sup> the

protection of the environment has been retained as an important area of cooperation. Ministers recognized that the future well-being of mankind would largely depend on its success in reconciling the protection and restoration of natural ecological balances with the needs of economic development.

In the conclusions of the Luxembourg meeting, EC and Rio Group Ministers 'decided to hold consultations and cooperate closely on environmental protection and, specifically, to confer together as closely as possible before and during the United Nations Conference on Environment'.

At this meeting, the EC and Rio Group Ministers gave priority to problems related to the protection of the ozone layer, global warming, cross-border flows of dangerous waste, acid rain and the protection of forests and marine eco-systems. They also expressed their concern with regard to the preservation of biological diversity, air pollution and reducing waste production. They furthermore 'welcomed the joint progress made by the Brazilian Government, the European Community and the World Bank in setting up a pilot project for Brazilian Amazonia which would be the first step in a broader programme for the whole Amazonian region'.

The Community and its Member States are of the view that the forthcoming informal Ministerial Meeting with the Rio Group in the margin of the 46th UN General Assembly as well as the second institutionalized Ministerial Meeting between the EC and the Rio Group in Chile in April 1992 will prove good opportunities for pursuing their efforts in the achievement of shared objectives, notably the protection of the environment through the common preparation of the United Nations Conference on Environment and Development.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/123.

**91/271. Question No H-778/91 by Mr van der Waal concerning the persecution of Christian converts in Egypt**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

On 15 May I drew attention to the plight of Muslims in Egypt who have converted to Christianity.

On 12 June I received an answer to my question (H-532/91)<sup>1</sup>. The gravity of the situation has since been highlighted once again by a recent press report (*Nederlands Dagblad* of 6 July 1991) that two Christians have just been murdered because they were probably involved in converting a Muslim. The convert also received death threats and was forced by a crowd of extremist Muslims to recant and show his repentance.

Do the Foreign Ministers meeting in European political cooperation not see any way of making stronger representations to the authorities concerned than those outlined in their answer of 12 June 1991?

*Answer:*

The cases mentioned by the honourable Member have not been discussed within European political cooperation.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/177.

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**91/272. Question No H-795/91 by Mr McMahon concerning political cooperation with Norway**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Can the Ministers meeting in Political Cooperation outline to the House what matters were discussed at the informal meeting with the Government of Norway on the subject of Political Cooperation?

*Answer:*

With reference to the question posed by the honourable Parliamentarian, I can inform him that the consultations between the Netherlands' Minister of Foreign Affairs and his Norwegian counterpart, which took place on 5 July, were of a bilateral nature and were focused on topical issues.

**91/273. Question No H-832/91 by Mr Arbeloa Muru concerning relations with Albania**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Following recent political developments, does the Community plan to establish relations with the Republic of Albania and the Republic of Libya – the two Mediterranean countries with which it has no relations at present?

*Answer:*

Following Vice-President Andriessen's visit to Albania on 9 to 11 July, relations have been established between the Community and Albania. Since then, contacts with Albania have taken place on a regular basis, paving the way for increased cooperation. Exploratory discussions have taken place regarding a trade and cooperation agreement. Technical, food aid and emergency assistance to Albania are also under discussion in the Community framework. For further information regarding relations between the Community and Albania, may I refer the honourable Parliamentarian to the Commission.

The establishment of relations between the Community and the Republic of Libya has not been discussed within EPC.

**91/274. Question No H-837/91 by Mr Cushnahan concerning the future of European political cooperation**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In the light of the crisis in Yugoslavia, what do the Foreign Ministers see as the future role of European political cooperation in working for world peace?

*Answer:*

From the outset of the Yugoslav crisis, the Community and its Member States have been actively involved in the process of creating the appropriate conditions for peaceful negotiations between all the parties in Yugoslavia. The missions of the Troika, both at ministerial and official level, to this country; the Joint Declaration signed on 7 July in Brioni by the Yugoslav parties and the EC Ministerial Troika; the monitoring of the implementation of the cease-fire; the acceptance, on 1 September, by all parties, of the peace proposals of the Community and its Member States and the subsequent signing, that same day, of a new Memorandum of Understanding and Agreement on a Cease-fire, are proof of the positive role the Community and its Member States are playing in order to restore peace in Yugoslavia and to preserve the stability of the whole of Europe. This is a clear indication of what EPC can do and of the trend towards a common foreign and security policy.

The honourable Member is aware of the fact that all the aspects of the definition and implementation of a common foreign and security policy are at present discussed in the framework of the Inter-governmental Conference on Political Union. It will be up to the Conference to formulate conclusions on the changes necessary to ensure coherent and effective action in international affairs.

**91/275. Question No H-850/91 by Ms Piermont concerning EC's relations with Cuba**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The first Ibero-American summit took place on 18 and 19 July 1991 in Guadalajara (Mexico) with the participation of 19 Latin American countries and two EC Member States, Spain and Portugal. At this summit Colombia and Chile announced the establishment of consular relations with Cuba, while Mexico and others advocated Cuba's renewed membership of the OAS and the Cuban Foreign Minister stressed Cuba's willingness to join that organization. The second Ibero-American summit is scheduled to take place in Spain in July 1992; the Cuban Head of State, Fidel Castro, has been invited to attend and has already accepted the invitation.

Do the Foreign Ministers meeting in EPC consider that the participation of Spain and Portugal in this summit might provide an opportunity of achieving progress towards the establishment of normal relations with Cuba, do they consider the development of such relations to be a useful contribution towards reducing tension, particularly among Latin American countries, and does EPC see such relations as a means of increasing the scope for development in Cuba without encroaching upon the right to non-interference in internal affairs stressed by the Ibero-American summit?

*Answer:*

The Community and its Member States, while noting the holding of the first Ibero-American Summit of 18 and 19 July and its outcome, have not specifically taken up the matter among themselves.

They assume that the venue referred to by the honourable Member, bringing together a large number of Latin-American countries and two EC member States, has offered good opportunities for useful and constructive exchanges of views and ideas. The announcements made by some participants and the intentions and wishes expressed by others are certainly proof of the good will and

sense of initiative which have been increasingly characterizing the Latin American world over the last few years.

The Community and its Member States consider the attendance of EC countries who share a common heritage of history and culture with Latin-America a welcome and positive feature and are in a position to confirm that the representatives of both Spain and Portugal illustrated the approach of the Community and its Member States towards the Cuban question in the course of the Ibero-American Summit.

Concerning progress in the establishment of normal relations with Cuba and a possible scope for development in that country as suggested by the honourable Member, the Presidency wishes to recall the answer given to oral question No H-66[1]/91<sup>1</sup> at the July part-time session of this Parliament and which clearly stated that the unsatisfying human rights situation in Cuba could not but negatively affect the relations between the European Community and Cuba in general. Pending substantive changes in both the internal and external policy of Fidel Castro and his regime, the European Community will reserve its position on possible contributions to that country's economic and social development.

<sup>1</sup> *EPC Bulletin*, Doc. 91/220.

**91/276. Question No H-856/91 by Mr Harrison concerning imprisonment in Syria without trial**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers meeting in Political Cooperation agree to take up with the Syrian Government the cases of the five following Syrian doctors gaoled in Syria in April 1980 for participation in a peaceful demonstration against the emergency powers adopted by the Syrian State in 1973.

Could the Foreign Ministers establish the whereabouts and the well-being of the following: Muhammad as'ad Bisata [and] Ahmad Al-Bushi, both born in Aleppo, Muhammad Faiz Bismar, 'Abd Al-'Aziz Bin 'Abd Al Qadir Bitar, 'Abd Al-Majid Bin 'Abd Al Qadir Bitar[.]

*Answer:*

The cases mentioned by the honourable Member have not been discussed within European political cooperation.

The human rights policy of the Community and its Member States and the importance they attach to it in their relations with third countries are known by the Syrian authorities.

**91/277. Question No H-863/91 by Mr Crampton concerning alleged supply of arms to Iraq**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In view of the recent allegations that arms were supplied by the United Kingdom to Iraq after the invasion of Kuwait is this not the time to introduce regulations to ban the trade in arms and weapons altogether?

*Answer:*

The concern of the Community and its Member States about the stockpiling of conventional weapons out of all proportion to the legitimate needs of self-defence according to art. 51 of the UN Charter, particularly in certain regions of the world is amply illustrated by the declaration on non-proliferation and arms exports adopted at the highest level by the European Council of 28 and 29 June 1991.

On that occasion, Heads of State and Government expressed their belief in the need for immediate and far-reaching international action to promote restraint and transparency in the transfer of conventional weapons and of technologies for military use, in particular towards regions of tension.

The honourable Member is doubtless aware that the European Council expressed its satisfaction with the work in progress within the framework of European political cooperation, which has already resulted in a comparison of national policies on arms exports and has identified a number of common criteria on which these policies are based. These criteria should enable the Member States of the Community to define a common approach which, in the perspective of Political Union, would eventually lead to a harmonization of national policies.

The Community and its Member States attach particular importance in the framework of their internal consultations and within the competent international fora to transparency in conventional arms transfers. In this respect, they will table, at the 46th UNGA, a draft resolution with a view to establishing a UN Register on conventional arms transfers.

The Community and its Member States will consequently call on all States to support this initiative and others which aim to prevent the uncontrolled spread of weapons and military technologies.

**91/278. Question No H-864/91 by Mr Alavanos concerning Turkish military operations in Iraqi territory**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Turkey's military operations in Iraqi territory constitute a flagrant breach of international law and have been denounced by both Iraq and the international community. Certain reliable sources have even reported that napalm bombs are being used against the Kurdish civilian population.

What steps do the Foreign Ministers meeting in EPC intend to take to stop this blatant violation of international law and the slaughter of innocent citizens?

*Answer:*

The honourable Member is fully aware of the position of the Community and its Member States concerning the protection of the rights of minorities. In particular they are extremely concerned at the plight of the Kurdish population. The Community and its Member States have also stated their commitment to the sovereignty, unity, independence and territorial integrity of all the countries in the region.



The position has been brought to the attention of all the countries concerned.

From a general point of view, the Community and its Member States consider that the UN has a major role to play in the protection of the Kurdish population in Iraq. For their part, they have cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. They also launched the proposal for the establishment of security zones under UN supervision in northern Iraq which has been successfully implemented. Following these decisions, they have participated actively and substantially to the international humanitarian effort aimed at securing protection for the refugees, enabling a large number of them to return. In this context, several Member States sent troops to northern Iraq, as well as to Turkey and Iran. The European Council on 28 and 29 June 1991,<sup>1</sup> underlined the need to bring about as rapidly as possible the full deployment of the contingent of 500 United Nations guards.

The Community and its Member States will continue to follow closely the situation.

<sup>1</sup> *EPC Bulletin*, Doc. 91/198.

**91/279. Question No H-865/91 by Mr Ephremidis, H-866/91 by Mr Papayannakis and H-867/91 by Mr Livanos concerning the blockade of the Ecumenical Patriarchate in Constantinople**

Date of issue: 11 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-865/91:*

The Ecumenical Patriarchate of Constantinople has been besieged by small groups of Turkish citizens who are obstructing priests and churchgoers and hampering free movement. The blockade, which has been going on for several days, is preventing the Patriarchate from functioning normally and is a total violation of international law. It is also creating unnecessary tension in the sensitive region of the Balkans.

Do the Foreign Ministers meeting in EPC not agree that such actions against an extremely important institution of Christianity are deplorable? If so, what steps does it intend to take to put an end to the blockade of the Ecumenical Patriarchate of Constantinople and to restore freedom of movement?

*Question No H-866/91:*

The Ecumenical Patriarchate of Constantinople is a supranational religious centre concerned solely with spiritual activities, which directly involves millions of Orthodox Christians in the Community and many millions of their co-religionists in Eastern Europe and the rest of the world and indirectly involves all Christian communities. At the end of August, the Patriarchate was cut off from any contact with the outside world by fringe groups of Muslim fanatics, who threatened to invade the Patriarchate and take the Patriarch himself hostage.

Can the Ministers meeting in EPC state what representations they intend to make to ensure that Turkey's international commitments as regards the Ecumenical Patriarchate are respected by its government and by its legislation, and that the Patriarch is allowed to carry out his normal duties without hindrance?

**Question No H-867/91:**

Turkish citizens have blockaded the Ecumenical Patriarchate of Constantinople, thereby obstructing its activities. What steps do the Ministers meeting in EPC intend to take to ensure that the demonstrators are removed and that freedom of access is restored?

**Answer:**

Allow me to answer jointly to the questions by Mr Ephremides, Mr Papayannakis and Mr Livanos on the subject of the blockade of the Ecumenical Patriarchate of Constantinople.

The specific point raised by the honourable Parliamentarians has been brought up by Minister Samaras in the margin of the EPC Ministerial meeting of 27 August.

Whatever the circumstances, there should be no doubt as to the continued attachment of the Community and its Member States to the general and basic principles of human rights, including the rights of religious minorities and their freedom to worship, as they have most recently been confirmed by the Paris Charter. The Declaration on Human Rights adopted by the Luxembourg European Council<sup>1</sup> could not be clearer on the subject when stating that these rights are 'an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its Member States and other countries'.

Turkey is fully aware of the position of the Community and its Member States in this field.

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<sup>1</sup> EPC Bulletin, Doc. 91/194.

**91/280. Statement concerning the installation of the President of Suriname**

Date of issue: 16 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

On the occasion of his installation as President of the Republic of Suriname, the European Community and its Member States address to the President, Mr Runaldo Ronald Venetiaan, their warmest congratulations on his election and their best wishes for his success in the important tasks which are now entrusted to him.

The European Community and its Member States express the hope that Suriname, having demonstrated during the recent elections its attachment to democracy, will take the path to peace and development, in full respect of the principles of the rule of law. Suriname can now resume its place as a respected member of the international community. The European Community and its Member States would like to take this opportunity to address to the people of Suriname a message of friendship and solidarity.

**91/281. Statement concerning South Africa**

Date of issue: 16 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the signing of the National Peace Accord on 14 September 1991 and express their hope that this agreement will finally open the path towards a definite end of senseless bloodshed, which has delayed substantive negotiations on a new Constitution.

Continued commitment to peace is essential for further progress in the process of change in South Africa. Therefore the Community and its Member States urge all parties to subscribe to the principles laid down in the National Peace Accord and to assure its enforcement on all levels.

**91/282. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 19 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States remain committed to a successful outcome of the Conference on Yugoslavia. They call on all Yugoslav parties to share this commitment with them. They acknowledge Lord Carrington's invaluable contribution both in chairing the Conference and in bringing about a new cease-fire agreement.

The Community and its Member States have long recognized that a new situation exists in Yugoslavia. They consider it self-evident that this calls for new relationships and structures. They reiterate that it is entirely up to all people living in Yugoslavia to determine their own future. The Community and its Member States will accept any outcome that is the result of negotiations conducted in good faith.

It is the fervent hope of the Community and its Member States that any negotiated settlement will be of a comprehensive nature and will contribute to the security and prosperity of all peoples of the Balkans and of Europe as a whole.

The Community and its Member States wish to reiterate once again the basic principles they have subscribed to from the very beginning:

- the unacceptability of the use of force;
- the unacceptability of any change of borders by force which they are determined not to recognize;
- respect for the rights of all who live in Yugoslavia, including minorities;
- the need to take account of all legitimate concerns and aspirations.

The Community and its Member States welcome the cease-fire agreement concluded at Igalo in the presence of Lord Carrington on 17 September 1991. They have taken note, however, of the joint statement by Lord Carrington and the Presidents of Croatia and Serbia and the Minister of National Defence to the effect that the Igalo Agreement constituted the last chance for a de-escalation and a cessation of actual warfare, without which there could be no meaningful negotiation on the future of the peoples concerned.

The Community and its Member States call on all parties concerned to refrain from any political or military action which might undermine the Conference on Yugoslavia. The continuing violence in particular puts the continuation of the Conference at risk.

The Community and its Member States regret that the EC monitor mission is no longer able to perform its task in full. They therefore welcome that the Western European Union explores ways in which the activities of the monitors could be supported so as to make their work a more effective contribution to the peace-keeping effort. It is their understanding that no military intervention

is contemplated and that, before a reinforced monitor mission were established, a cease-fire would have to be agreed with a prospect of holding and that all Yugoslav parties would have expressed their agreement.

The Community and its Member States would wish to have the opportunity to examine and endorse the conclusions of the study. They also intend to seek the support of the nations of the CSCE and, through the UN Security Council, the international community as a whole.

**91/283. Question No 1917/90 by Mr Arbeloa Muru (S) concerning human rights in Ethiopia**

Date of issue: 23 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 2 August 1990)

What response has the Community received from the Government of Ethiopia to its various recent representations on the matter of human rights in that country?

*Answer:*

The Community and its Member States take the view that the human rights situation in Ethiopia cannot be kept separate from the question of routing food and humanitarian aid to and within that country or from the moves to end the long-lasting civil war which has afflicted the local population, already sorely hit by drought, famine and internecine strife.

In the context of European political cooperation, the Community and its Member States have approached the Ethiopian Government on many occasions to ensure both the safe routing of food aid to the areas affected by famine and the civil war and the free, on-the-spot distribution of that aid.

At the political level, the Community and its Member States welcomed the meeting last autumn of the six countries of IGADD and the efforts by them to improve their mutual relations in the search for an overall settlement to the region's problems. With regard to the continuation of the serious problems threatening Ethiopia with a tragic legacy of destruction and permanent misery the Community and its Member States have emphasized the need to set the interests of the population above any political considerations and have called on the parties concerned to demonstrate their sincerity in the face of the heavy burden of responsibility confronting them.

The Presidency would reiterate at this point the importance attached by the Community and its Member States to the question of the humanitarian and human rights problems existing in the whole of the Horn of Africa in the light of, *inter alia*, its statements on 24 October 1988<sup>1</sup> and 20 February 1990.<sup>2</sup>

The Community and its Member States have, since the spring of 1991, followed with increasing concern the escalation of the civil war and the unacceptable loss of human lives and equipment.

For this reason, on 18 April<sup>3</sup> they urged all the parties to the conflict to work towards bringing about an immediate and unconditional cease-fire throughout the territory and the opening or resumption of negotiations on the substantive problem at issue between all parties involved. They also advocated the planning of a round table discussion to prepare transitional arrangements for the reconciliation of the entire Ethiopian populace, with full regard for their rights. This call was accompanied by an appeal to the parties involved to do everything in their power to guarantee that emergency food and humanitarian aid was actually distributed to the intended recipients.

The resolution of the Ethiopian Parliament on 23 April 1991, reflecting the latter's willingness to open peace negotiations with all opposing groups, in particular by calling a cease-fire and establishing transitional arrangements guaranteeing an acceptable political solution for the entire Ethiopian population, hinted at the desire to bring about a peaceful end to the civil war and to seek a negotiated political settlement. It enabled the Community and its Member States to welcome an initiative to which all the parties concerned should respond in a constructive manner.

Following the resignation of President Mengistu, the Community and its Member States appealed to all the parties to the conflict to endeavour to achieve a cease-fire and to play a constructive role in the peace negotiations. At the same time, they emphasized the need to continue with humanitarian aid. The Community and its Member States trust that the likely changes within the Ethiopian authorities will help to ensure the adoption of a more moderate policy in the field of human rights and fundamental freedoms.

They noted with satisfaction the joint communiqué published in London on 28 May, together with the undertakings entered into at that time, and reiterated their conviction that a negotiated solution acceptable to all the parties concerned would alone guarantee peace, stability and economic and social development in Ethiopia.<sup>4</sup>

Referring to the undertakings enshrined in the Lomé Convention, the Community and its Member States expressed their conviction that economic aid for Ethiopia would be all the more effective if democratic institutions were quickly established and expressed the hope that the provisional administration would honour its undertakings regarding human rights and the country's gradual democratization. They also stated their willingness to support any appropriate organized process for political negotiation and electoral consultation. Finally, they confirmed their undertaking to meet humanitarian requirements, while re-emphasizing the need to ensure recipients free access to aid.

<sup>1</sup> *EPC Bulletin*, Doc. 88/366.

<sup>2</sup> *EPC Bulletin*, Doc. 90/097.

<sup>3</sup> *EPC Bulletin*, Doc. 91/120.

<sup>4</sup> *EPC Bulletin*, Doc. 91/162.

**91/284. Question No 821/91 by Mr Megahy (S) concerning extension of the generalized system of preferences to Central America**

Date of issue: 23 September 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Written Question in European Parliament (from 3 May 1991)

Will the Foreign Ministers meeting in Political Cooperation make it clear to their Central American counterparts that any extension of the GSP to their countries' products will be made conditional upon radical and verified improvements in their governments' records on human rights?

*Answer:*

At the seventh Ministerial Conference in the San José process, which was held in Managua on 18 and 19 March 1991, the Community and its Member States, on the one hand, and the Central American countries, on the other, reaffirmed that the political and economic dialogue between the

two regions was an effective instrument for strengthening democracy, respect for human rights and economic and social progress in Central America.

The Managua joint political declaration laid particular stress on the question of human rights, both in connection with the situation in certain individual countries such as El Salvador and in relation to Central America as a whole. Moreover, paragraph 9 of the political section of the above-mentioned declaration deals more specifically with the introduction by the Community and its Member States of multiannual programmes for the promotion of human rights in Central America. It is stated in this paragraph *inter alia* that the Ministers 'expressed their common concern at the continuing unsatisfactory human rights situation in certain countries in the region [...] and emphasized that they would continue to make every effort to re-establish full and universal respect for human dignity'.

### 91/285. Statement at the Plenary Session of the 46th UN General Assembly

Date of issue: 24 September 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:* Mr President, I have the honour to speak on behalf of the European Community and its twelve Member States. First allow me to extend to you my cordial congratulations on your election to the Presidency of the General Assembly. With your wisdom and experience, I am sure this Assembly will be in good hands.

We salute the admission to the United Nations of Estonia, Latvia and Lithuania, former members of the League of Nations.

I should also like to extend a warm welcome to South Korea and North Korea. May their admission signal a further improvement in their mutual relations for the benefit of the Korean people. We cordially welcome the Marshall Islands and Micronesia.

Mr President, we live in spectacular times in which the United Nations has a crucial role to play. The European Community and its Member States have taken joint positions and actions on many of the problems facing us today. These positions can be found fully detailed in a memorandum which forms an integral part of my statement and is now being circulated in this room. This allows me to concentrate on a few [...] issues.

Mr President, the failure of the *coup d'état* last month in the Soviet Union confirms that a new era in international political life has begun. The democratic revolution which had swept through Central and Eastern Europe in the last two years has now also taken hold in the heartland of communism. The ground had been prepared by the *perestroika* and *glasnost* policies of President Gorbachev. But when reactionary forces tried to restore a dying and unjust order, they met with brave and insurmountable resistance by numerous Soviet citizens and their principled elected leaders. In the end democracy won, both in form and in spirit. This victory now has to be consolidated and made safe by truly democratizing state structures and greater devolution of powers in Soviet society.

In the wake of these developments international relations increasingly become characterized by common values and common responsibilities. Representative government breeds responsible domestic government and responsible international behaviour. Democratic government implies accountable government, not just to a country's own citizens, but also to its fellow nations. Here we touch upon the heart of the United Nations Charter.

Iraq is a case which proves my point, albeit by contrast. Its acts of aggression abroad reflect the lack of legitimacy of its government at home. The way the Iraqi regime has been carelessly sacri-

ficing the lives of its citizens in external military adventures finds a mirror image in its brutal clamp-down on the thirst for freedom among its own people. Repressive government breeds irresponsible government. The UN rightly maintains its strong pressure on the Government of Iraq to revise its reckless policies. At the same time the international community has demonstrated with Security Council Resolutions 706 and 712 its willingness to take the humanitarian need of the Iraqi people into account. Non-compliance would only directly hurt the Iraqi people, and the Iraqi Government would be held fully responsible for this.

Democracy and the respect for fundamental freedoms being on the rise, not only in Eastern Europe but also elsewhere on the globe, the world is experiencing new possibilities for international cooperation, regional integration and a more just and lawful world order. In order to meet these challenges, strengthening and reforming the United Nations is one of the tasks which press themselves upon us.

However, in these hopeful and promising times not all is well. Several regions and countries, including notably the newly emerging democracies, are grappling with serious instabilities and even conflicts. We sincerely hope that the emancipation of the republics and the awakening of national feelings in the Soviet Union will strengthen rather than weaken that country's peaceful process of democratic change.

Meanwhile in other parts of the world, although some conflicts appear to be on the way towards satisfactory resolution, others are still festering or are even only just beginning to surface. Painful as they may be for those directly involved, and dangerous as they may be for regional security, these conflicts also tend to place a heavy burden upon the world as a whole. The number of people seeking refuge in other countries is for instance rapidly increasing. This problem can only become more serious if economic conditions continue to deteriorate in conjunction with these conflicts. Willingly or unwillingly, the world is increasingly affected. In an ever more interdependent and yet at the same time fragmenting world, we need to shoulder our common responsibilities.

Mr President, let me turn first to Europe. In this old continent we hope to have learned some lessons from our long history of bloody conflicts and nationalistic strife.

In the European Community we intend to make decisive steps this year towards further economic and political unification. Apart from direct economic benefits which the EC Member states should be able to reap, the deeper motive is clearly political. We have taken to heart what Jean Monnet, one of the founding fathers of the European Community, taught us: that we should not fight over national borders but rather make them irrelevant through ever increasing economic and political cooperation so as to be able to remove them altogether in the end. This political inspiration is a strong guarantee that the European Community will not turn inward. Instead, both in the economic and the political field we are determined to be open minded, ready to play a responsible role, both in Europe and in the world as a whole. Our recent initiatives on Yugoslavia are a reflection of this attitude. Since 7 September a Conference on Yugoslavia, with in its context an Arbitration Commission, has been under way in The Hague under the aegis of the European Community. A cease-fire agreement is being monitored by EC countries together with four other CSCE participating states.

Mr President, the European Community and its Member States will persevere in their efforts of mediation. Their aim in doing so is not to preserve artificially a unity that no longer exists nor to impose a destiny upon the peoples of Yugoslavia, which only they have the right to decide upon. Rather, they hope to help avoid an uncontrolled and violent fragmentation resulting from bitterness and hatred and from extreme nationalism and ethnocentrism, which in the past has brought so much shame, bloodshed and suffering to our continent and to the world as a whole.

Where new political structures are called for, let them be negotiated and decided upon through peaceful dialogue. Let these talks be conducted with full respect both for the right to self-determi-

nation and for legitimate concerns for the full protection of minority rights, which is a prime duty of any responsible government. The Twelve will not recognize any change of borders by force and call upon the world community to adopt a similar position. They will continue to insist on full compliance with the principles of the Helsinki Final Act and the Charter of Paris for a New Europe; the more so since we feel that a continuation of the crisis poses a threat to international peace and security.

Our endeavours to find appropriate answers to this crisis could be significantly reinforced by endorsement from the Security Council and the international community as a whole.

The Community and its Member States have instituted an arms embargo against Yugoslavia until self-defence and protection of minorities no longer serve as an excuse for expansionism and oppression. Given the continuous breaches of the cease-fire agreements, the Twelve are of this opinion that a mandatory arms embargo by the Security Council under Chapter VII is needed to bring the violence to an end in this region. More generally speaking we feel that this authoritative voice of the Security Council expressing full support for the regional endeavours being undertaken would certainly contribute to their positive outcome. We are also convinced that the peaceful settlement of the Yugoslav question will have positive bearing on potential conflicts of the same nature elsewhere.

We therefore call upon all leaders, parties and all people in Yugoslavia to end the violence, to cooperate with us in order to make the Yugoslavia Conference under EC auspices and under the chairmanship of Lord Carrington, a success for the sake of all in Yugoslavia and for peace and stability on our continent.

In the Conference on Security and Cooperation in Europe the 38 European and North American member States have developed norms of state behaviour which, while being based on the principles of the UN Charter, clearly go beyond them in scope and commitment. The Charter of Paris, concluded by the CSCE summit of November 1990, spells out the new democratic consensus in Europe, taking human rights as the key to the organization of both political and socio-economic life. Recent events in the Soviet Union show that these are not just solemn words on a piece of paper but living reality for a growing number of people. Also, the European Community and its Member states acted upon the Paris Charter when they condemned the Soviet *putsch* as illegitimate and came down on the side of the democratic opposition.

Strengthening CSCE, not only its normative aspects but also its mechanism for crisis management, is high on the agenda of the Twelve.

In this way we hope to serve regional security and well-being, complementary to our obligations under the UN Charter.

Mr President, common responsibility in today's world requires more than improving upon old structures, institutions and habits. Necessary as that may be, it would be insufficient if we didn't also try to develop new ways of thinking. Let me share a few thoughts with you. First, we need more responsible behaviour between states. Its first rule is the ban on the threat or use of force, as contained in article 2 of the UN Charter. This is certainly no superfluous rule.

Breaches of it can leave no state indifferent, as was fortunately exemplified by the international community's response to the Gulf Crisis and yet, both national and international security require more than just refraining from aggression. Security is enhanced by the breaking down of barriers of distrust, by the promotion of trade, contacts and communication, by the free flow of people, values and ideas, by opening up our societies. Security is further enhanced by taking the concerns of others to heart.

In the military field we have to show responsibility by engaging in processes of arms control, arms reduction and confidence building.



Regional arrangements must be supplemented by world-wide agreements, as is shown by the pressing need for a convention on banning chemical weapons for which 1992 really is the deadline. Equally importantly existing treaties such as the 1972 convention on biological and toxin weapons must be more effectively implemented. The Review Conference, convening at present should lay a solid foundation for this.

Events in the Gulf have once again made it unmistakably clear that more responsibility is needed in arms transfers. The European Council has identified common criteria on which national policies on arms exports are based. In the perspective of political union, we hope for a further harmonization of national policies. As action on a more global scale is no less needed, we will – together with others including Japan – table a resolution in this Assembly seeking the international registration of arms transfers, with a view to promoting restraint by increasing transparency.

As to the important question of nuclear disarmament, we welcome the recent conclusion of the START agreement on long range strategic nuclear arms between the United States and the Soviet Union. It sets the stage for even further reductions in the field of nuclear weapons. The universality of the norm of the nuclear Non-Proliferation Treaty and the effectiveness of its regime have been reconfirmed by the announced accessions to the Non-Proliferation Treaty of such key countries as France and China. We also Welcome South Africa as a new member. We note with satisfaction that the Soviet Union has given assurances that it will institute safeguards against nuclear proliferation while restructuring the relations between its central government and the Union republics.

Mr President, in order to solve an increasing number of global problems or even threats to mankind we have to assume greater responsibility, notably in the fields of development and environment.

Lack of economic development leading to staggering poverty is not just a curse for the hundreds of millions of people who suffer from it. It is a moral shame, it constitutes a burden on global development[,] a potential threat to global stability. The situation of many African countries is particularly worrying. The new UN agenda for Africa rightly focuses on debt relief, resource flows and better market access. At the same time it makes clear that African Governments should fulfil their side of the development contract by improving upon their own performance, by liberalizing their economies, by allowing for popular participation and political pluralism and by giving due attention to all other aspects of 'good governance'.

Developing countries, including the poorest, need trade as well as aid. This is not the least important reason why the Uruguay Round of negotiations in GATT may not fail. We must open the world for expanding exchanges of goods and services and resist the protectionist temptation. This is without doubt not always easy, but with reasonable compromises from all sides we shall be able to succeed. The European Community will certainly do its bit: its discussion about the reform of its common agricultural policy gives a clear indication of this.

Economic growth which fails to take into account the ecological balance becomes self-defeating. Development must be sustainable: environmental concerns should be fully integrated into the economic process. Next year's UN Conference on Environment and Development presents [an] unique opportunity of making concrete progress in this field, both in tackling environmental problems which impede development and addressing global environmental issues such as climate change and biological diversity. Much work remains to be done in the UNCED Preparatory Committee if a meaningful bargain is to be struck in Rio de Janeiro. With only one session remaining there are many seemingly insurmountable obstacles, especially relating to additional funding [for] technology transfer. In order to maintain momentum and commitment, we need to give this process a fresh impetus at the political level. In our joint statement to the Second Committee we will go more deeply into this matter.

Calamities in various parts of the world, both natural and man-made continue to confront us with the loss of lives, devastation and uprooting. While the international community makes some effort to help, we can certainly do better. In order to ensure proper coordination between UN institutions, donor and recipient countries and NGOs, we need to strengthen the emergency response capacity of the United Nations. To this end the Community and its Member States wish to cooperate with others in launching an initiative during this Assembly calling among other things for the appointment of a high level UN coordinator, the creation of an interagency coordination mechanism, and the establishment of an emergency fund. In this context we look forward to the report of the Secretary-General on this matter.

Mr President, a third area which requires greatly enhanced responsibility concerns relations within states, particularly the respect for human rights.

Despite progress, flagrant violations persist in many countries, thereby not just endangering precious human dignity in itself, but also undermining chances for development and for internal and external peace. The days when countries could credibly claim that their human rights record was a strictly internal affair are definitely over. The history of the UN has confirmed the legitimacy of the contrary view.

The UN World Conference on Human Rights, to be held in Berlin in 1993, could greatly enhance international respect for human rights by notably concentrating on improving the implementation of existing norms and standards and on extending the scope of mechanisms for reviewing compliance. We believe, for instance, that the Special Rapporteur is a supervisory mechanism which deserves application on a wider scale. Meanwhile, the UN would also become a more credible human rights propagator itself if it allocated more of its existing financial resources to that goal. The Twelve stress the need for changing budgetary priorities in order to alleviate the financial and staffing difficulties in which the UN Centre for Human Rights finds itself.

Given the close relationship between human rights and democracy the Community and its Member States also very much favour the United Nations exploring ways to promote democratic processes around the World. This could range from the monitoring of free elections to assistance in building democratic institutions. Another field in which the UN could play an important role concerns the protection of minority rights. At a time when existing states come under pressure from demands for autonomy and self-determination from segments of their populations, which thereby challenge the principle of territorial integrity from within, creative and innovative thinking is clearly in demand. In order to prevent unilateralism and even the use of force from prevailing, the world needs to develop principles and mechanisms for the promotion of negotiated and peaceful solutions to these problems, satisfactory to all concerned. We think the UN should intensify this discussion.

Naturally, human rights are primarily the responsibility of national governments. But the world cannot sit idly by when one of the member States of the UN terrorizes its own people. History shows that such acts, apart from being criminal, can endanger international peace and security, if nothing is done about them. Recently we have witnessed intervention by our world organization for the sake of protecting human rights. In the aftermath of the liberation of Kuwait a number of countries belonging to the international coalition provided a safe haven to Iraqi kurds fleeing from repression and attempts at genocide by their own government. This action, which gave implementation to the relevant Security Council Resolutions, has meanwhile been followed up by the stationing of a corps of UN civil guards, this time with the consent of the government concerned. In a regional context we have also seen the peace-keeping operation by the Economic Community of West African States in the bloody civil war in Liberia.

These interventions may not have been perfect – they could not prevent all loss of innocent life – but they were certainly salutary considering the human suffering they were able to stop. It must be hoped that in the future these developments will have a discouraging effect on governments in comparable situations. If we want the world to become a safer place, we will need more

than the ban on aggression. International law and order should be equally founded on democracy and the respect for fundamental rights and freedoms. Above all this is clearly a major challenge for the United Nations.

Mr President, a common responsibility from which none of us can hide concerns the functioning of the United Nations Organization. In recent years the world political climate has clearly brightened up for the UN, particularly in relation to its core function: the maintenance of international peace and security. Increasingly the UN has risen to the occasion and played a crucial role in helping solve burning issues.

We should capitalize on this fortunate development and try to strengthen the political functions of the UN.

One of the opportunities resulting from the increased political efficacy of the Security Council and its ability to act in concert lies in the area of preventive diplomacy. We shouldn't just wait till conflicts get out of hand and turn into actual threats to international peace and security. Why couldn't the Security Council formulate political statements aimed at defusing tensions in a particular situation at an early stage, rather as the Twelve have increasingly done in the context of European political cooperation?

Why shouldn't the Security Council also dispatch fact-finding missions to troubled areas?

In fact, the whole concept of peace keeping – which has already evolved rapidly in recent years – could be given another boost by exploring the possibilities in this direction, too. In this way UN involvement could help prevent conflicts from actually breaking out or contain them at an early stage.

Similarly, the increased political relevance of the Security Council also points to new opportunities for the UN Secretary-General to make fuller use of his competence under article 99 of the UN Charter. The Secretary-General could benefit from the changes in the international climate by initiating at an early stage discussions within the Security Council on matters which in his opinion threaten the maintenance of international peace and security. In this way the Security Council could further improve its decision-making ability.

Strengthening the political functions of the United Nations should, however, go hand in hand with a continued and resolute restructuring of the UN system in all its aspects. This is rightly pointed out by the Secretary-General in his latest Report on the Organization. ECOSOC should be revitalized: the resumed 45th Session has so far produced encouraging signs of progress in this direction. Also, the General Assembly needs to seriously rethink its own procedures and methods, in order to make itself more able to provide guidance to the international community. Last but certainly not least, reform of the UN Secretariat seems essential if the UN is to acquire the capacity and flexibility to cope with existing and new tasks. The incoming Secretary-General should be in a position to act upon broad outlines for increased operational efficiency that are widely supported in this Assembly.

For the UN to be effective, restructuring will, however, not be enough. A sound financial basis is of the utmost importance. Unfortunately, not all member States fulfil their financial obligations.

We therefore urge all members to live up to their responsibility and pay their assessed contributions in time.

Mr President, in a number of regional conflicts we can discern there are rays of hope. Bringing about peace in the Middle East is now an urgent task.

In particular this is true of the Arab-Israeli conflict and the Palestinian question. The Twelve have from the outset supported the initiative of the United States to set in motion a process of parallel negotiations between Israel and its Arab neighbours and between Israel and the Palestinians. We welcome the untiring efforts of Secretary of State Baker and we urge all parties not to miss this historical opportunity to have a peace conference convened for next month. The European

Community and its Member States will actively contribute to the success of this conference. As to substance, these negotiations will have to be based on Security Council Resolutions 242 and 338 and their implied principle of 'land for peace'. Israel must be able to enjoy its right to live within secure and recognized borders. Equally the Palestinians' right of self-determination must be given proper expression. The international community should do its utmost to encourage all parties concerned to negotiate in good faith and make compromises in order to bring a just, lasting and comprehensive peace to this tormented region. The negotiations would be greatly facilitated by regional security arrangements and confidence building measures by the countries in the region. In this context the Twelve would welcome this repeal of the resolution equating Zionism and racism which was referred to by President Bush.

South Africa is an area of conflict which gives reason for some optimism. The reform process led by President De Klerk has undeniably moved the country into a qualitatively new phase. The legal foundations of apartheid have been taken out, notably by the repeal of the Group Areas Act, the Population Registration Act and the Land Acts.

That is, however, not sufficient to create a united, non-racial and democratic South Africa. It is indispensable that negotiations should soon begin on a new constitutional order with the broadest possible participation from all segments of South African society. All parties, not in the least the South African Government, have to help create a climate conducive to the success of such negotiations.

The international community, which is committed to the complete dismantling of apartheid, should monitor these developments in an appropriate manner. In order to encourage constructive change it should be willing to gradually revoke restrictive measures *vis-à-vis* South Africa to the degree that reforms have been put into effect.

As to Cambodia, the past year has brought substantial progress towards the achievement of a comprehensive political settlement. We welcome the delegation of the Cambodian Supreme National Council, under the leadership of HRH Prince Sihanouk. We rejoice in the newly established cooperation between the Cambodian parties and call upon them to conclude without delay the peace process at the next resumed session of the Cambodian Conference on the basis of the plan of the five permanent members of the UN Security Council. The Twelve stress the importance of free elections as the center-piece of that plan, which was unanimously approved by the Security Council and the 45th General Assembly. I also reaffirm our willingness to contribute to the reconstruction and development of Cambodia upon the achievement of a political settlement.

Mr President, let me conclude by expressing our fullest appreciation to the Secretary-General for his untiring efforts to further the cause of international peace and justice. With the end of his period of tenure of this high office in sight he must be gratified to see some intractable conflicts heartfull[y] edging towards resolution. I would particularly like to mention Cyprus, El Salvador and the Western Sahara. I pay tribute to Javier Perez de Cuellar, whose high moral stature, diplomatic skills and political leadership have guided the organization through ten difficult years. We owe it also to him that the United Nations have attained their crucial role on the world scene, as the Founding Fathers had foreseen when the organization was conceived 46 years ago. We wish him well and salute him as an eminent partisan of peace.

## **91/286. Memorandum to the Plenary Session of the 46th UN General Assembly**

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### *Transatlantic Relations*

Over the past year, the European Community and its Member States have intensified their relations with their transatlantic partners in all fields. Consultations with the United States have been further developed at the highest level. Following the interest expressed on a number of occasions by the US administration in the development of the Community's role, the President-in-Office of the European Council together with the President of the Commission have met regularly since February 1990 with the President of the United States. The meeting held in November 1990 confirmed this trend and was followed by the adoption of the Declaration on EC/US relations.<sup>1</sup> Through this declaration EC/US relations have been endowed with a new and long-term perspective that will serve to strengthen transatlantic solidarity.

A similar declaration, with similar objectives, has been agreed upon with Canada<sup>2</sup> and intensified consultations have taken place in the meantime.

### *Central and Eastern Europe*

The European Community and its Member States were among the first to support the democratic process initiated in the Soviet Union. They fully support the endeavours to accelerate the reforms undertaken and to ease the Soviet Union's integration into the world economy. The process of liberalization underway represents for the European Community and its Member States a sign of hope and they most sincerely desire that it will continue.

The European Community and its Member States have with great satisfaction and relief witnessed the collapse of the *coup* in the Soviet Union in August 1991.<sup>3</sup> They welcomed the reinstatement of President Gorbachev and the restoration of constitutional order and democratic freedoms. They believe that these events create new opportunities for the new leadership at union and republic levels alike to press ahead with reforms.

It is up to the leadership and people to seize these opportunities: only they can mobilize the vast resources of their own country and realize its inherent wealth. The European Community and its Member States do not underestimate the difficulties of the situation in the USSR. With a view to helping the USSR to overcome such difficulties and to contribute to the success of the reforms, the European Council in Rome expressed in a concrete way the readiness of the European Community and its Member States to extend and strengthen economic and financial cooperation between the European Community and the Soviet Union.<sup>4</sup> In this spirit, the European Community is also ready to consider talks on a major agreement between the European Community and the USSR.

The European Community and its Member States welcomed the independence of the Baltic States and congratulated them on the resumption of their rightful place in the international community.<sup>5</sup> They immediately decided to re-establish diplomatic relations with the three countries, and also stressed the willingness of the European Community as such to do the same. They, furthermore, expressed their readiness to help the Baltic States become members of all relevant international organizations at the earliest possible date.

The Community and its Member States also expressed their willingness to explore together with the three Baltic States all avenues to assist them in their democratic and economic development. Right from the start, the European Community and its Member States have adopted a clear policy of helping the countries of Central and Eastern Europe to succeed with their political and

economic reforms. They are aware of their special responsibility towards these countries at a time when their efforts to achieve structural adjustment, together with the transition to a market economy, are meeting with additional difficulties due to external economic constraints. They consider that, in these circumstances, the European Community has a duty to help consolidate and develop the general process of reform being undertaken in these countries.

In this context, the European Community and its Member States conducted an intensive and constructive political dialogue with the USSR and with most of the countries of Central and Eastern Europe. In the same spirit, the European Community hopes that association agreements under discussion with Poland, Hungary and Czechoslovakia will be concluded in the near future. These agreements will mark a new stage in the Community policy of developing increasingly close relations with those countries. They also underline their commitment to further expand co-operation with Bulgaria and Romania.

Since the events of February 1990 in Albania, the European Community and its Member States recalled their strong interest in the development of the process of democratization in that country.<sup>6</sup> They gave their encouragement to any progress towards democracy in accordance with the principles of the rule of law, respect for human rights and fundamental freedoms. Following the free elections in the country on 31 March, they agreed to establish diplomatic relations between the European Community and Albania.

In addition, the Community and its Member States indicated their readiness to cooperate closely with Albania in its effort to develop its economy.

#### Yugoslavia

The crisis and the ensuing armed clashes in Yugoslavia are a matter of deep concern to the European Community and its Member States, and have led to unprecedented intensive involvement in the process of finding a peaceful solution. To this end, the Twelve have assisted in reaching a cease-fire and are at present facilitating negotiations between the Yugoslav parties on their future. They have – and since 1 September together with four other CSCE participating States – in full agreement with the Yugoslav parties embarked on a mission to monitor the implementation of agreements on a cease-fire, both in Slovenia and in Croatia. Furthermore, they have convened the Conference on Yugoslavia which brings together Federal and Republican authorities as from 7 September 1991 in The Hague,<sup>7</sup> and have established an Arbitration Commission in its framework. The European Community and its Member States and all Yugoslav Federal and Republican authorities represented at the highest level on 7 September 1991, agreed that their common aim is to bring peace to all in Yugoslavia and to find lasting solutions which do justice to their legitimate concerns and aspirations. They also agreed that a peaceful settlement must be based on all the principles and commitments agreed upon in the CSCE-process and expressed their determination never to recognize changes of any borders which have not been brought about by peaceful means and by agreement. The outcome of the Conference must take into account the interests of all who live there.

The participants in the Opening Session of the Conference on Yugoslavia have pledged to do everything in their power to establish a peaceful environment, for which the complete observation of the cease-fire in all its elements is essential, thus contributing to its successful outcome.

The Community and its Member States welcome the cease-fire agreement concluded at Igalo; they note that the Igalo agreement constitutes the last chance for a de-escalation and a cessation of actual warfare, without which there could be no meaningful negotiation on the future of the peoples concerned. The Community and its Member States call on all parties concerned to refrain from any political or military action which might undermine the Conference on Yugoslavia.

They regret that the EC Monitor Mission is no longer able to perform its task in full. They therefore welcome that the WEU explores ways in which the activities of the monitors could be

supported. It is their understanding that no military intervention is contemplated and that, before a reinforced Monitor Mission were established, a cease-fire would have to be agreed with a prospect of holding and that all Yugoslav parties would have expressed their agreement.

Although events in Slovenia and in Croatia have attracted most attention, the European Community and its Member States are aware of the fact that serious tensions exist also in other parts of Yugoslavia, which increases the need to find urgent solutions to the present problems.

### CSCE

The European Community and its Member States attach great importance to the comprehensive nature of the CSCE process, which deals with a large range of subjects in a balanced manner while bringing together the governments and peoples of Europe as well as those of the United States and Canada.

Within this context, they welcome the recent accession of Albania as a participating state to the CSCE and are confident that this country will continue the process of democratization and the promotion of respect for human rights, thus complying with the commitments subscribed to when joining the CSCE.

They are, furthermore, satisfied that agreement has been reached on the full membership of Estonia, Latvia and Lithuania of the CSCE, allowing these countries to participate in their own right in the Third Meeting of the Conference on the Human Dimension in Moscow.

The CSCE has entered a new phase in its development. The first Summit of the Heads of State or Government of the CSCE participating States, since the signature of the Helsinki Final Act in 1975, took place in Paris in November 1990 and had as its primary objective to give new direction to the CSCE process in the changed circumstances of the 1990's. It adopted the Charter of Paris for a New Europe, a common vision of society and of relations between states and outlined the principles and guide-lines which should govern the conduct of the participating states, including human rights, the rule of law and democracy. It also provided for regular political consultations among the CSCE participating states, based on the newly-established CSCE Ministerial Council as well as on the Committee of Senior Officials. The European Community and its Member States were instrumental in setting up CSCE institutions in Prague, Vienna and Warsaw. The role of these institutions will be reviewed in the light of the experience gained at the Helsinki Follow-up Meeting.

There is a major challenge which the CSCE is asked to deal with, i.e. to ensure the continuation of the dynamics of the *rapprochement* between the participating states at a time when East-West relations have undergone a change from confrontation to cooperation. A notable consequence of this change is that the efforts to conciliate East and West are no longer the most salient features of the CSCE process. As illustrated by the themes of meetings that have taken place to date, a whole series of new priorities has emerged from the CSCE process: the peaceful settlement of disputes (Valletta)<sup>8</sup>, the protection of cultural heritage (Cracow)<sup>9</sup>, the protection of national minorities (Geneva)<sup>10</sup>, the defence of human rights and the consolidation of democracy and the rule of law (Moscow)<sup>11</sup> and the promotion of democratic institutions (Oslo).<sup>12</sup> Furthermore, negotiations in the field of military security have been given further thought in Vienna. In addition, the potential of the CSCE in the current process of economic and social change in Central and Eastern European countries will be widely used according to the principles agreed upon at the 1990 CSCE Conference on Economic Cooperation in Bonn.

It is important, particularly in the current international set up, to underline that the Twelve have made a substantial contribution to the elaboration of the rules of procedure of the so-called emergency mechanism on the basis of which political consultations among the CSCE participating states can be convened at short notice. It was to a large extent due to the coordinated efforts of the European Community and its Member States that at the Berlin meeting of the CSCE Ministerial

Council, this emergency mechanism could be established. The extremely disturbing situation in Yugoslavia has since then necessitated the convening of two emergency meetings which have proved the value of this mechanism. Through the CSCE, the good will and friendly concern of other states have been brought to bear on a tense situation and the actions of those most directly involved have been placed firmly in the perspective of values and principles shared by all the participating states.

Faithful to their ideals, the European Community and its Member States firmly commit themselves to strengthen the CSCE process, and through it to contribute in a peaceful and substantial but firm manner to the promotion of security and cooperation in Europe.

### *Arms Control and Disarmament*

Recent events in the Middle East provide proof of the dangers arising from the proliferation of weapons of mass destruction throughout the world. They have also shown the need for concerted international action against stockpiling and spreading conventional weapons and military technologies, in particular where areas of tension are concerned.

In the Declaration on Non-Proliferation and Arms Exports, adopted by the European Council in Luxembourg, June 1991,<sup>13</sup> the Community and its Member States stressed the absolute necessity of further enhancing the effectiveness of non-proliferation regimes. They reiterated their strong support for the strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons and for the IAEA's safeguards system. In this context the Community and its Member States commend those states that recently acceded to the treaty and at the same time call upon all states that have not yet done so to become parties to the treaty as well.

They warmly welcome the recent START Agreement, which will help to achieve substantial and balanced reductions in the nuclear arsenals of the United States and the Soviet Union.

They underline the importance of the CFE I Treaty providing for the elimination of disparities in conventional armed forces prejudicial to stability and security in Europe, the elimination of the capability for launching surprise attacks as well as initiating large-scale offensive action. They welcome the fact that the problems in connection with the interpretation of the treaty were resolved satisfactorily, thereby opening the way to early ratification.

The Twelve also welcome the progress made on Confidence and Security Building Measures (CSBM's), as is reflected in the Vienna Document. The on-going negotiations on manpower levels in Europe represent a further step towards strengthening stability and security on our continent. The Twelve express the hope that the renewed impetus to the arms control process will lead to the earliest possible establishment of an Open Skies regime and welcome the resumption of negotiations on 9 September in Vienna. They underline the importance they attach to the informal preparatory consultations, which started in Vienna on 17 September, aimed at establishing by 1992, from the conclusions of the Helsinki Follow-Up Meeting, new negotiations on disarmament and CSBM's, open to all participating states.

Furthermore, the Twelve have identified a number of common criteria on which their national policies on conventional arms exports are based. They hope that on the basis of criteria of this nature a common approach will be made possible, leading to a harmonization of national policies in the perspective of European Political Union.

However, the Twelve are convinced that effective efforts in this field will have to be based on concerted international action. In that spirit the Twelve will table a draft resolution which, while explicitly recognizing every state's right to ensure its own security in accordance with Art. 51 of the UN Charter, aims at achieving restraint and transparency in the transfers of conventional weapons by means of a universal and non-discriminatory register.



The Gulf war has imparted a new sense of urgency to reaching the long-sought goal of a global, verifiable and comprehensive ban on chemical weapons. The Twelve therefore call for the successful completion of the multilateral negotiations in the framework of the Geneva Conference on Disarmament on a Chemical Weapons Convention by the middle of 1992. They reaffirm their intention to be among the first signatories of the Convention and invite other states to do likewise.

The Gulf war and its aftermath have equally reminded the international community of the worrisome fact that the conclusion of the Biological and Toxin Weapons Convention did not imply the disappearance of these weapons from the earth for all times. The European Community and its Member States actively contribute to a successful conclusion of the Third Review Conference of the Convention, which is working on measures designed to uphold and where possible, strengthen the existing ban on biological weapons.

### *Cyprus*

The European Community and its Member States continue to follow with concern the developments in Cyprus, a member of the European family. They monitor very closely recent efforts by the Secretary-General, aimed at finding a just and viable solution to the question of Cyprus, and support his mission of good offices. They reaffirm their support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant UN resolutions. They hope that the on-going contacts of the Secretary-General with all parties concerned, will permit him to remove the remaining obstacles and to further the convocation of a high-level international meeting on Cyprus under UN auspices.

### *Middle-East*

#### Post-Gulf-Crisis Situation

The European Community and its Member States were greatly satisfied when Kuwait regained its freedom and the international legal order was restored.<sup>14</sup> The degree of unity displayed in that occurrence by the members of the organization allowed for a multilateral operation that prevented an international crisis of even larger proportions.

As they stated on the day military operations began in the Gulf,<sup>15</sup> the European Community and its Member States reaffirm their commitment to contribute actively to bringing about a future of peace, stability and development for the entire region in a context of social justice and regional economic solidarity. They also reaffirm their commitment to the sovereignty, unity, independence and territorial integrity of all countries of the region.

To this end they undertake to try to develop an overall approach to the region. This approach will include security matters, political issues and economic cooperation and cultural dialogue, notably a renewed Mediterranean policy, a relaunched Euro-Arab dialogue and reinforced cooperation with the Gulf Cooperation Council and the Arab Maghreb Union. In this context, the European Community and its Member States also count on the assistance of the more affluent countries of the region.

They have equally called for the definition of a set of common rules and principles which could offer the countries of the region a stable and harmonious framework for co-existence and cooperation. In this context, they mentioned respect for the territorial integrity, equality amongst sovereign states, a ban on the acquisition of territory by force, peaceful settlement of disputes and respect for human rights and fundamental freedoms. They are furthermore fully committed to support the role of the United Nations in promoting security and peace in the area.

On April 8, the European Council held an informal meeting devoted to the post-war situation in the Middle-East. It stressed that, from a general point of view, the three conditions for peace

and stability in the region are a solution to the Arab-Israeli conflict and the Palestinian question, the democratic legitimacy of governments, economic development and reduction of prevailing economic inequality between the countries of the region.

The European Community and its Member States believe that it is mainly up to the states of the region to reach an agreement on security arrangements (both individually and collectively). In this light, they welcome the current efforts of the GCC and its member States, as well as the efforts undertaken with Egypt and Syria after the Cairo and Damascus meeting which established a framework for future cooperation. The European Community and its Member States believe that other countries will also have an important role to play in ensuring future regional stability.

The European Community and its Member States confirm their readiness to play their full part in supporting the efforts of the states concerned, and complementing these with appropriate action. The European Community and its Member States attach particular importance to political dialogue with the GCC countries. They recognize the positive role played by the GCC in maintaining security and stability in the Gulf region.

The European Community and its Member States endorse the view expressed in the Cairo and Damascus meetings that the Arab countries themselves have to try and foster greater economic and social development, while respecting the principle of sovereignty over economic resources. They share this view and are prepared, in a spirit of solidarity, to develop further the process of cooperation with the countries of the region.

It is the view of the European Community and its Member States that the Gulf crisis has underlined the necessity of restraint in the field of the proliferation of armaments. To this end, they have decided to work for the reinforcement of the non-proliferation regimes of weapons of mass destruction, and to try to end the accumulation of conventional armaments in the region.

#### Kurdish Problem

The European Community and its Member States are deeply concerned about the situation of the civilian population in Iraq, notably the Kurds and the Shi'ites. On April 3,<sup>16</sup> they firmly condemned the brutal repression of these population groups, bringing about a flow of refugees to neighbouring countries. They called upon the Iraqi authorities to put an immediate end to this repression, which had, in the past, severely affected the Kurdish people. They stressed that only dialogue with all parties concerned would allow a renewed and united Iraq to emerge. An Iraq which would display respect for the legitimate aspirations of its different population groups.

On April 8, the European Council held an informal meeting mostly devoted to the situation in Iraq. It paid tribute to the indispensable role played by the United Nations and called on Iraq to implement immediately and unconditionally the UN Security Council Resolutions 687 and 688. It condemned the brutal repression against Iraqi civilian population, in particular the Kurds. It supported the appeal of the UN Secretary-General on behalf of Iraqi civilian population. The European Council also agreed that sanctions against Iraq should be maintained if the policies and practice of the Iraqi Government were to persist. It decided on European Community aid of 150 million ECU under the heading of humanitarian assistance, in addition to substantial contributions by individual member countries of the European Community, to the Iraqi civilian population.

Moreover, it envisaged the establishment of a protected zone in Iraq. At the Ministerial meeting between the EC and the countries of the GCC, on 10 and 11 May,<sup>17</sup> both sides condemned the brutal repression of the civilian population in both Northern and Southern Iraq, causing a massive flow of refugees to neighbouring countries. They jointly called on the Iraqi authorities to stop this repression immediately. The Ministers of the GCC countries expressed their appreciation for the action, (notably in the field of emergency aid) taken by the European Community and its Member States to assist the refugees. Both parties confirmed their support for the establishment of 'safe

havens' in Iraq within the framework of UN Security Council Resolution 688. They stressed that the role of the United Nations was indispensable in this context. They also reaffirmed their commitment to the unity and territorial integrity of Iraq.

The European Council, at its meeting in Luxembourg in June,<sup>18</sup> recalled its initiative of April 8<sup>19</sup> and welcomed the fact that the establishment of security zones in the North of Iraq had enabled a large number of Kurdish refugees to return to Iraq. It expressed the wish that the refugees who had remained in Iran would also be able to return to their homes soon. It also recalled the major effort of the European Community and its Member States to come to the rescue of these people. The European Council also marked its satisfaction at the important role played by the United Nations in repatriating the refugees. It underlined, in this context, the need to bring about as rapidly as possible the full deployment of the contingent of 500 United Nations guards. To facilitate this process, the European Council undertook to meet the remaining deficit of the original budget of 35 million dollars. It also noted with satisfaction the sizeable personnel contribution which [...] certain Member States had made to the UN guards contingent.

The European Council took note of the negotiations underway between the Iraqi authorities and representatives of the Kurds. They expressed the hope that these negotiations would rapidly lead to a satisfactory agreement and considered that it would be appropriate for the international community to lend its support to such an agreement on the basis of Resolution 688 of the Security Council. The European Council also considered that as long as the Iraqi authorities would fail to comply with their obligation to observe – fully and unequivocally – all the provisions of Resolutions 687 and 688, the Security Council should not [...] envisage lifting the sanctions imposed on Iraq. In this context, the European Community and its Member States condemned the attempt by the Iraqi authorities to hide, in clear violation of UN Security Council Resolution 687, part of its nuclear equipment.

### Arab-Israeli Conflict

While reaffirming their well-known positions of principle, the European Community and its Member States emphasize the need to start, without delay, a process of negotiations based on UN Security Council Resolutions 242 and 338, leading to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question. To this end, they believe the current initiative, launched by the United States, to convene a peace conference leading to negotiations between the parties, offers real prospects for peace in the region.

They reiterate their firm support for this initiative and note with satisfaction that consensus is emerging on this matter. They stress again the importance of overcoming remaining difficulties, including the question of representative Palestinian participation, so that a conference may be convened shortly. They are convinced that with sufficient political will and courage of the parties concerned, a solution to the remaining obstacles can be found.

Beside a settlement of the Palestinian question through the exercise of the Palestinian right to self-determination lasting peace and stability of the region should involve the end of the state of belligerence among all states of the region, the commitment not to resort to force and the commitment to the peaceful settlement of disputes, and respect for the territorial integrity of all states, including Israel.

As a participant in the Peace Conference, the European Community and its Member States aim to make a full contribution to negotiations between the parties, so that they may prove to be successful. They also welcome the fact that a number of Arab countries, Egypt in particular, have responded positively to the call upon them by the London G-7 Summit in its declaration, to offer a suspension of the Arab boycott in return for a freeze by Israel of its settlement policy. They equally stress the importance of reciprocating this positive gesture.

The European Community and its Member States once again underline the need for all parties to adopt reciprocal and balanced measures to establish a climate of mutual trust in order to start negotiations, and at the same time avoid adopting measures that might hinder this process. They specifically believe that the establishment of new settlements in the Occupied Territories, including East Jerusalem, is illegal and incompatible with the will expressed to achieve progress in the peace process and is specially harmful at a time when all parties ought to show flexibility and realism.

The European Community and its Member States remain seriously concerned about the situation in the Occupied Territories which adversely affects the living conditions of the Palestinian people and compromises in a lasting way the future of Palestinian society and prevents the economic and social development of the Occupied Territories. The breach of human rights obligations by the Israeli authorities in the Occupied Territories has led the European Community and its Member States to state their concern repeatedly. They call once again on Israel to act in conformity with its obligations under the Fourth Geneva Convention with regards to the protection of the civilian population, and to cooperate with the United Nations. They also reaffirm their commitment to the economic and social development of the Palestinian people and their determination to further assist them.

#### Lebanon

The European Community and its Member States express their satisfaction at the implementation of the security plan in the greater Beirut area and a large part of Lebanon, the progressive disbandment of the militias and the extension of the control of the Lebanese army to Southern Lebanon. They hope that recent developments in the South with the return of the Lebanese army are conducive to the full implementation of Security Council Resolution 425.

They express the hope that recent developments will foster a process of national reconciliation and lead to the full implementation of the Ta'if Agreements, thus bringing about the restoration of the sovereignty, independence, unity and territorial integrity of a Lebanon free of all foreign troops, and enabling the Lebanese people to express their will through free elections.

They welcome the recent releases of some of the hostages held in Lebanon, but remain concerned at the plight of those still being held and call upon the parties concerned to bring about their immediate, unconditional and safe release.

#### Maghreb

The European Community and its Member States attach great importance to cooperation and political dialogue between the countries of the Arab Maghreb Union and themselves. They support the establishment of the AMU and its commitment to regional integration, with a view to bringing about a true partnership. They express the hope that the renewed Mediterranean policy will assist this process.

#### Western Sahara

The European Community and its Member States noted with satisfaction the progress made in the process of the Saharan people towards self-determination, to which the cease-fire agreement of 6 September is an important contribution. In particular they warmly welcomed the adoption of the report of the Secretary-General by the Security Council and the General Assembly, as well as the establishment of the UN Mission for the Referendum in Western Sahara (MINURSO).

They believe these to represent an important step towards a just and lasting settlement of the conflict in Western Sahara, based on the self-determination of the population. The European

Community and its Member States will continue to assist in the implementation of the process that is underway. They reiterate their firm support for the persistent efforts of the Secretary-General of the United Nations and his special representative to implement fully the provisions of the UN plan and to secure the continued cooperation of the parties involved so that the current process will proceed smoothly.

## *Africa*

In a series of remarkable developments, various countries in Africa have, in recent years, witnessed the emergence of democratic systems of government and the introduction of political pluralism. Although the movement towards change seems to have gained a firm foothold on the continent, the road remains long and hazardous.

### *South Africa*

The policy of the Community and its Member States with regard to South Africa remains committed to the complete abolition of the unacceptable system of apartheid by peaceful means and its replacement by a democratic system in which all South Africans can participate in peace and harmony, regardless of colour and race. In light of the positive developments which took place in South Africa, the European Council in Rome [on] 15 December 1990,<sup>20</sup> decided to encourage the process aimed at the complete abolition of apartheid through a gradual review of the existing restrictive measures along the lines decided upon by the European Council in Dublin, June 1990.<sup>21</sup> Desirous to contribute to combating unemployment and improving the economic and social situation in South Africa, the European Council decided to lift the ban on new investments. It also agreed to strengthen the programme of positive measures and to adjust it to the requirements of the situation of the day including those related to the return and resettlement of the exiles.

Further the European Council declared that as soon as legislative action was taken by the South African Government to repeal the 'Group Areas Act' and the 'Land Acts', the Community and its Member States would proceed to a further easing of the restrictive measures of 1986 (import bans on gold coins and iron and steel products).

At their meeting on 4 February 1991,<sup>22</sup> the Ministers of Foreign Affairs of the Twelve welcomed the announcement made on 1 February by President De Klerk, of further important changes in South Africa, including the repeal of the 'Group Areas Act', of the two 'Land Acts' and of the 'Population Registration Act', which would open the path towards the complete and irreversible abolition of apartheid. After the tabling of the bills to repeal the above-mentioned acts, the Twelve decided to lift the remaining restrictive measures, decided upon in 1986, subject to a parliamentary waiting reserve entered by one Member State.

The European Council of Luxembourg 28 to 29 June 1991,<sup>23</sup> noting with satisfaction the progress achieved in desegregation in the field of sports, decided to support the principle of renewing sporting contacts with South Africa at the international level on a case by case basis, whenever unified and non-racial sporting bodies have been set up.

The European Council of Luxembourg also noted on that occasion that a number of obstacles on the path to negotiations remained unresolved and expressed the hope that a rapid solution could be found to the problem of the release of political prisoners and the return of exiles. It reiterated furthermore its concern about the continuing violence in South Africa and called upon all parties to show restraint and upon the South African Government in particular to spare no effort to maintain law and order.

The European Community and its Member States call on all parties to resolve the outstanding questions in order to enable negotiations between all political forces to begin as soon as possible.

The Community and its Member States noted with interest the statement by President De Klerk on 30 July last<sup>24</sup> in answer to recent revelations of secret funding by the South African Government of political and related organizations in South Africa and the alleged involvement of elements of the SADF and security forces in these acts of violence. They have expressed the hope that this statement would contribute to re-establishing a climate of trust, which is essential to achieve further progress towards negotiations. On 22 August<sup>25</sup> the Community and its Member States have welcomed the agreement reached between the South African Government and the United Nations High Commission for Refugees, which removed an important obstacle to negotiations.

On 16 September 1991,<sup>26</sup> the Community and its Member States welcomed the signing of the National Peace Accord of 14 September 1991 and expressed the hope that this Agreement would finally open the path towards a definite end of senseless bloodshed, which delayed substantive negotiations on a new constitution. Furthermore they urged all parties to subscribe to the principles laid down in the National Peace Accord and to assure its enforcement at all levels.

### Ethiopia

The Community and its Member States have been following very closely recent developments in Ethiopia and are encouraged by the restoration of peace in a country which has endured 30 years of civil war. This war has not only brought immense human suffering, but it has also impoverished the entire country. Repeatedly the Community and its Member States have strongly urged all those who were involved in the hostilities to lay down their arms and enter into substantive talks with a view to achieving a lasting peaceful solution to the conflict.

The Community and its Member States therefore welcomed in their statement of 31 May<sup>27</sup> the peace-talks in London and the commitments subscribed to on that occasion. They also stated their support for convening a national conference open to all political groups in order to select a national government of transition. The Community and its Member States were pleased to have an opportunity to observe the proceedings of the national conference, which started on 1 July in Addis Abeba, and in their statement of 12 July<sup>28</sup> they warmly welcomed the successful conclusion of the conference for peaceful and democratic transition in Ethiopia. They also noted with satisfaction that the Charter adopted on that occasion explicitly guarantees individual human rights, including freedom of expression and association.

The Community and its Member States, conscious of the significant progress made towards national conciliation expressed the hope that full implementation of the Charter's provisions would lead Ethiopia into a new era of peace, democracy and development. They reiterated their readiness to support this process by appropriate means. In the meantime they will continue to provide humanitarian relief for the Ethiopian people who continue to suffer the effects of a protracted civil war.

### Somalia

On 2 January<sup>29</sup> and on 15 January<sup>30</sup> the Community and its Member States urged the parties to the conflict to work towards the establishment of a cease-fire and to find a peaceful and lasting solution through dialogue and negotiation. They reaffirmed their commitment to an effective process of national reconciliation based on the respect for human rights and based on the independence, unity and territorial integrity of Somalia.

In view of prevailing separatist tendencies, the Community and its Member States reiterated in their statement of 24 May<sup>31</sup> their appeal to all parties concerned to participate in talks dealing with political reconciliation, institutional reorganization and the reconstruction of the country in particular. They fully supported the on-going efforts to restore peace in the country.

On 2 August<sup>32</sup> the Community and its Member States welcomed the outcome of the Conference on Somalia convened under the auspices of the Government of Djibouti, which they

attended as observers, and which they considered to be a first important step towards the reconstruction of Somalia.

The Community and its Member States urged all parties concerned to continue working for national reconciliation, thus putting an end to the extreme sufferings of innocent civilians. They also reaffirmed their commitment to provide humanitarian relief under conditions that guarantee an effective distribution.

#### Sudan

The political, economic and human rights situation in Sudan remain a source of deep concern to the Community and its Member States. The drought and famine threatening the lives of millions of people in Sudan have caused the Community and its Member States to express great dismay (in their statement of 7 February)<sup>33</sup> at the failure of the Government of Sudan to respond to the efforts of the donor community to engage in substantive discussion on emergency assistance and to cooperate with donors and NGO's in implementing measures in order to ensure that the emergency supplies reach the population in all parts of the country on time.

In July, the Community and its Member States have expressed their appreciation for the agreement reached between the Sudanese Government and the United Nations on the delivery of food aid, in particular both to refugees and displaced persons in Sudan. They expect that the agreement will lead to a constructive cooperation with donors on the question of emergency assistance.

#### Liberia

The Community and its Member States welcome the agreement of all Liberian parties involved to organize free and democratic elections, which was reached at Yammasoukro on 29 June 1991. Liberia's long civil war has had a major impact on the country, as well as on the whole region.

The Community and its Member States are still deeply concerned at the enormous humanitarian needs. They support the recent appeal by the UN Secretary-General for humanitarian aid.

#### Angola

On 31 May,<sup>34</sup> the European Community and its Member States gave a warm welcome to the signature by the Government of Angola and by UNITA of the peace agreements of Estoril which, marking the end of the civil war, gave the promise of a new era in Angola.

The European Community and its Member States have noted with appreciation the progress already achieved by the Joint Political Military Commission as well as the encouraging spirit of dialogue shown by both parties in their quest for peace and stability in the country. Furthermore the Community welcomes the establishment of the United Nation Angola Verification Mission II (UNAVEM II), set up to monitor the implementation of the peace agreement in close cooperation with the Angolan parties.

The European Community and its Member States reiterate their commitment to participate in the reconstruction of the country.

#### Mozambique

The continuing civil war in Mozambique and the ensuing loss of live of innocent civilians and material damage remain a source of concern to the Community and its Member States and are incompatible with the new spirit prevailing in the region.

The European Community and its Member States recently reiterated their support for the peace negotiations between the Government of Mozambique and Renamo, in Rome, which have led to a declaration of a partial cease-fire in December 1990 and the subsequent establishment of a verification commission. They express their desire to see a rapid conclusion to negotiations and urge the two parties to undertake every effort to reach an agreement on national reconciliation in the framework of the democratic development of the country.

### Namibia

The European Community and its Member States have been following developments in Namibia since its independence very closely. In view of their commitment to give aid and lend support to the people of Namibia, the European Community and its Member States were particularly pleased to note that on 19 December 1990, only nine months after its independence, Namibia acceded to the Convention, thus enabling the European Community and its Member States and Namibia to improve their cooperation steadily.

### Asia

#### EC/Japan Declaration

The European Community and its Member States welcome Japan's wish to put its relationship with the European Community on a new basis. For that purpose a Joint Declaration on their future relations was made public on 18 July<sup>35</sup> on the occasion of the first summit meeting between the European Community and Japan during PM Kaifu's visit to The Hague. The European Community and its Member States view this new dialogue as an important step in order to intensify and broaden the scope of EC/Japan relations. They welcome it as a move on the part of Japan to underscore its willingness to assume a greater political role in international affairs.

The Joint Declaration between the EC and Japan is particularly important as it envisages wide-ranging political dialogue including such issues as terrorism, international drugs trafficking, protection of the environment and respect for human rights. It also sets a framework for dialogue and practical cooperation on issues such as economic trade, industrial matters, and science and technology.

### China

The European Community and its Member States stress the permanent importance of their dialogue with China, and their intention to use that dialogue to address the importance of respect for human rights by the Chinese authorities. They take every opportunity to encourage the Chinese authorities to respect the rights of all their citizens and to pursue economic and political reforms and a policy of openness, in the belief that these are essential prerequisites for sustained social and economic development within China itself and for China's relations with other countries. The European Community and its Member States continue to attach importance to the smooth implementation of the Sino-British Joint Declaration on Hong Kong and the Sino-Portuguese Joint Declaration on Macao.

### Korea

The Twelve welcome the membership [in] the UN of North Korea and South Korea.

The Community and its Member States welcome the reopening of a direct political dialogue between North and South Korea and hope that, with patience and perseverance from both sides,



the talks will help reduce tension and lead to concrete progress. They urge North Korea to implement all NPT obligations without further delay, notably the IAEA Safeguards Agreement.

### **Cambodia**

The European Community and its Member States strongly support the efforts of the five Permanent Members of the UN Security Council and the two Co-chairmen of the Paris Conference to achieve lasting peace in Cambodia. They believe that a comprehensive, political solution should ensure the independence, sovereignty, territorial integrity and neutrality of Cambodia, as well as the fundamental right of the Cambodian people to choose their own government in free, fair, and internationally supervised elections.

They welcome the important steps taken by the Cambodian parties themselves, since June, towards national reconciliation, including an unconditional cease-fire of unlimited duration and an end to external military assistance, a reduction of armed forces and their armaments by 70%, the cantoning of the remaining 30% of the armed forces, and especially the agreement to adopt a liberal democracy and multi-party system in Cambodia.

The European Community and its Member States urge the SNC to make every effort to resolve all remaining issues necessary to conclude a comprehensive political settlement, so that the widespread human suffering and abuse of human rights resulting from the conflict in Cambodia may be brought to an end. The European Community and its Member States are prepared to contribute to the return of Cambodian refugees to their homeland as well as to the country's reconstruction and development as soon as a comprehensive political solution to the conflict will have been found.

### **Vietnam (boat people)**

The European Community and its Member States reaffirm their commitment to the Comprehensive Plan of Action adopted at the International Conference on Indochinese Refugees in Geneva in 1989.

The Twelve remain deeply concerned about the continuing exodus of Vietnamese citizens from their country, and hope that appropriate measures can be found which could encourage greatly accelerated rates of return to Vietnam of those not recognized as refugees.

### **Burma**

In May 1990 the Burmese people indicated in free elections their desire for a democratic multi-party system. At the time the European Community and its Member States welcomed this outcome and called on the military authorities to transfer power without delay to a government designated by the newly elected parliament.<sup>36</sup> The European Community and its Member States deeply regret the failure of the Burmese authorities to initiate a democratic process, to respect internationally acknowledged rules of conduct in the field of human rights, to cease the harassment, detention and house arrests of leaders of the opposition (among them Aug San Suu Kyi) and to free political prisoners. In the light of the Burmese Government's continued repressive policies the European Community and its Member States reduced economic and trade relations to a minimum, suspended all non-humanitarian aid programmes and agreed upon a total ban on arm sales to Burma.

The European Community and its Member States call once again on the Burmese Government to respect the mandate laid down by the Burmese people in May 1990 and to introduce a demo-

cratic multi-party system. They are prepared to re-establish constructive relations with Burma, including a resumption of development assistance programmes, once Burma fulfils its obligations in the field of human rights and democracy.

#### East Timor

The European Community and its Member States continue to follow developments in East Timor closely, which remains a source of concern. They view the authorization given to the special rapporteur on torture to visit the area favourably. They reiterate their support for the contacts between Portugal and Indonesia under the auspices of the Secretary-General and welcome in this context that the two countries have agreed on the terms of references of the proposed visit of the Portuguese Parliamentary delegation to East Timor. They express the hope that this visit will help to create an atmosphere conducive to a just, comprehensive and internationally accepted settlement in line with the purposes and principles of the UN Charter, including the respect for human rights and for fundamental freedoms, giving full consideration to the legitimate interests and aspirations of the people of East Timor.

#### Bangladesh

The European Community and its Member States welcomed the organization of free and fair parliamentary elections in Bangladesh last February, as well as the adoption of a parliamentary system by the Government of Bangladesh in August 1991. They find it encouraging that the two main political parties in Bangladesh have moved quickly towards agreement on these issues. These steps towards guaranteeing democracy and accountable government are of great importance to the future of Bangladesh.

The European Community and its Member States also welcome the Bangladeshi Government's pragmatic approach to the financial and economic problems facing the country, as well as their commitment to sound macroeconomic management. They congratulate the Government for having taken decisive measures to deal with the devastating effects of the cyclone of April 29. They reaffirm their commitment to support the new democratic Government of Bangladesh in its efforts to implement reform and reconstruction.

#### Nepal

The European Community and its Member States warmly welcome the emergence of a fully democratic government in Nepal following elections held in May.

#### India/Pakistan

The European Community and its Member States enjoy excellent relations with India and Pakistan and hope that both countries will solve their differences through dialogue and negotiations. They therefore welcome efforts made by the Indian and Pakistani authorities to defuse tension between their two countries, including the agreements reached in April on advance notice of military exercises, manoeuvres and troop movements, and on the prevention of air space violations. The European Community and its Member States hope that these understandings will develop into a comprehensive dialogue between the Indian and Pakistani Governments on all matters of mutual interest and concern.

They continue to be concerned at reports both of human rights abuses by the Indian Security Forces and of material support being given to extremists in Kashmir from territory controlled by Pakistan. They condemn the use of violence for political ends in Kashmir.

They call on all those concerned to exercise the utmost restraint and they urge that international human rights and humanitarian organizations be allowed to visit Jammu and Kashmir to give an independent assessment of the situation.

They also call upon the authorities of both countries to double their efforts to reach a peaceful resolution of the Kashmir problem, creating conditions under which the population of Kashmir can enjoy its fundamental rights and prosper in peace.

### **Sri Lanka**

The European Community and its Member States condemn the use of violence by the LTTE. They also remain deeply concerned about the continued reports of killings and disappearances in the East of Sri Lanka, including the massacre of Tamil civilians by members of the Security Forces in June near Batticaloa and the use of violence by the Liberation Tigers of Tamil Eelam. They welcomed the appointment of a Special Task Force to monitor human rights last November by the Government of Sri Lanka as a positive move towards restoring respect for human rights in the country and they hope that the Special Task Force will make progress in its work. They welcome the invitation extended by the Sri Lankan Government to the Working Group on disappearances of the UN Commission on Human Rights and the invitation extended to the Special Rapporteur to visit Sri Lanka.

The European Community and its Member States stress that they consider human rights to be a fundamental element in their relations with other countries and that they will therefore continue to address this topic in their dealings with the Sri Lankan Government.

### **Afghanistan**

The Twelve remain concerned about the continuance of the internal armed struggle in Afghanistan, the severe violations of human rights and the tragedy of the countless refugees and displaced persons. The Twelve welcome the sustained efforts of the UN Secretary-General and his personal representative Benon Sevan, who are working to advance the dialogue among Afghan parties under the aegis of the United Nations so as to achieve an overall political solution to the Afghan problem.

The Twelve underline the importance of this dialogue aimed at establishing a process of transition which should lead to the establishment of a fully representative government in Kabul. In this context, they recall the importance of the participation of representatives of the resistance in this process.

The European Community and its Member States welcome the US/Soviet Agreement of 13 September to end arms supplies to the combatants with effect from 1 January 1992, and urge other governments to follow this example. They consider such steps as further support to the endeavours of the Secretary-General and continue to hope that a cease-fire acceptable to all parties, an essential part of the transitional process, will be implemented soon.

### **Latin America**

In recent years, considerable progress has been made in the democratization process throughout Central and South America, sustained by a tendency towards greater respect for human rights and the application of the principles of the rule of law. In some countries however there is still considerable room for improvement. The Latin American countries are in the process of developing more market-oriented economies and have identified, as one of the ways to achieve this, the development of new forms of regional cooperation. The European Community and its Member

States believe that the reinforcement of democracy and the development of regional and international cooperation will offer new prospects.

They will continue to examine ways and means to further strengthen relations between the two regions, through political dialogue and programmes of economic cooperation and technical assistance mainly with a view to promoting processes of regional integration. The Community and its Member States welcome further encouraging steps by some countries of South America in the field of disarmament and nuclear cooperation.

#### The San José Process

In the framework of the San José process, the European Community and its Member States have pursued, together with their Central American partners, regular consultations on a wide range of issues of mutual interest and concern. The Seventh Ministerial Conference, which took place in Managua on 18 and 19 March 1991,<sup>37</sup> represents an important step forward in this respect. The Community has stated its willingness to continue to support the efforts towards national reconciliation, full respect for human rights, and economic and social progress. The Ministers of the European Communities agreed to introduce, in close cooperation with other existing competent bodies, multi-annual programmes for the promotion of human rights in Central America. Unfortunately the human rights situation remains disturbing in a number of Central American countries. It is to be hoped that the governments and peoples of the region will continue to display their determination to attain the objectives of the regional peace process fully through national reconciliation and respect for and promotion of human rights and fundamental freedoms.

The effective functioning of the UN Observer Group on Central America (ONCE) and other monitoring bodies are a welcome illustration of the validity of the multi-lateral approach adopted by the Central American countries. As indicated in the political and economic communiqués adopted at the San José VII Ministerial Conference, the European Community and its Member States will continue to support the peace processes underway. In this context, they stress the importance of cooperation between the countries of the region as agreed by them in Esquipulas.

#### EC/Rio Group

In accordance with the provisions of the Rome Declaration of 20 December 1990,<sup>38</sup> the first institutionalized Ministerial Meeting between the European Community and the Rio Group was held in Luxembourg on 26 and 27 April 1991.<sup>39</sup> This meeting represented an opportunity for Ministers of Foreign Affairs to have in-depth exchanges of views on a number of political and economic topics and to conclude that it would be in the interest of both the European Community and its Member States and the Rio Group to further strengthen their solidarity and their cooperation in the political, economic, cultural and social fields.

#### The Mercosur Treaty

In the framework of Latin American regional integration, the European Community and its Member States welcomed the signature of the Treaty on the Establishment of a Common Market in the Southern Cone of the South American Continent ('MERCOSUR') by the Presidents of Argentina, Brazil, Paraguay and Uruguay at their meeting of 26 and 27 March in Asuncion.<sup>40</sup> They are convinced that the revival of the various processes of integration underway in Latin America will contribute to the consolidation of democracy in the countries of the region, to their economic development and to the strengthening of their role in the world. The European Community and its Member States heard with great interest the parties to 'MERCOSUR' explain in detail the structures and perspectives of that Treaty, in the margin of the EC/Rio Meeting of Luxembourg.

## Andean Pact

The Community and its Member States welcome the integration efforts carried out by the Andean Pact aimed at the establishment of a free-trade zone as of January 1992.

## Nicaragua

On the occasion of the first anniversary of the elections which made a democratic transition of government in Nicaragua possible, the European Community and its Member States were in a position to reiterate their support for pluralist democracy in this country.<sup>41</sup> They will continue to extend economic assistance. It remains of crucial importance that all political and social forces in Nicaragua help to bring about progress in the democratic process and national reconciliation through constructive dialogue.

## El Salvador

The European Community and its Member States pay tribute to the efforts of the Secretary-General of the United Nations and his personal representative, Mr Alvaro de Soto, to reach a negotiated settlement to the conflict in El Salvador.<sup>42</sup> They were most encouraged by the agreements signed in Mexico on 27 April<sup>43</sup> between the Salvadorean Government and the Farabundo Marti National Liberation Front (FMLN) which marked an important stage in the peace process begun in Geneva in April 1990 and called on the two sides to pursue and bring to a conclusion their negotiations in a spirit of true dialogue, peace-making and flexibility.

The Community and its Member States continue to attach great importance to the proper investigation of all alleged abuses of human rights. They reiterate their conviction that the clearing up of the cases of the Jesuits fathers and two of their co-workers, murdered in November 1989, would constitute a key factor for democratic consolidation and for the independence of the judiciary.

The European Community and its Member States remain greatly concerned at the continuing reports of human rights violations at a time when negotiations aimed at peaceful reconciliation raise hopes of a lasting solution,<sup>44</sup> and have already led to an agreement on human rights and the establishment of a United Nations Observer Mission (ONUSAL), dealing initially with monitoring the human rights situation in El Salvador.

## Guatemala

The European Community and its Member States welcomed the democratic character of the elections in Guatemala and the first transfer of power from one civilian president to another in the recent history of this country.<sup>45</sup> These are important and encouraging signs for the peace process and the consolidation of democratic institutions in Central America.

They noted with satisfaction the agreements reached in Mexico on 26 April<sup>46</sup> between the Government of Guatemala and the Guatemalan National Revolutionary Union (URNG) in the presence of the conciliator and the representative of the Secretary-General of the United Nations. They specifically welcome the signature by the parties of an agreement on democratization, reached in Mexico in August 1991. The Community welcomes this new momentum and the positive impulse to the peace process in Guatemala, and encourages the two sides to pursue their negotiations and bring them to a conclusion in the same flexible spirit which made the agreement reached in Mexico possible. Unfortunately the human rights situation in Guatemala continues to cause grave concern even though the Government of Guatemala has adopted measures to promote respect for human rights and fundamental freedoms. In this connection special attention should also be given to the plight of the street children of Guatemala-City.

### Belize/Guatemala

The Community and its Member States welcome the statement by the President of the Republic of Guatemala on 5 September 1991, in which the Government of Guatemala recognized the independence of the State of Belize.<sup>47</sup> President Serrano's decision constitutes a major step forward towards the resolution of a bilateral difficulty of long standing. It also removes a source of international tension and should strengthen regional stability.

The Community and its Member States also welcome the commitment by both the Governments of Belize and Guatemala to continue to work for a full and final settlement of their dispute.

### Haiti

The European Community and its Member States have been mindful of events in Haiti, particularly [...] since fair and orderly elections of December 1990 offered the country the chance of a major breakthrough in its long struggle towards the establishment of a society built on the rule of law, respect for human rights and the promotion of social justice and economic progress. They therefore condemned unreservedly the violent attempt to seize power in Haiti in early January 1991<sup>48</sup> as a flagrant violation of the popular will. They furthermore expressed pleasure at democratic legality prevailing, and the upholding of the position of the elected President, with the help of the country's civil and military authorities. The European Community and its Member States, which under the Lomé Convention have significant links with Haiti, have stated their readiness to support the efforts of the new Haitian Government to promote political, economic and social progress in that country.

### Chile/Argentina

The Community and its Member States welcome the signature of the Presidential Frontier Declaration by the Presidents of Argentina and Chile in Buenos Aires on 2 August 1991. The Declaration provides for a final peaceful solution to a number of frontier disputes of long duration between both countries and represents a significant step in the process of strengthening their relations in all fields.

### Chile

On the occasion of the first anniversary, on 11 March 1991,<sup>49</sup> of the investiture of President Aylwin, which marked Chile's return to democracy, the European Community and its Member States expressed satisfaction at the peaceful and constructive atmosphere in which that first year had passed and reiterated their full support for the re-establishment of the rule of law in Chile and for the task which faces the Chilean authorities and political parties trying to consolidate democratic structures in the country.

### Suriname

The European Community and its Member States strongly condemned the military *coup* in Suriname on 24 December 1990.<sup>50</sup> They stated their conviction that those events ran contrary to the strengthening of democracy throughout the world, and in particular in South America, and would further isolate Suriname from the other members of the international community.

They associated themselves with the statements issued by the OAS and CARICOM in that respect and urged the new authorities of Suriname to return rapidly to democratic legality, in accordance with its promises, so that Suriname might recover its proper place in the international com-

munity. After the free and fair elections which took place on 25 May 1991, they were in a position to congratulate the Surinamese people on having taken an important step back on the road to democracy.<sup>51</sup> They subsequently expressed the hope that the new government would do justice to the clearly expressed will of the people of Suriname.

The European Community and its Member States noted with satisfaction the democratic election of a new President, Mr Ronald Venetiaan, on 6 September 1991. They issued a statement on the occasion of his installation,<sup>52</sup> in which they expressed their confidence that Suriname now has regained its place as a respected member of the international community.

### *Human Rights*

Respecting, promoting and safeguarding human rights is an essential part in the conduct of international relations and one of the cornerstones of relations between the European Community and its Member States and other countries. The inter-relationship between human rights, democracy and sustainable development has become more and more evident and is a central concept in the Community's aid programmes. Lack of democracy, violations of human rights, and in particular the rights of minorities are among the root causes of flows of refugees. The European Community and its Member States believe that raising human rights cases cannot be considered as interference in the internal affairs of a state but rather as a legitimate concern under international law, essential for the creation of a sound international climate fostering peace, security and cooperation.

The European Community and its Member States' commitment to raise human rights violations regardless of where they occur is reflected in the Declaration on Human Rights adopted by the European Council in Luxembourg in June.<sup>53</sup> It is also reflected in their frequent *démarches* in individual cases, and in their efforts and interventions in appropriate international fora. As a welcome sign of the improvement [in the] field of performance in the human rights of most Central and East European countries, the special procedure adopted within the CSCE framework in January 1989 – the CSCE/CDH mechanism – was used to a much lesser extent in the course of the year. Beside progress in Central and Eastern Europe, the year was marked by notable progress in other parts of the world as well.

The European Community and its Member States reiterate their commitment to support and promote in regional and international bodies the respect for human rights and fundamental freedoms, which is one of the purposes of the United Nations and without which lasting peace and security cannot be established.

The Community and its Member States welcome the offer to host the World Conference on Human Rights, scheduled for 1993, in Berlin and support the recommendation of the Preparatory Commission to accept this offer. This Conference presents an opportunity to reaffirm the universal commitment to human rights and the implementation of the fundamental instruments to implement these rights. The Twelve are committed to making a positive contribution to the work of the pre-coms for the World Conference, the first of which has recently recorded significant progress.

### *Drugs*

In accordance with the European Council of Dublin of 25 and 26 June 1990, which stated that drug addiction and drug trafficking are sources of great damage to individuals and society, as well as to states and hence represent a major menace to Europe and the rest of the world, the Community and its Member States have intensified their cooperation in combating drug abuse, noticeably through the establishment of a High Level Group of Coordinators (ECLAT). Both at Community level and within larger European and international fora such as the Pompidou Group of the Council of Europe and the United Nations, no efforts have been spared over the last twelve

months to achieve coordination and efficiency of international efforts to combat drugs and drug trafficking.

On 14 December 1990, on the occasion of the European Council of Rome ECLAT submitted to the Heads of State or Government a general strategy which was adopted as the 'European plan to combat drugs'. The European Council concluded that the considerable importance attached to a systematic and continuous strengthening of the action by the Community and its Member States in combating drugs and organized crime called for the competent bodies to rapidly implement the programme elaborated by ECLAT, with particular regard to the objective of reducing the demand.<sup>54</sup> The European plan, the last part of which deals with 'Actions at the International Level', stresses three sectors in particular:

- the implementation of UN Conventions and the global plan of action;
- cooperation with the main producer and transit countries;
- cooperation with other developed consumer countries, both within the Pompidou Group and other fora.

The most recent UN Convention is the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which has been signed by all the Member States of the European Community. The timely ratification of this Convention is a major objective by the Twelve. The European Commission, for its part, ratified the Convention on 31 December 1990.

The European Community and its Member States believe that all States, be they producer, transit or consumer countries, have a shared responsibility in preventing and reducing the spread of drugs. At the international level, the Community and its Member States consider the UN as the most important organization for global cooperation and coordination in the fight against drug abuse. Numerous important conventions and other texts confirm this role of the UN.

The Community and its Member States welcome the establishment of the new United Nations International Drug Control Programme (UNDCP) in which the three existing UN drug control structures are integrated into one United Nations Drug Control Programme, in line with Resolution 179/45 of last year's General Assembly. The Community and its Member States will continue to provide financial support to the programme's projects and invite all states to strengthen the financial capacity of the UNDCP through an increase of their voluntary contribution.

In the framework of a particularly fruitful cooperation with the Pompidou Group of the Council of Europe and acting on the conclusions of the European Council of Dublin of 25 and 26 June 1990, the European Ministers responsible for drugs control met in Oslo on 9 and 10 May 1991. This conference is the first regional conference that is aimed at combating drug abuse at a pan-European level. In particular attention was given to:

- (a) the reduction of demand, notably through prevention of drug addiction among the young, AIDS prevention amongst addicts, the organization of preventive services, the treatment and reintegration of addicts into society as well as cooperation programmes in this field, and
- (b) the reduction of supply, notably through actions against drug trafficking (in particular heroin trafficking via the Balkan route), the control of chemicals used for drug manufacturing (precursors) and the fight against money laundering.

As a follow-up to the Oslo-Conference concrete measures are foreseen to be implemented jointly by ECLAT and the Pompidou Group, such as the strengthening of pan-European cooperation between law enforcement agencies on drugs issues, exchange of information, the use of 'drug' liaison officers, controlled delivery and possibly financial aid.

Furthermore, the final declaration adopted at the panEuropean Conference of Oslo made reference in particular to the Association Agreements to be concluded before the end of the year be-



tween the European Community and Poland, Hungary and Czechoslovakia and which should provide for specific forms of cooperation in the field of action against illicit drug abuse and trafficking.

Regarding the fight against drug trafficking and organized crime, the European Council of Luxembourg of 28 and 29 June<sup>55</sup> agreed on the objectives underlying proposals submitted to the European Council for the establishment of a European Criminal Investigation Office and requested Ministers with responsibility for drugs matters to submit proposals before the next meeting of the European Council in Maastricht. The European Council of Luxembourg emphasized again the importance of ensuring that European Community action is taken in close cooperation with the United Nations International Drug Control Programme.

### *Terrorism*

The Twelve continue to be deeply concerned about the frequency and gravity of terrorist activities world-wide. They believe that, given the scale of the threat, states must continue to concert their responses to terrorism as closely as possible, if they are to combat terrorism effectively. In this context the establishment of an internal market without internal frontiers within the European Community by 1993 will require an increase in cooperation between the Twelve's police forces. States must also continue to exercise maximum vigilance to protect their citizens.

### *Emergency Relief Assistance*

In the light of the experience gained with the relief efforts for the victims of a series of recent catastrophes on an international scale such as the cyclone in Bangladesh, the crisis in the Horn of Africa and the massive exodus of Iraqi refugees, the European Council in Luxembourg expressed the wish to strengthen the coordination mechanisms for emergency actions undertaken within the UN.<sup>56</sup> The international community, in response to these catastrophes, has a responsibility to assist countries to develop their own contingency planning and to ensure that its aid is channelled to the victims as directly and efficiently as possible. To this end, and without prejudging other reforms of the UN Secretariat, the European Council recommended the appointment of a High Level Coordinator for emergency humanitarian aid with direct access to the Secretary-General. In particular, it would be the task of the Coordinator to:

- chair an Emergency Standing Committee based in Geneva which would coordinate assistance efforts and provide a meeting point for donors and would include representatives of all humanitarian agencies, with a standing invitation to the ICRC and IOM;
- have at his disposal a future emergency fund enabling an immediate initial response to be made to international catastrophes;
- maintain an up-to-date register of all the resources available within the UN framework, States, and Non-Governmental Organizations for mobilization at short notice in different emergency situations.

### *International Economic Situation*

Significant regional differences in economic growth among developing countries and the increased level of economic interdependence continue to underline the need for enhanced international cooperation in order to promote peace, growth and sustainable development. The revitalization of the development process and the enhancement of environmental conditions remain the major challenges to the international community in the 1990s. Action to ensure a successful transition process in Eastern and Central Europe is also essential. World investment needs will grow accordingly, particularly in countries undertaking economic reforms. This will require an increase in savings both in developing and in developed countries.

World growth will not exceed 1.5% in 1991 whereas in 1988 it peaked at almost 4.5%. Pronounced cyclical differences exist between the industrialized countries. In the countries which are going through a recession, the first signs of a recovery are already discernible. In others, the cyclical slow-down might still come. The most probable scenario for the months ahead is that in the industrialized economies there will on average be a moderate upturn in growth and a narrowing of cyclical differences.

The main factors favouring recovery of the industrialized economies are the following: the greater strength and flexibility of the industrialized economies as a result of the structural policies pursued during the 1980s; the recovery of private sector confidence to which the return of oil prices to their July 1990 level contributed.

The scale of recovery may however be limited by such factors as: the persistence of domestic inflationary pressures; the necessity for financial consolidation in both the public and the private sector; the greater pressure being exerted on international capital markets, preventing a significant fall in long-term interest rates; and the absence of progress towards a further liberalization of international trade.

The Central and Eastern European countries are going through a severe recession caused chiefly by the dissolution of the CMEA, the state of the Soviet economy, and the implementation of stabilization programmes whereas the progress of structural reforms is slow. In the Soviet Union, the absence until now of clear and credible prospects of structural reforms has continued to exacerbate already major difficulties.

Some acceleration in the average growth of the developing countries could take place in 1991. The acceleration is chiefly attributable to the return to a positive growth rate of the Latin American economies which have just come through a difficult period of adjustment. The recovery in the industrialized countries and the pursuit of economic adjustment in developing countries should allow for a further acceleration of economic growth in developing countries in 1992. Nevertheless, for some of them, the economic situation remains very precarious, particularly in Sub-Saharan Africa, and their economic prospects remain adversely affected by a declining trend in primary commodity prices as well as by heavy foreign debt servicing requirements.

On the whole the outlook for a progressive recovery of the world economy is positive. The resolution of the Gulf crisis and the subsequent stabilization of oil prices have partly restored the consumer and investor confidence lost in the second half of last year. Although the first signs of recovery in the industrialized economies now in recession are becoming evident, some dangers remain:

- the risk of financial instability which would pull the world economy down again if the monetary and fiscal policies of industrialized countries failed to come up with appropriate responses to the current challenges;
- the risk that transformations in the Central and Eastern European countries do not succeed or prove insufficient, giving rise to social, political and economic tensions in Europe;
- the risk of insufficient resistance to protectionist tendencies and a lack of progress towards the liberalization of world trade.

### *International Economic Cooperation*

The European Community plays a major role in world economic growth and in the multilateral liberalization of trade. It has become one of the major poles of economic development through sound macro-economic policies, greater economic efficiency and its efforts for the implementation of the European Single Market by 1993. The Community and its trading partners will benefit from the creation of an increasingly liberalized single market, open to world trade.

The European Community has launched two Inter-governmental Conferences, aiming at the creation of a European Political Union and an Economic and Monetary Union. The outcome of these Inter-governmental Conferences is to be finalized at the European Council meeting at Maastricht on 9 and 10 December 1991.

The European Monetary System is leading to a high degree of economic convergence and stability. The first stage of Economic and Monetary Union has already begun and is characterized by closer surveillance and coordination of economic and monetary policies, thus contributing to stable economic growth and a more robust international economic system.

The Community has taken important steps towards the reinforcement of its links with its nearest neighbours as well as with the rest of the world.

The European Community is actively pursuing negotiations with the Member States of the European Free Trade Association aimed at creating a European Economic Area of 19 countries, characterized by a free circulation of goods, services, capital and persons.

The relationship of the EC with Central and Eastern Europe has shown further remarkable progress. The EC has already concluded cooperation agreements with virtually all countries of the area. Negotiations with Poland, Hungary and Czechoslovakia on an association agreement are currently in their final stage. The latter will progressively draw our countries closely together. The European Commission is coordinating an action plan of economic assistance for Poland, Hungary, Czechoslovakia, Bulgaria, Romania and Albania (PHARE) on behalf of the 24 OECD Nations. Assistance to Yugoslavia has under the present circumstances been suspended.

The Community initiated the establishment of the European Bank for Reconstruction and Development (EBRD), which has recently taken up its activities and is expected to play a key role by giving support to private investment in beneficiary countries and by contributing to orderly transition towards a market economy. In parallel it is the Twelve's policy to facilitate the accession by Central and Eastern European countries to the Bretton Woods Institutions.

The EC and its Member States have welcomed the efforts under way in the USSR to liberalize and to create a more open democratic and pluralistic society and to move towards a market oriented economy. They have repeatedly indicated their willingness to fully support and assist these reform efforts. To that end technical assistance is being given to the USSR.

The EC is determined to play its full role in improving the economic and social situation of the developing countries. Accordingly it is intensifying and broadening its cooperation with these countries, substantially increasing the level of its development assistance and will contribute to the liberalization of international trade, in particular in areas of interest to developing countries. The EC also reaffirms its conviction that certain aspects with an important bearing on these relations, such as broader-based democracy, respect for human rights, economic reform and environmental protection are bound to develop further.

The Community recently decided to renew its Mediterranean policy to take account of the evolution of the countries of the area and to support their efforts of economic reform and development, regional integration and cooperation with Europe. The initiatives of regional economic integration in this area deserve encouragement and support from the EC. The EC expresses the hope that the Cooperation Agreement that was concluded with the GCC-countries in 1988 will soon be followed by a mutually beneficial trade agreement.

The fourth EEC/ACP Convention was signed in Lomé on 15 December 1989 and entered into force on 1 September 1991. The Convention continues to focus on rural development and on the development of human resources. A new emphasis is put on demography, environment, and the promotion of small business and private investment.

In Asia ties between the EC and ASEAN have been further strengthened and both parties have expressed the determination to base their cooperation on a new and wider basis. Cooperation in the fields of trade and development continues with other Asian countries such as India, Pakistan and Bangladesh. In July 1991<sup>57</sup> at the occasion of the proclamation of a solemn declaration the EC/Twelve and Japan decided to broaden the scope of their trade and cooperation.

With Latin American partners, the EC pursues its efforts to diversify cooperation and trade. The EC welcomes Latin American efforts in the field of regional cooperation and trade and reiterates its willingness to continue its cooperation within the framework of San José agreements and with the Rio Group, thus promoting economic stability and peace in these respective areas. Furthermore, on the basis of newly concluded cooperation agreements the Community is strengthening its relations with the individual countries in the Latin American region.

The Community has recently initiated a new programme of cooperation with Asian and Latin American countries for the next decade, with a view to enhancing and strengthening its economic and development cooperation efforts.

Concerning multilateral cooperation, the EC believes that an open multilateral trading system, resisting protectionist pressures, is an essential external condition for sustainable development. Developed countries, despite generalized and regional preferential schemes, still maintain in some cases significant tariff and non-tariff barriers to those exports of prime importance to developing countries, which reflect their national comparative advantages. While some developing countries have made progress in liberalizing their foreign trade, others protect inefficient production behind high tariffs and non-tariff barriers often detrimental to their own development. The particular problems of the least developed countries should however be borne in mind.

The EC encourages regional cooperation among developing countries as a step towards their better integration in the multilateral trading system.

The Community reaffirms its strong commitment to the conclusion of the Uruguay Round by the end of 1991. The Round is a unique opportunity to achieve through mutual concessions of both industrialized and developing countries, taking into account the state of their development, a strengthening of the international trading system and a major trade liberalization. A positive outcome of the Uruguay Round will pave the way for a further strengthening of the institutional framework of the multilateral trading system, considering the building up of an international trade organization.

The Community and its Member States are ardently looking for ways of making the Common Agricultural Policy more compatible with liberalized markets for agricultural products. This painful process is yet again proof of the preparedness of the Twelve to take legitimate demands for liberalization of other countries, especially developing ones, into consideration.

The EC is currently examining ways in which its GSP can be made more stable and transparent. One of the main policy aims is to concentrate benefits on the poorer developing countries.

The Gulf crisis has underlined the necessity of conflict prevention. Regional cooperation is of great importance and could contribute to building mutual trust and confidence both in the economic and in the political and security field. One of the issues that deserves priority attention in regional policy development and action is the social and economic disparity in the region, both between and within countries.

The negative effects of the Gulf crisis on the world economy might be somewhat less than originally feared. Oil prices have returned to their pre-crisis level. But the financial and economic effects on certain individual countries, particularly developing countries, some of which lost significant remittances by migrant workers, have been large. The economic developments related to the crisis should continue to be monitored closely and reacted upon in a flexible manner by the international financial institutions and by the donor community. The EC and its Member States were

active in providing humanitarian and financial assistance from the beginning of the crisis and in the first four months of 1991 have provided a total of approx. USD 1.2 billion to countries affected.

In the wake of the Gulf crisis, initiatives have been taken to start a dialogue between consumers and producers, including the recent Paris Meeting. The EC notes with satisfaction that meanwhile the preparation of a European Energy Charter is well under way. Global environment issues heighten the importance of pursuing integrated policies which further the objectives of energy security, environmental protection and economic growth. The growing convergence of the energy interest of OECD and non-OECD countries is a major facet of the increasing interdependence and globalization of economic activity.

### *Development*

The Declaration of the 18th Special Session of the General Assembly was one of the major decisions adopted in 1990, since it formed a new global consensus on a new and broad approach to development, moving beyond the short term. It marked a new beginning for discussions within the United Nations, on international economic cooperation in the 1990's. The declaration laid a solid foundation for the second Conference on the Least Developed Countries in Paris and a number of other successful meetings in 1990, such as the World Summit for Children and for the elaboration of the International Development Strategy for the Fourth UN Development Decade.

The declaration recognizes the relationship between economic performance and development on the one hand and on the other, open and accountable government, human development including the respect for the fundamental freedoms of the individual and his right to participate in decision making as well as in the sharing of the fruits of development. The EC and its Member States look forward to the combined political review of the implementation of the Declaration of the Special Session and the International Development Strategy that will take place during the 47th General Assembly in 1992.

While developing countries have the primary responsibility to revitalize growth and development and to address the problems of poverty and hunger, the international community has a responsibility to support the developing countries in their efforts to solve their problems and create a favourable international economic environment. In an increasingly interdependent world both the international and the national policy frameworks must be adequate to the task.

In their Memorandum to the 45th UNGA<sup>58</sup> the EC and its Member States commented briefly on the 'South Report'. On the occasion of the Summer session of the ECOSOC the EC and its Member States have participated actively in an informal discussion on the report and its proposals. The approach chosen in the report shows a growing convergence on issues like population policies, human resources development, the role of women in development, sustainability, market forces and entrepreneurship. The report also, in a frank and realistic way, deals with a number of areas and subjects which so far have not always been appropriately addressed, such as democracy, human rights, participatory development, military expenditure and problems of corruption.

There is at the same time a growing recognition of the urgent need to address the complex interrelationship between population growth and development in a comprehensive way. The International Conference on Population in 1994 provides a unique opportunity to build on the growing consensus that a sustainable relationship should be brought about between human numbers, resources, development and environment. The EC and its Member States underline that further research is necessary on this. We think that the Conference should not only look into the beneficial effects that a more moderate population growth rate would have in a great number of developing countries, but also into the positive effects of an increase in social and economic welfare on these growth rates. The linkage between enhancing the roles and socio-economic status

of women and population dynamics especially in rural areas should not be neglected. In the preparatory process effective use should be made of the work already being undertaken by the UNFPA.

Also the very important question of international migration, including South-South migration should be adequately addressed, in conjunction with *inter alia* the refugee problem.

Recently the number of emergencies has increased dramatically, leading to loss of life, devastation and uprooting of unprecedented numbers. The EC and its Member States agree that there is a need for strengthening the emergency response capacity of the United Nations in order to limit – to the extent possible – human suffering and material devastation.

The build up of this emergency response capacity should focus on five basic elements:

- emergency prevention, mitigation and preparedness including early warning;
- improved UN leadership;
- strengthened coordination which will involve all humanitarian agencies within the UN system as well as Non-Governmental Organizations active in the field of emergency aid;
- establishment of an emergency fund;
- up-to-date inventory of standby capacities.

Debt problems still dominate the economic prospects of many countries, especially some heavily indebted and the poorest countries. The EC fully subscribes to the conclusions reached at the G-7 London Summit on these questions. In the Paris Club recent proposals on further debt alleviation for the poorest countries, made in particular by some members of the EC, are currently being discussed. We hope agreements can be reached soon.

At the same time debt reduction cannot substitute for sound economic policies. The outflow of capital remains a problem in some countries since they limit the amount of foreign exchange that can be used for direct productive purposes and can have negative consequences for domestic economic performance. Government overspending often leads to deficits, monetary financing and inflation.

We all have a role to play in strengthening trade and the global economy and should strive towards the early completion of the Uruguay Round Multilateral Trade Negotiations. The soundness of the international economic and trading system must be underpinned by sound national policies including trade policies. The Community is also fully aware of its responsibility in this regard and its duty to maintain and strengthen the multilateral trade system and to roll back protectionism.

One of the most encouraging developments in the last few years has been the liberalization of trade which has taken place in many developing countries that had relied on import protection for their economic development. Almost thirty countries have now embarked on substantial trade liberalization programmes which should lead to their greater competitiveness and increase their ability to export.

The EC and its Member States are looking forward to a constructive dialogue in UNCTAD VIII taking account in particular of the importance of sound national and international measures, good management and structural reform in both developed and developing countries.

Access to modern technology and know-how, education and training, and scientific assistance are important and effective means of directly supporting the development process. The EC and its Member States are actively promoting such new modalities of cooperation with developing countries.

Furthermore, in the EC's cooperation with developing countries, emphasis is increasingly placed on the role of direct cooperation between private enterprises or public agencies of industrialized and developing countries. The EC is also reinforcing its cooperation in institution building aiming at more effective public sector management. These new forms of cooperation will be particularly effective where the domestic conditions in beneficiary countries create an environment

propitious to business and investment. Of particular importance are the protection of intellectual property rights and investment related measures.

The Community is looking forward to the report by the Secretary-General on 'Institutional developments related to the strengthening of the international organizations in the area of multilateral trade'. We are, of course, following discussions of this issue with great attention. It will be difficult however to see the way forward clearly until the Uruguay Round has been completed. The Community feels that it is important to build on what has been achieved in the past. In this respect for us the GATT has been the cornerstone of our trade liberalization efforts over the years. Its system of rights and obligations has served the international trade system well and is essential to its development.

The EC and its Member States will look for improved functioning and revitalization of existing commodity agreements which must reflect and be consistent with market trends. A new International Coffee Agreement with economic provisions which resolves the problem of the old one would be of particular importance to a wide group of developing countries.

The EC and its Member States have put considerable effort in the stabilization of commodity export earnings. We have repeatedly suggested that other developed countries take comparable action. If however the trend is persistently negative, stabilization through loans that ultimately have to be reimbursed does not suffice.

That is why the EC has reformed its compensatory schemes STABEX and SYSMIN and made them work fully on a grant basis. But commodity dependent countries have to consider other available options for development, with less dependence on the primary sector, and it is evident that diversification can play a vital role in this respect. The Second Window of the Common Fund can be a catalyst in discussion on this subject and in programming diversification.

Another possible path is the promotion of further processing of commodities by the producing countries themselves. It is evident that in order for diversification and processing to be successful, open and transparent markets are essential. Attention will, therefore, have to be given to the tariff structure.

Development cooperation continues to be an area where the EC and its Member States are particularly active. These development policies are continuously evolving in order to meet new challenges and situations. The EC and its Member States have substantial development assistance programmes (USD 22.8 billion in 1989, which is close to 0.50% of their combined GNP). We recognize that given the immense development task that lies ahead, and given the efforts at democratization and reform of economic policies being undertaken in developing countries, a still greater effort will be required from donors both quantitatively and qualitatively.

In this context we reaffirm our commitment to work in order to attain the accepted UN targets of devoting 0.7% of our GNP to ODA and, within that, 0.15% to the LDCs. We are also aiming at a closer coordination of our aid efforts in order to improve quality and effectiveness. The urgent requirement for capital and assistance in other areas of the world will not undermine this commitment.

The Paris Conference on the Least Developed Countries set out guide-lines and parameters for aid to the LDCs and the EC and its Member States will seek to implement these commitments, which recognize the shared responsibility and strengthened partnership in the growth of the Least Developed Countries. The Community as a whole already gives 0.13% of its GNP to the least developed countries and its on-going efforts should allow it to allocate more than 0.15% before the end of the decade. Some Member States have already exceeded this 0.15% and shall continue to do so and increase their efforts.

We are all committed to effectively implementing the Paris Declaration on the basis of the principles of: primary responsibility of LDCs for formulating and implementing policies and

priorities for their growth and development; shared responsibility and strengthened partnership; the need for adequate external support to LDCs from developed partners; and the need to undertake commitments measurable and transparent enough to enable monitoring and assessment.

Next year we will be conducting the triennial review of the operational activities for development of the United Nations system. The debate in the 46th General Assembly should mainly be used to keep under review the implementation of the results of the previous triennial review, embodied in Resolution 44/211 and to offer further direction. There is no need to embark on a major new policy debate or agree on a new landmark decision.

The analysis of the reform in Eastern Europe and the consequences thereof are still uncertain. In the longer run the reform will be beneficial to the world economy as a whole and will offer trade and investment opportunities to all regions.

New developments in the Eastern part of Europe shall not distract our attention from persistent problems in developing countries, particularly in the poorest countries including the Least Developed Countries, for the solution of which external assistance is indispensable. All parties have to be aware of the long term issues involved; building of an international climate of confidence and trust is therefore essential. We wish to reiterate that the financial flows directed to Eastern Europe are additional and do not reduce or divert Official Development Assistance to developing countries. Ultimately the objective for national and international policy makers must be that the period of transformations in the world will be a positive sum game.

### *Environment*

#### Global approach towards sustainable development

It is essential that the general conditions for sustainable development are improved. They are outlined in the Brundtland Report: priority to poverty alleviation, equitable international economic relations, and full integration of environment and development. The greening of development cooperation and the integration of the development dimension in decisions on international environmental agreements are steps in the right direction that may contribute to the changes that are needed.

The basic attitude taken by the European Community and its Member States consists of three elements:

- industrialized countries, recognizing their global responsibility, have to limit considerably the burden they impose on the carrying capacity of the planet's ecosystem. The EC and its Member States fully recognize that it is essential to reduce both the use of energy and other resources and the size of waste flows, by improving technologies and changing consumption patterns;
- both developed and developing countries carry a responsibility to maintain their environment. There must be equal partnership with developing countries, based on mutual trust and equity in negotiations and decision making in the field of environment and development. All parties will need to agree on objectives that will ensure sustainability and on programmes that will be effective in reaching targets;
- industrialized countries must substantially increase their support to developing countries as well as economies in transition in their efforts to achieve sustainable development, recognizing both their sovereignty and responsibilities. This will not only require technology cooperation, reallocation of investments and a redirection of financial flows in general, but also additional resource mobilization.

Many proposals for strengthening existing institutions in the field of environment and development and also options for change have been made. All these ideas need careful consideration



and elaboration, so that at the end of the preparatory process of UNCED, appropriate decisions can be taken.

### Climate change

The Second World Climate Conference in Geneva concluded that notwithstanding scientific and economic uncertainties, nations should take steps now towards reducing sources and increasing sinks and reservoirs of greenhouse gases. These steps include the negotiation on an effective and flexible Framework Convention on Climate Change, and any related instruments as might be agreed upon, which should be opened for signature during the UNCED conference to be held in Rio de Janeiro in June 1992.

Based on the targets many have already identified, the European Community and its Member States are willing to take action aimed at reaching stabilization of CO<sub>2</sub> emissions in the Community as a whole by 2000 at 1990 level, and believes that the same target should in general be reached for by all industrialised countries.

Long-term flexible response measures, to be continuously adapted to evolving circumstances and to improved scientific understanding, will be required in order to achieve the objectives of the future convention. Protocols, which allow for a rapid implementation of specific commitments concerning groups of countries are a means to achieve this. These should, as regards industrialized countries, notably set targets for the limitation of greenhouse-gas emissions in particular CO<sub>2</sub>. Similarly measures to curb deforestation and promote sustainable forest management and afforestation should be agreed in a protocol with the aim to protect and enhance forests as reservoirs and sinks of CO<sub>2</sub>.

With regard to ozone depletion the EC and its Member States fully support the on-going activities in the Vienna Convention/Montreal Protocol context. Within the Community concrete programmes are in place for elimination of CFC's by 1997 and full compliance with the revised Montreal Protocol is ahead of schedule. The EC and its Member States appeal to all countries which have not yet done so to accede to and ratify the convention and the amended protocol.

In the context of existing research programmes such as the World Climate Research Programme and the International Geosphere Biosphere Programme the Community has established a Regional Research Programme on global climate change. Regional action is often the most appropriate mode of action and reference to such action in the documentation is important.

### Waste

The European Community together with its Member States intends to ratify the Basel Convention as soon as possible and has legislation to this effect currently in preparation. The European Community itself already has well defined existing policies concerning waste and waste management. Our policies are aimed at minimisation of waste and waste movements and even prevention of waste, which require changes in patterns of production and consumption. In this respect the Lomé IV Convention gives pride of place to environment which is its first title. In the Lomé IV Convention the EC and countries in Africa, the Caribbean and the Pacific agreed to ban the export of hazardous and nuclear wastes from the Community to these countries.

Recycling is an important part of waste management and it may contribute considerably to the stabilization of the generation of wastes. Due consideration should be given to the environmental

benefits of recycling while ensuring that it is carried out according to high standards of environmental protection.

To minimize waste and to extend waste disposal service coverage an important role could be played by industry. Proposals for action should call upon the responsibilities of the industrial sector in this regard. Through applying a 'polluter pays' principle governments could further stimulate industry's involvement.

The European Community and its Member States feel that it is important to make a reference here to safe management and transboundary movements of radioactive waste and to recognize the work already accomplished by competent international organizations, especially IAEA, as a good basis for future work.

#### Forests

The EC and its Member States reiterate the need for concerted international action to supplement national efforts, in order to stop depreciation and degradation of forest resources and improve their management. Existing initiatives should be strengthened and combined into a whole which is more, much more, than the sum of its parts. The major objectives should be to promote conservation of natural forests, reforestation and afforestation, environmentally sound land-use patterns and sustainable forest management, with the ultimate aim of reversing the current trends without harming the interests and development opportunities of the local communities. In this context, we mention the European Council's recent decision to allot substantial resources to the Amazonian rainforest programme, together with other future donors.

The Preparatory Committee of UNCED should continue its work on forests to reach a global consensus on the management, conservation and development of all types of forests. The decisions to be adopted by UNCED should:

- contain a set of principles, including substantive elements, useful for a future convention. It needs to take account of the work being carried out in the ITTO and within the reformed Tropical Forestry Action Plan;
- set procedures, including a timetable, for the negotiation of a Convention on Forests;
- ultimately be shaped in a form that is legally binding.

#### Oceans and other seas

The European Community and its Member States also attach great importance to the protection of the oceans and other seas. We feel that the principles to be respected when formulating international and national policy are strict application of the Precautionary Approach, as well as of the Polluter Pays Principle; these are practically the same for any major environmental issue and are essential for the normative objective of sustainable management of the oceans.

Furthermore the international emphasis should be directed at formulating a stimulating and committal policy for execution taking also in due consideration the already existing provisions of UNCLOS at regional level, rather than a new global treaty-like instrument for management of the oceans or a new global forum on ocean issues.

#### *Law of the Sea*

The Community and its Member States remain convinced that the 1982 United Nations Convention on the Law of the Sea is of great importance for the upholding of the international legal order on the seas and oceans. It is hoped that outstanding problems, related to a legal regime for deep sea-bed mining, will be solved in order to make the Convention universally acceptable. In

addition to the valuable work undertaken within the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, the important informal consultations initiated by the Secretary-General of the United Nations on these problems may lead to solving the remaining issues and thus contribute to the desired universal acceptability of the United Nations Convention on the Law of the Sea. The Twelve look forward to the continuation of these consultations so that the outstanding issues can be solved satisfactorily before the entry into force of the Convention.

- 1 *EPC Bulletin*, Doc. 90/432.
- 2 *EPC Bulletin*, Doc. 90/431.
- 3 *EPC Bulletin*, Doc. 91/249.
- 4 *EPC Bulletin*, Doc. 90/468.
- 5 *EPC Bulletin*, Doc. 91/251.
- 6 *EPC Bulletin*, Doc. 91/068.
- 7 *EPC Bulletin*, Docs 91/256, 91/257 and 91/258.
- 8 *EPC Bulletin*, Doc. 91/014.
- 9 *EPC Bulletin*, Docs 91/158, 91/164.
- 10 *EPC Bulletin*, Doc. 91/200.
- 11 *EPC Bulletin*, Doc. 91/261.
- 12 *EPC Bulletin*, Doc. 91/336.
- 13 *EPC Bulletin*, Doc. 91/196.
- 14 *EPC Bulletin*, Doc. 91/070.
- 15 *EPC Bulletin*, Doc. 91/017.
- 16 *EPC Bulletin*, Doc. 91/096.
- 17 *EPC Bulletin*, Doc. 91/128.
- 18 *EPC Bulletin*, Doc. 91/198.
- 19 *EPC Bulletin*, Doc. 91/098.
- 20 *EPC Bulletin*, Doc. 90/472.
- 21 *EPC Bulletin*, Doc. 90/269.
- 22 *EPC Bulletin*, Doc. 91/045.
- 23 *EPC Bulletin*, Doc. 91/199.
- 24 *EPC Bulletin*, Doc. 91/242.
- 25 *EPC Bulletin*, Doc. 91/248.
- 26 *EPC Bulletin*, Doc. 91/281.
- 27 *EPC Bulletin*, Doc. 91/162.
- 28 *EPC Bulletin*, Doc. 91/225.
- 29 *EPC Bulletin*, Doc. 91/001.
- 30 *EPC Bulletin*, Doc. 91/013.
- 31 *EPC Bulletin*, Doc. 91/154.
- 32 *EPC Bulletin*, Doc. 91/241.
- 33 *EPC Bulletin*, Doc. 91/046.
- 34 *EPC Bulletin*, Doc. 91/161.
- 35 *EPC Bulletin*, Doc. 91/228.
- 36 *EPC Bulletin*, Docs 90/219, 90/223 and 90/296.
- 37 *EPC Bulletin*, Doc. 91/090.
- 38 *EPC Bulletin*, Doc. 90/474.
- 39 *EPC Bulletin*, Doc. 91/123.
- 40 *EPC Bulletin*, Doc. 91/094.
- 41 *EPC Bulletin*, Doc. 91/066.
- 42 *EPC Bulletin*, Doc. 91/016.
- 43 *EPC Bulletin*, Doc. 91/127.
- 44 *EPC Bulletin*, Doc. 91/226.
- 45 *EPC Bulletin*, Doc. 91/012.
- 46 *EPC Bulletin*, Doc. 91/166.

- 47 *EPC Bulletin*, Doc. 91/259.
- 48 *EPC Bulletin*, Doc. 90/477.
- 49 *EPC Bulletin*, Doc. 91/072.
- 50 *EPC Bulletin*, Doc. 91/007.
- 51 *EPC Bulletin*, Doc. 91/156.
- 52 *EPC Bulletin*, Doc. 91/280.
- 53 *EPC Bulletin*, Doc. 91/194.
- 54 *EPC Bulletin*, Doc. 90/468.
- 55 *EPC Bulletin*, Doc. 91/193.
- 56 *EPC Bulletin*, Doc. 91/195.
- 57 *EPC Bulletin*, Doc. 91/228.
- 58 *EPC Bulletin*, Doc. 90/338.

**91/287. Statement in the Sixth Committee of the UN General Assembly concerning the progressive development of the principles and norms of international law relating to the New International Economic Order [agenda item 126]**

Date of issue: 25 September 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van de Velde:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

In the discussion of agenda item 126 entitled 'progressive development of the principles and norms of international law relating to the New International Economic Order' in previous sessions of the General Assembly, we have always expressed our conviction that, thanks to progress made in international economic cooperation, the special needs of developing countries are more and more taken into account. This was in particular the case during the last year, when important foundations were laid in the framework of the United Nations for a more pragmatic international dialogue on economic cooperation. The European Community and its Member States are acutely aware of the needs and specific problems of the developing countries and have whole-heartedly participated in this process and will continue to do so in the future.

Resolution 44/30 of 4 December 1989 once again requests the Secretary-General to seek proposals of member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study prepared by UNITAR that was submitted to the General Assembly at its 39th session in 1984. The European Community and its Member States have not submitted comments this year and note that only a few answers were received. Our position on this subject was already duly reflected in previous reports, notably in document A/11/536 pursuant to General Assembly Resolution 40/67. We indicated that the UNITAR study provided a valuable survey of the development and refinement of the principles and techniques adopted so far in the field of international economic cooperation as well as of the different legal opinions that exist regarding the legal situation in this field. The survey permitted evaluation of the progress and gradual clarification of the principles and techniques of international economic cooperation.

In as far as the progressive development of the principles and norms of international law are concerned, the European Community and its Member States recognize that international law and practice will continue to develop in the area of international economic cooperation. It is however worth noting that the progress made so far has been based upon a variety of instruments. Some of these instruments are binding on the parties, while others, though they reflect trends or map out directions, do not impose legal obligations.

The European Community and its Member States believe that an approach that takes into account this distinction, remains the most appropriate because it offers the necessary flexibility to find solutions to the many complex and rapidly changing problems encountered in the field of international economic relations.

In Resolution 44/30 it was recommended in operative paragraph 3 that the Sixth Committee should consider making a final decision on the future of this item at the 46th session of the General Assembly. The European Community and its Member States do not consider that it is appropriate to undertake a codification process in this field. A necessary condition for such a codification would be that a sufficient degree of identification and of acceptance by the international community of legal principles and norms has developed. We do not believe that this essential requirement has been met. It is significant that hardly any progress has been achieved so far on codification projects such as those in the area of transnational corporations and the transfer of technology. A flexible attitude towards cooperation however, appears to be a more appropriate approach to coping with the problems involved.

In the course of last year important foundations were laid out within the framework of the United Nations for a more pragmatic international dialogue. In this context the results of the 18th Special Session of the General Assembly, the Paris Conference on the Least Developed Countries and the International Development Strategy for the 4th United Nations Development Decade should be cited. The European Community and its Member States in this respect, see significant advantages in continuing the dialogue which is already taking place elsewhere and would therefore favour the discontinuation of this item on the agenda of the Sixth Committee. This would be all the more appropriate, given that the results of the dialogue, to which I just referred, are encouraging.

#### **91/288. Statement concerning Liberia**

Date of issue: 27 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the final communiqué of the second meeting of the ECOWAS Committee of Five in Yamassoukro on 16 and 17 September. They have noted with satisfaction the agreement of the parties involved on disarmament and on the organization and supervision of free and democratic elections. They express the hope that the steps agreed by the parties attending the meeting will be immediately and successfully implemented.

The Community and its Member States remain deeply concerned about the humanitarian needs of the Liberian people and hope that a peaceful solution of the conflict will bring a rapid end to their sufferings and open the possibility to build a democratic Liberia.

#### **91/289. Statement concerning Zaire**

Date of issue: 27 September 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are deeply concerned about the critical situation in Zaire. They deplore the course of events and launch an urgent appeal to restore peace and security in the country. The Community and its Member States are convinced that political initiatives designed to

bring about democratization are the only way to satisfy the aspirations of the people. They therefore urge both the Government and all political and social forces to do their utmost best to reach an agreement on the political future of Zaire, in which the rule of law, the organization of free elections and the respect of human rights are guaranteed.

The Community and its Member States also stress the importance of overcoming the social and economic impasse in order to improve the deteriorated living conditions of the people of Zaire.

**91/290. Statement concerning El Salvador**

Date of issue: 1 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States are most encouraged by the agreement signed in New York on 25 September 1991 between the Government of El Salvador and the Farabundi Marti National Liberation Front (FMLN). This agreement constitutes a major step forward towards the achievement of peace in El Salvador.

They welcome the progress made by the two sides as a result of their courageous, constructive and open stance. They also acknowledge the key role played in this respect by the Secretary-General of the United Nations and his personal representative whose good offices have contributed so much to these encouraging results.

Finally, the Community and its Member States express the hope that the two sides will pursue the negotiating process in the same spirit of flexibility and continue the dialogue so as to achieve an overall political solution to the existing problems.

**91/291. Statement in the general debate in the Second Committee of the UN General Assembly**

Date of issue: 1 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr Pronk:* Mr Chairman, I have the honour to speak on behalf on the European Community and its Member States. First allow me to congratulate you, Mr Chairman, upon your election. You can count on our cooperation in fulfilling the responsibilities vested in you by the members of this Committee.

Mr Chairman, the past year has been an eventful one. The Gulf War caused by the Iraqi invasion of Kuwait led to large-scale human suffering. Economies the world over felt the impact. The war caused and is still causing huge and deliberate environmental damage which as yet cannot be fully assessed. Internal conflicts and natural disasters continued to plague many regions in the world. Of the natural disasters of the past year, the floods in Bangladesh were a tragic example. But also other countries and regions were affected. One only has to think of the cholera epidemic in Latin America. Massive outflows of people occurred, some within countries, some across borders.

There are, however, encouraging developments as well. For example, in Central and Eastern Europe, including the Soviet Union, the process of fundamental reforms continued over the year. In Africa, winds of change are blowing through the continent. In general, a new world order is dawning in which all nations and peoples cooperate, not hindered by ideological divides, for a

better and sustainable future. Global cooperation in the political domain as well as in the field of development has been given a fresh impetus. It seems widely accepted now that world-wide problems require a global responsibility to cooperate in finding durable solutions.

Mr Chairman, in the general debate at the start of this session, we underscored the importance of the concept of common responsibility, particularly in the political context. I would now like to elaborate this concept with regard to the socio-economic issues, because common responsibility for a secure and harmonious world is a fundamental feature of the social and economic cooperation as well. We have a common responsibility to strive for the social and economic well-being of all individuals and this common responsibility applies to all the issues in which this committee is involved, including development, the reduction of poverty and the protection of the environment.

Common responsibility means genuine and generous international cooperation combined with good governance domestically. The United Nations has a leading role in giving shape to this common responsibility, since it finds its very origin, its basis in the common resolve of the founding fathers to create precisely this more secure and harmonious world. It is for us to use all the potential of the UN, to seize new opportunities in the UN and to enable the UN to meet the challenges the world is facing.

In the international context, common responsibility implies that the richer nations around the world assist the poorer countries, in order to enhance their prospects for sustainable development and to improve the well-being of their people in the economic, socio-political and ecological sense.

A major priority in this respect remains the external debt problems which still form a serious impediment to long-term development prospects. Most member countries of the European Community have already written off the ODA debt obligations of the poorest and/or the least-developed countries, or are in the process of doing so. Also a number of middle-income countries benefited from debt-reduction measures by some of the Member States of the European Community.

Realizing that the measures by the international community to relieve the official debt were insufficient, a year ago some Members of the European Community presented proposals for further debt alleviation. These proposals have since been discussed in the Paris Club. At the London Summit the G-7 agreed on the need for additional debt-relief measures for the poorest, most indebted countries going well beyond the relief granted under the Toronto terms and called on the Paris Club to implement new measures promptly. This subject should now receive utmost priority in the Paris Club resulting in substantial debt-relief measures at an early date for the poorest, most indebted countries. This, we believe, will make a genuine contribution to improving the economic prospects in the countries concerned.

Commodities remain the most important source of export earnings for quite a number of developing countries. In order to further support efforts to diversify commodities exports and to boost earnings, the European Community has reformed its own compensatory mechanisms STABEX and SYSMIN and made them work fully on a grant basis. STABEX funds have increased by 60%. The European Community and its Member States will look for improved functioning and revitalization of existing commodity agreements which must reflect and be consistent with market trends.

Another important contribution to improving their prospects will be the successful conclusion of the Uruguay Round. This should be realized before the end of this year. The European Community and its Member States are also energetically looking for ways of making the Common Agricultural Policy more compatible with liberalized markets for agricultural products. A successful outcome of the Uruguay Round will also call for the reinforcement of the multilateral trading system. The concept of an international trade organization should be addressed in this context. We are, of course, following discussions of this issue with great attention. The Community is looking

forward to the report by the Secretary-General on 'Institutional development related to the strengthening of the international organizations in the area of multilateral trade'. We, on our side, feel that it is important to build on what has been achieved in the past. The GATT has been for us the corner-stone of our trade-liberalization efforts over the years. Its system of contractual rights and obligations has served the international trade system well and is essential to its development in the future.

Mr Chairman, as I said earlier common responsibility requires international cooperation and action, but at the same time good governance at the domestic level. Fortunately, a consensus is emerging on the tasks and functions of political systems and on the policies that should be adopted in order to achieve sustainable development.

Key elements of this evolving global consensus are the fundamental importance of the full respect for universally recognized human rights and for fundamental freedoms and of a democratic, pluralistic society; of a government which is responsive to the wishes and needs of its people, which encourages active and broad participation of its people, men and women alike, in the development process and which creates an economic environment conducive to private initiative. It implies accountability, transparency and acceptance of the rule of law, both in the national context as well as in international behaviour, including with regard to international transactions and business practices. It also implies maintaining the security of its people without recourse to excessive military expenditure.

The political structure and policies to go with it should build on local and national traditions and culture. Sustainable development can only be achieved if based on values shared by the society in question. Although there is universal agreement on basic democratic principles and values, actual democratic institutions should grow from within a society and reflect its cultural background and traditions. At the same time it is necessary to strike a proper balance between the public and the private sector. This should not imply that governments in developing countries withdraw across the board, but from specific, particularly productive, areas, while improving the functioning of others e.g. the health sector, education and training or, more generally, capacity building and human development. Many countries in the developing world as well as in Central and Eastern Europe are working in that direction, streamlining the public sector, establishing safety nets for the poor, enhancing public awareness of the ecological dimensions of human well-being, while giving substantial opportunities for private initiative and entrepreneurship.

In this way a political and policy environment is created that does justice to individuals and creates room for sustainable development; making effective use of available national and international resources, which is important in economic terms but also for maintaining or increasing the commitment that people in donor countries have shown towards development cooperation. Where good governance is absent, in many cases only humanitarian relief, mainly through international organizations and NGOs, is possible.

The European Community and its Member States reaffirm their commitment to assist countries in the process of economic adjustment and political change. We realize that new policies cannot be established overnight. We are ready for frank and open discussions and willing to give increased support to institutional and capacity building and to new initiatives that will enhance sound economic policies for sustainable development. This can be done in part with resources already available, but both the European Community and its individual Member States will take their share in the common responsibility and are seriously and positively committed to further improving the international economic climate and to enhancing the financial flows to developing countries. In this context we reaffirm our commitment to work in order to attain the accepted UN targets of devoting 0.7% of our GNP to ODA and within that, 0.15% to the LDCs. The Community as a whole already gives 0,13% of its GNP to the Least Developed Countries and its on-going efforts should allow it to allocate more than 0.15% before the end of the decade. Some Member States have already exceeded this 0.15% and shall continue to do so and increase their ef-



forts. We are also aiming at a closer coordination of our aid efforts in order to improve quality and effectiveness. In this context the possibility of further untieing of aid should be explored. The urgent requirements for capital investments in and assistance to Central and Eastern Europe will not undermine this effort.

Mr Chairman, I would like to develop further our thoughts on common responsibility in the light of four issues that figure prominently on the international development agenda: emergency assistance, environment and development, energy and reform of the United Nations.

*First: emergency situations*

As mentioned earlier, 1991 has been marked by an unusually high number of large-scale, complex emergency situations. Budgets designated for assistance in humanitarian emergency situations were depleted within the first few months of the year as a result of which longer-term development programmes came under pressure. More attention should be given both at the national and international level to the prevention of natural disasters.

The common responsibility with regard to emergency assistance flows from the humanitarian duty to limit in the best way we can the suffering of those affected by emergencies. Special attention needs to be paid to protection and physical well-being of those internally and externally displaced, as well as to the root causes of massive outflows and the effects of migratory movements on countries of origin and on recipient countries.

The European Community and its Member States have responded to these catastrophes with substantial emergency aid programmes. We all have a responsibility to ensure that emergency assistance is channelled promptly, directly and efficiently. Recipient countries have a responsibility to facilitate humanitarian relief efforts. The United Nations is best placed to play a pivotal role in any humanitarian emergency situation, be it of a relatively simple or more complex nature. This is why the issue of improving the emergency response capacity of the United Nations is of crucial importance.

Mr Chairman, the European Council has formulated some suggestions for the strengthening of the emergency response capacity of the United Nations, which we outlined earlier during the second regular session of the Economic and Social Council this summer. Since then we further elaborated these ideas which resulted in a paper that is now widely circulated amongst delegations in an attempt to contribute to an early start of informal discussions on this matter. It goes without saying that we are fully prepared to listen to the ideas and suggestions of other delegations and we hope that the member States will be able to agree to a set of practical measures, which will ensure a rapid and well coordinated response by the UN system to emergencies.

Our paper focuses on five practical proposals

- the appointment of a high-level coordinator for emergency humanitarian assistance at the most senior level, answerable only to Secretary-General; his task will be to maintain, at both the political and administrative levels, the contacts needed to ensure that emergency assistance operations proceed smoothly, with the authority of the Secretary-General;
- a standing committee consisting of representatives of all the UN agencies directly involved, open to other relevant agencies like IOM, ICRC and the League of Red Cross and Red Crescent Societies and other NGOs and serving as a meeting point for recipient countries and the donor community;
- the preparation of well-founded consolidated appeals for any emergency occurring;
- the establishment [of] a revolving emergency fund for the initial period of new emergencies;
- the setting-up of a register of all human and material capacities available within the United Nations framework, states and non-governmental organizations for mobilization on short notice in different emergency situations.

*Second issue: the environment*

In the field of the environment, our common responsibility is very clear. After all, environmental problems are often transboundary or even global and can only be solved by means of concerted efforts on the part of all countries.

The world economy is rapidly outgrowing its ecological base. We cannot afford to neglect the environment in our economic decision-making. Sustainable development should simultaneously deal with economic development, ecological sustainability and access to natural resources.

It is common knowledge that both poverty and affluence can lead to environmental deterioration. On the one hand the rich utilize a disproportionate share of the world's resources and discharge their waste in quantities that exceed the ecosystem's absorptive capacity. On the other hand the poor in a number of developing countries overexploit their resource base just to stay alive.

The European Community and its Member States consider UNCED crucial. It is an opportunity not to be missed to attain integration of environment and development. We are fully committed to working towards a concrete and action-oriented outcome of the Rio Conference to which we intend to subscribe fully. We expect the following specific results:

- the signing of conventions during the Earth Summit on biological diversity and climate change (negotiated separately) and of a global consensus on forests, that may serve as a basis for a convention on forests;
- the adoption of Agenda 21 that should be a global and evolving programme of action with specific objectives and targets and timetables, and should serve as a binding agenda for the UN as a whole and reflect a political commitment of Member States to pursue vigorously the objectives and actions both nationally and in the competent international organizations;
- the adoption of an 'Earth Charter' that should contain a number of key principles and general rights and obligations in the field of environment and development;
- clear and well-defined recommendations for the strengthening and further development of institutional arrangements in the field of environment and development;
- and decisions on financial resources and on technology cooperation to assist particularly developing countries.

In order to achieve this and to make UNCED a success we need the full commitment of all. With only one session remaining to overcome the many fundamental stumbling blocks, a strong political impetus will be needed. The time between now and the fourth and last PrepCom has to be used to bridge the gaps between the interests of the various countries and groups of countries. True partnership with mutual obligations must secure that national development and the solution of global environmental problems go hand in hand and do not hamper one another. We are ready to take the necessary steps towards this goal.

We have to take further measures to limit the strain we impose on the carrying capacity of the planet's ecosystem by reducing both the use of energy and other resources, and the quantity of waste produced. Improving technologies and changing consumption and production patterns are important elements therein. Environmental education, price incentives and the incorporation of environmental costs in pricing are some of the tools which can be used to reach this goal.

We must substantially increase our support to other, particularly developing countries, in their efforts to attain sustainable development. Additional resources are particularly needed to help these countries building the capacity to deal with global environmental challenges. We believe that the recently established Global Environmental Facility of the Worldbank, UNDP and UNEP could play a central role in this respect. We consider the pilot phase of the GEF as an opportunity to assess the expertise gathered, and to make the necessary adjustments in order to enable it to serve as a central funding mechanism. Also new and innovative ways of financing have to be found both at national and international levels, from public as well as private sources. Various in-

struments such as the application of the polluter pays principle, debt for environment swaps, taxation of the use of non-renewable energy sources, and tradable permits need to be considered.

Apart from financial flows improved technology cooperation, both through the use of market mechanisms and on concessional and preferential terms, will be necessary. Access to information and capacity building, including training, are key factors in the dissemination of environmentally sound technology, in which the private sector from the industrialized countries could play an important role.

The institutional mechanisms in the field of environment and development should be strengthened. Consideration should be given to the idea of creating [...] a regular high-level meeting or some other mechanism, preferably at ministerial level, that would give general policy guidance to the implementation of the objectives and proposals for action that come out of the conference and which would consider possible gaps. This idea is among a number of other ideas that should be further studied and elaborated. It is important that any solution should contribute to an improved integration of environment and development and should be related satisfactorily to the evolving Global Environmental Facility.

With regard to the improvement of inter-agency coordination we support new arrangements that would strengthen the hand of the Secretary-General in this respect. During the third session of the UNCED Preparatory Committee, last August, various delegations proposed to re-establish in some form the Environmental Coordination Board, or in a more modern language an Environment and Development Board, at the highest level. This idea deserves further consideration.

Mr Chairman,

*Third issue: energy*

The Gulf crisis increased the awareness of the vulnerability of the environment, which I touched upon early. It also showed that the supply and price of oil remain vulnerable to political shocks, which disturb the world economy. The financial and economic effects on certain countries, particularly developing countries, were large. And although the shocks have been contained to a great extent by the effective operation of the market, the welcome increase in oil production and the use of stocks by the IEA, the Gulf crisis underscored the importance of continued efforts by governments to reduce their vulnerability to oil supply disruptions. Energy security could be further enhanced by a range of measures and policies which include improving and timely testing of emergency response mechanisms; maintaining diversified energy supplies, both in terms of fuel and sources; exploiting all economically and environmentally appropriate opportunities to promote energy production world-wide; promoting energy efficiency and conservation and the use of renewable sources of energy; supporting research and development, introduction of new technologies, and further development of competitive markets and liberalized trade. Global environmental issues heighten the importance of pursuing integrated policies which further the objectives of energy security, environmental protection and economic growth.

Since the crisis has led to improved relations between producers and consumers, contacts among all market participants could be further developed to promote communication, transparency and the efficient working of market forces. Initiatives have been taken to start a dialogue between consumers and producers, including the recent Paris meeting. We note also with satisfaction that meanwhile preparation of a European Energy Charter is well underway. The IEA is also actively considering improved contacts with consumers and producers.

*Lastly: restructuring of the United Nations in the economic and social field*

Many suggestions have been forwarded to improve the functioning of the UN in the economic and social fields and we will contribute constructively to this discussion.

The restructuring of the social and economic sectors of the United Nations, during the resumed 45th session of the General Assembly, was a first step in restructuring the economic and social sectors of the UN. However, much more needs to be done in order to enable the UN to provide the opportunities to effectively and efficiently address new and emerging socio-economic issues of interest to the international community and for in-depth discussions of cross-sectoral issues related to development, such as poverty, energy, technology, environment, human development and population. In this context I would refer to the ideas outlined by the Stockholm Initiative, the Nordic UN Project and by the Club of Rome in its recent report, *The Just World Revolution*.

I have outlined two concrete proposals for action: first the improvement of the emergency response capacity of the United Nations system and secondly the establishment of a high-level monitoring mechanism in the field of environment and sustainable development, both at the inter-governmental and inter-agency levels. We also see scope for change and improvement in other areas:

– First of all, existing mandates need to be streamlined. There is a particular need to look at overlaps. The subsidiary structures of both ECOSOC and the General Assembly need to be rationalized. Special attention should be given to the respective roles of for instance UNCTAD, UNCTC, UNCSTD and UNEP in the field of transfer of technology, of foreign investment and in trade matters.

Also, the expertization of some subsidiary bodies should be considered. This applies particularly to those bodies that are widely seen as not fulfilling the tasks for which they were established. The Committee on New and Renewable Sources of Energy, the Committee on Natural Resources, the Committee on Science and Technology for Development and the High-Level Committee on Technical Cooperation among Developing Countries are cases in point.

– Secondly, coordination between the UN and the specialized agencies needs improvement. The Administrative Committee on Coordination should strengthen its coordinating role and improve its effectiveness. For this purpose the position of the Secretary-General as chairman of this body should be reinforced.

– In the third place, inter-governmental bodies should function more efficiently. Overlaps in the agendas of the second and third committees of the General Assembly, for example, should be removed. This should also apply to overlaps with ECOSOC and the UNCTAD Trade and Development Board.

– And lastly, we should have a look at the operational activities of the UN funds and specialized agencies. There seems to be a case for streamlining and improvement of management and governance. The Nordic countries are working out ideas in this field, which might be very helpful.

It goes without saying that changes in the economic, social and related sectors of the United Nations must be reflected in the structure of the secretariat. The Secretary-General has of course a major responsibility in this respect.

Thank you, Mr Chairman.

### **91/292. Statement concerning the military *coup* in Haiti**

Date of issue: 3 October 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States are greatly dismayed at the violent events in Haiti on 30 September. They unreservedly condemn the military *coup* against the country's first democratically elected President, which took place despite the clear and repeatedly expressed popular will to defend the constitutional order. The Community and its Member States express

their strong support for the legitimate authorities as well as for the democratic forces in the country and call for an immediate return to the rule of law and the reinstatement of those legitimate authorities. Pending that, the Community and its Member States suspend their economic assistance.

#### **91/293. Statement concerning Romania**

Date of issue: 3 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States have observed with serious preoccupation the developments in Romania in the past week. They condemn the use of force and consider that all social claims should be negotiated and solved in a peaceful and democratic way. Otherwise they fear damaging consequences for the process of economic reform and further democratization in Romania.

The Community and its Member States will closely monitor further developments and urge the Romanian authorities to continue on the path towards economic and political reform, which is indispensable for the full development of the EC's relations with this country.

#### **91/294. Statement concerning South Africa**

Date of issue: 3 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States continue to follow developments in South Africa closely. They have repeatedly called on the South African Government for all outstanding questions, including the detention of political prisoners to be solved urgently.

In this context, they are concerned that no solution has yet been found to the question of the continued detention of political prisoners in the so-called independent homelands.

In order to improve conditions for an early start to substantive negotiations on a new constitution for a united, democratic and non-racial South Africa, the Community and its Member States insist on the release of all political prisoners without delay.

#### **91/295. Statement by an informal meeting of Ministers of Foreign Affairs concerning Yugoslavia**

Date of issue: 5 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are deeply concerned at the situation caused by the announcement of a few members of the Yugoslav collective Federal Presidency that it will henceforth take decisions on the basis solely of the votes of four members, and that it is taking over certain tasks which constitutionally are within the competence of the Federal Parliament.

They reject this seizure of the Presidency by Montenegro and Serbia, which has already been condemned by other Republics of Yugoslavia. The Community and its Member States condemn this illegal action against the Constitution of Yugoslavia and the Charter of Paris. They are not prepared to acknowledge any decisions taken by a body which can no longer pretend to speak for the whole of Yugoslavia.

They urgently call upon all parties to refrain from any action that would impair the implementation in good faith of the agreement reached on 4 October in The Hague between the Representatives of Croatia, Serbia and the JNA under the auspices of the Presidency.

**91/296. Statement by an informal meeting of Ministers of Foreign Affairs concerning Yugoslavia**

Date of issue: 6 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Ministers of Foreign Affairs of the Community and its Member States, meeting at Castle De Haar at Haarzuilens on 6 October 1991, are dismayed that heavy fighting is continuing in Yugoslavia in spite of the agreements reached in The Hague on 4 October 1991 between Presidents Tudjman and Milosevic and General Kadijevic, in the presence of the President of the Council and the Chairman of the Conference on Yugoslavia.

The violence and breaches of cease-fire agreements are committed by all parties in the conflict. Grave doubts exist as to the will of parties to settle their disputes by peaceful means. Ministers are alarmed in particular at reports that the JNA, having resorted to a disproportionate and indiscriminate use of force, has shown itself to be no longer a neutral and disciplined institution.

Ministers are determined that those responsible for the unprecedented violence in Yugoslavia, with its ever increasing loss of life should be held accountable under international law for their actions.

At the meeting of 4 October, it was agreed that a political solution should be sought in the perspective of recognition of the independence of those republics wishing it, at the end of a negotiating process conducted in good faith and involving all parties.

The right to self-determination of all the peoples of Yugoslavia cannot be exercised in isolation from the interests and rights of ethnic minorities within the individual republics. These can only be assured through peaceful negotiations for which the Conference on Yugoslavia including its Arbitration Commission has been convened. Ministers reiterate their determination never to recognize any changes of borders brought about by force.

In that context Ministers recall their Statement of 5 October,<sup>1</sup> condemning the seizure of the Federal Presidency by a few members of that body. Ministers deplore that yet again the commitments undertaken by the major players in the Yugoslav crisis are not being honoured.

They demand from all parties to implement last Friday's agreement in all its aspects no later than by 7 October 24.00 hrs. Failing that, Ministers will take restrictive measures to be applied against those parties continuing to flout the desire of the other Yugoslav parties as well as the international community for a successful outcome of the Conference on Yugoslavia. They will then terminate the Cooperation and Trade Agreement with Yugoslavia and only [...] renew it with those parties which are contributing to the peace process. Ministers have asked the Political Committee

and the Commission to identify immediately further measures, including in the economic field. They call on all other countries to support EC positions in this respect.

Ministers are deeply concerned over the threat to the security of EC monitors in the face of violence at an unprecedented scale. They wish to leave no doubt that the EC monitors will continue to perform their duties [...] according with their mandates only as long as their security can be assured.

They invite the Secretary-General of the United Nations to speed up his report in accordance with Security Council Resolution 713, and to that effect consider sending a special envoy to Yugoslavia without delay.

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<sup>1</sup> EPC Bulletin, Doc. 91/295.

**91/297. Statement in the Third Committee of the UN General Assembly concerning the elimination of racism and racial discrimination and the right of peoples to self-determination [agenda items 92 and 93]**

Date of issue: 7 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its Member States on Agenda Item 92, Elimination of racism and racial discrimination and on Agenda Item 93, Right of peoples to self-determination.

The European Community and its Member States have always condemned all forms of racism and racial discrimination. They are deeply convinced that human rights and fundamental freedoms for all individuals, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin are the essential prerequisite for the dignity and well-being of mankind. In the Declaration of the European Council on anti-semitism, racism and xenophobia,<sup>1</sup> made in Dublin on 25 and 26 June 1990, they recalled explicitly that they supported all efforts to promote the eradication of racial prejudice, racism and racial discrimination and they will continue to abide by this declaration.

The United Nations established a new international legal order based not only on the sovereign equality of every nation large or small, but also on the equality and dignity of every human being. The elimination of all forms of discrimination was at the core of the initial tasks for the Commission on Human Rights in 1946. Over the years combating racism and racial discrimination became a priority issue and has continued to be one of the major themes of the United Nations. The consensus which existed on combating racism and racial discrimination made them the key element in the process of elaborating international legal instruments which resulted among others in the adoption in 1965 of the Convention on the Elimination of All Forms of Racial Discrimination.

This consensus also resulted in the launching of two Decades for Action to Combat Racism and Racial Discrimination. However, at the threshold of a possible Third Decade, we can draw the conclusion that mankind still has a long way to go in eliminating racial prejudice, racism and racial discrimination. Manifestations of racism and xenophobia are on the increase in many parts

of the world. No country is free from these phenomena. The European Community and its Member States consider that a possible Third Decade should allow to intensify national and international efforts to combat all forms of racism and xenophobia. In this respect they recall their strong belief that decisions on racism should be based on consensus.

From the study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination by the Special Rapporteur of the Subcommittee on Prevention of Discrimination and Protection of Minorities (document E/Cn4/sub2/1989/8), it becomes clear that the issue is a complex one and that the many activities undertaken within the United Nations system have only partly provided solutions to it. The study gives a useful outline of the different contexts in which racism and racial discrimination take place. The need for the setting of priorities, coordination and concerted action, both internationally and nationally, becomes all the more important. The Committee against Racial Discrimination and the Subcommittee on Prevention of Discrimination and Protection of Minorities should be urged to participate in developing a programme for a possible Third Decade.

In this respect, the task of the Committee on the Elimination of Racial Discrimination to monitor the implementation of the major instrument in this field, the Convention on the Elimination of Racial Discrimination, is very important. Due to financial constraints and deficient reporting by states parties it has not been as successful as it might have been. States parties, it has been said before, will have to face the responsibilities to which they have committed themselves. This also implies paying their financial contributions on a regular basis and presenting reports to the Committee. It is hoped that the meeting of states parties, which is scheduled for the beginning of 1992, will approve measures which both in the short and in the long term will enable the Committee on the Elimination of Racial Discrimination to fulfil its mandate. The Twelve recognize that the United Nations and its Member States carry a common responsibility for the effective functioning of the Treaty bodies and that appropriate solutions should be found as soon as possible.

The Subcommittee on Prevention of Discrimination and Protection of Minorities should be mentioned here as well. The Subcommittee has *inter alia* taken the initiative, following discussion of the study of its Special Rapporteur, to request the Secretary-General to organize a joint session with the Committee on the Elimination of Racial Discrimination. This joint meeting took place on 19 August 1991. It was concluded that such a joint meeting was a useful mechanism to establish contact and to exchange information on common issues. There was agreement that, at least until the World Conference on Human Rights, joint meetings should be held but that there was a need to prepare them well in advance. Both the Subcommittee and the Committee against Racial Discrimination should designate contact persons to that effect. In the view of the Twelve such future meetings should be action-oriented and should particularly focus on the exchange of information on new trends with regard to the occurrence of racism and racial discrimination.

Fortunately there are positive developments with respect to the abolition of the most far reaching consequence of racist policies, namely the system of apartheid in South Africa. The legislative pillars of apartheid, a form of institutionalized racial segregation, which constitutes a systematic violation of the principle of equal rights of all human beings, have at last been dismantled. The European Community and its Member States have always unequivocally condemned this form of institutionalized State racism in South Africa, which deprives the people of that country of their human rights and fundamental freedoms. The policy of the European Community and its Member States with regard to South Africa remains committed to the complete abolition of apartheid by peaceful means through negotiations and its replacement by a united, non-racial and democratic system in which all South Africans enjoy equal rights.

The Community and its Member States continue actively to encourage the on-going process of change in South Africa. On several occasions the Community and its Member States have expressed their satisfaction with the progress achieved while at the same time they have underlined



the importance of resolving all outstanding questions as soon as possible in order to enable substantive negotiations to commence on a new constitution.

In this respect the Community and its Member States welcome the agreement reached between the South African Government and the United Nations High Commissioner for Refugees on the return of refugees and political exiles to South Africa. This significant development removed an important obstacle to negotiations on a new constitution for a democratic, united and non-racial society in South Africa.

The persistent resort to violence remains a matter of great concern and continues to hinder the efforts of all those working towards the creation of a new, united, non-racial and democratic South Africa. In this respect the Community and its Member States welcome the signing of the national peace accord and express their hope that this agreement will finally open the path towards a definite end to senseless bloodshed. The statement of the European Community and its Member States of 16 September 1991 on South Africa was issued as a UN document (A/46/492).

The European Community and its Member States will continue to provide support, through their Programme of Positive Measures, for social developments and forces working to bring about equality and genuine reform by peaceful means. In addition, humanitarian aid is provided to victims of apartheid.

Mr Chairman, we would now like to address the agenda item on self-determination. In accordance with the principles laid down in the Charter, the common first article of both Human Rights Covenants proclaims the right to self-determination. It is important to recall that, under the Covenants, self-determination is the right of peoples, not of states. It applies with equal force to all peoples, without discrimination.

The right to self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. The European Community and its Member States fully recognize this fundamental right and endeavour to work for its universal implementation. In our view the right to self-determination is an on-going process, not a single event. This right and the corresponding obligations concerning its implementation are interrelated with other provisions of the Covenant on Civil and Political Rights and rules of international law. People have an inalienable right to determine freely their political status and to pursue their economic, social and cultural development according to Article 1 of the Covenant. They have the right to freedom of thought, conscience and religion, the right to freedom of expression, the right of peaceful assembly and the right to freedom of association with others. They also have the right to take part in the conduct of public affairs, directly or through freely chosen representatives, as well as to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage according to Article 25 of the Covenant. It follows that people thus have the right to change their governments if they so wish, without any threat of foreign intervention, *coup d'état* or state of emergency.

The Twelve feel that democratic pluralism, the enhancement of the effectiveness of the principle of periodic and genuine elections and respect for human rights are the basis for economic, social and cultural development. In general terms, Articles 55 and 56 of the Charter on international economic and social cooperation form the basis for United Nations intervention in the field of electoral assistance. The principle of free and periodic elections finds its application amongst others in the activities of reinforcing the efficiency of the principle of periodic and genuine elections as well as in electoral assistance. The positive lessons which may be drawn from successes obtained in this field in certain countries may serve in preparing future support in this area particularly in countries starting to undertake the process towards democracy. Many countries, which have begun to follow such a process, have asked the United Nations for electoral assistance. In or-

der to follow up requests for such assistance, the Twelve have participated in United Nations initiatives in this field, especially through the Centre for Human Rights. They have given material support in the form of experts and by making financial contributions. They will continue to give such assistance in order to allow the United Nations to respond to the numerous requests for pre-electoral assistance. They are convinced that pre-electoral assistance merits increased support by member States, as well as reinforcement of the activities of the Secretary-General of the United Nations. It will be necessary to establish for every case of pre-electoral assistance a politically clear mandate in order to permit the participation of the United Nations during all phases of the electoral process. These activities can be undertaken only at the request and with the agreement of the state concerned and with the approval of the competent United Nations body. The Twelve reiterate their profound attachment to the principle of electoral assistance, which implements not only the letter but also the spirit of our universal commitment in this area.

The European Community and its Member States are deeply concerned about several serious instances in which the right to self-determination is denied to people. Nonetheless, there are also some positive developments in many regions of the world, including Eastern Europe, Africa and Asia.

The European Community and its Member States warmly welcome the restoration of the sovereignty and independence of the Baltic States and congratulate them on the resumption of their rightful place among nations. They call for open and constructive negotiations between the Baltic States and the Soviet Union to settle outstanding issues between them. The Community and its Member States welcome the membership and participation of the Baltic States in the CSCE and the United Nations and look forward to their early membership and participation in other relevant international organizations, such as the Council of Europe.

We welcome the fact that Kuwait has regained its independence, sovereignty and territorial integrity under its legitimate government and that the rule of international law has been re-established. The Twelve are deeply concerned about the situation of the civilian population in Iraq, in particular the Kurds and Shi'ites. The Twelve confirm their steadfast support for full and immediate implementation of all relevant Security Council resolutions.

The European Community and its Member States recognize the right to justice for all the peoples of the region, which includes recognition of the legitimate rights of the Palestinian people, including their right to self-determination with all that this implies, and the right of all states in the region, including Israel, to live within secure, recognized and guaranteed borders. The European Community and its Member States stress the urgent need for Israel to open a political dialogue with the Palestinian people. They have given their full support to the current initiative to convene a peace conference on the Arab-Israeli conflict and the Palestinian question. They note with satisfaction all parties' agreement in principle to participate and urge them to show the necessary flexibility for negotiations to begin. They hope that this conference will lead to a comprehensive, just and lasting settlement in conformity with the right of all peoples in the region to exist within safe and guaranteed borders, in accordance with Resolutions 242 and 338 of the Security Council and based on the principle of 'land for peace'. The European Community and its Member States once again underline the need for all parties to adopt reciprocal and balanced measures to establish a climate of confidence to get the negotiations under way, and to avoid all measures that might hinder the process. They specifically believe that the establishment of new settlements in the Occupied Territories, including East Jerusalem, is contrary to international law and incompatible with the stated will to make progress with the peace process.

The European Community and its Member States have supported the process of self-determination of the Western Sahara, and in particular noted with satisfaction the adoption by the Security Council and by the General Assembly of the report of the Secretary-General on the organization of a referendum on the exercise of the right to self-determination by the people of Western Sahara, which they support. They noted with satisfaction the setting-up of the UN Mission for the

Referendum in Western Sahara. They believe this represents an important step towards a just and lasting settlement of the conflict in Western Sahara. They reiterate their firm support for the persistent efforts of the Secretary-General of the United Nations and his special representative to implement fully the provisions of the United Nations plan and to secure the continued cooperation of the parties involved so that the current process will proceed smoothly.

The European Community and its Member States welcomed the holding of free elections in Burma but they deeply regret the failure of the Burmese authorities to respond to their repeated appeals to respect the mandate laid down by the Burmese people in May 1990 and to introduce a democratic multi-party system. In the light of the failure of the Burmese Government to implement the will of the people the European Community and its Member States have taken certain steps to express their concern. They would like to refer to the statement of the Minister of Foreign Affairs of Burma to the General Assembly last year in which he declared that the State Law and Order Restoration Council was taking firm steps towards the establishment of a stable and enduring democratic state. He also stressed that the national undertaking to establish a peaceful and prosperous multiparty democratic state had to be accomplished by the people of Burma themselves. The European Community and its Member States urge the present government once again to initiate a democratic process and also to respect internationally acknowledged norms, in particular in the field of human rights, and to release all political prisoners.

The European Community and its Member States strongly support the efforts of the five permanent members of the UN Security Council and the two co-Chairmen of the Paris Conference to achieve lasting peace in Cambodia. We believe that a comprehensive political solution should ensure the fundamental rights of the Cambodian people to choose their own government in free, fair and internationally supervised elections and the independence, sovereignty, territorial integrity and neutrality of Cambodia. They welcome the election of HE Prince Norodom Sihanouk as the chairman of the Supreme National Council of Cambodia. They also welcome the important steps made since June by the Cambodian parties themselves towards national reconciliation. These include an unconditional cease-fire of unlimited duration, an end to external military assistance and a sizeable reduction of their armed forces and especially the agreement to adopt a liberal democracy and multiparty system in Cambodia. The European Community and its Member States call on the Cambodian parties to continue to negotiate constructively to achieve peace so that the widespread human suffering and abuse of human rights may be brought to an end. In this respect they welcome the intention to reconvene the Paris Conference and look forward to the achievement of a comprehensive political settlement involving an important role on the part of the United Nations.

The Twelve remain concerned about the continuance of the internal armed struggle in Afghanistan, the severe violations of human rights and the tragedy of the countless refugees and displaced persons. The Twelve welcome the sustained efforts of the UN Secretary-General and his personal representative, Benon Sevan, who are working to advance the dialogue among Afghan parties under the aegis of the United Nations so as to achieve an overall political solution to the Afghan problem, based on the respect of the right to self-determination of the Afghan people. The Twelve underline the importance of this dialogue aimed at establishing a process of transition which should lead to the establishment of a fully representative government in Kabul. In this context, they recall the importance of the participation of representatives of the resistance in this process. The European Community and its Member States have welcomed the US/Soviet agreement to end arms supplies to the combatants with effect from 1 January 1992, and urge other governments to follow this example. They consider such steps as further support for the efforts of the UN Secretary-General and continue to hope that a cease-fire acceptable to all parties, an essential part of the transitional process, will be implemented soon.

In concluding, Mr Chairman, the European Community and its Member States, wish to underline the important task the United Nations has in safeguarding the right of self-determination and

in combating racism and racial discrimination. They once again give expression to their commitment to strengthen the role of the United Nations in this respect.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/264.

### **91/298. Statement concerning Political Union**

Date of issue: 9 October 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of the Council:* Mr President, I really have little inclination to dwell at any great length on the events of Monday of last week as there was already a comprehensive discussion of that last Tuesday in the inter-institutional dialogue. There is very little reason to add much to what was said on that occasion, although I feel that it was not only due to pressure of time that the proposals of the Dutch Presidency were turned down. Since then we have seen Italian-British proposals produced and there was a French-German press conference in Haarzuilens, strangely enough very similar to the traditional press conference given by the Presidency.

There are many signs that the bigger Member States are determined to leave their own mark on the Inter-governmental Conference. I appreciate that that is not unusual in the Europe of the Twelve. It is now up to us to ensure that this kind of initiative does not endanger the deadline for the results of the EPU, the European Council in Maastricht. The greatest possible effort is needed to stick to that date. The work schedule for 1992 is already overburdened and contains issues too dependent on the results of the Conference on Political Union – I am thinking of own resources and social and economic cohesion, a subject dwelt on at great length by the President of the Commission during the European Council of Luxembourg – for us to consider postponing the Conference on Political Union or of EPU until 1992.

The concern to reach a successful conclusion on schedule in Maastricht completely overshadowed the discussion on 30 September. We know that only a limited number of Member States have substantial objections to the approach advocated by the Dutch Presidency, although I must add that those same Member States have also major objections to specific parts of the Luxembourg proposal. To suggest that the outcome of 30 September constitutes a general approval by the overwhelming majority of Member States of the Luxembourg proposals is in my view a dangerous misinterpretation.

Although there is no doubt about everyone's commitment to reach a successful conclusion in Maastricht, there is still no clear consensus at the moment on the contents of European Political Union. That is why I suggest that today we have a closer look at the vital elements of the dossier. I shall begin with structures.

The present situation is as follows. Discussions are based on the Luxembourg proposals which, as is well known, especially in this House, plan a pillar structure while maintaining the Presidency's conclusions of the IGC of the end of July, which meant that a definitive decision would be taken at the end of the negotiations and in the light of the results reached on the sub-

stance. The Dutch Presidency incidentally had proposed a negotiating plan when submitting its own proposals which specifically respected that agreement. But fair enough. The definitive outcome of the discussion on structures is uncertain. The link between structures and substance is too strong. What will be the final form of the contents of foreign and security policy and of judicial cooperation? These are the crucial questions, and the answer to them will undoubtedly influence the debate on structures.

A second vital subject, perhaps the most crucial one at the moment, is foreign and security policy. There have been many new developments in this sphere in recent days. In addition to the Luxembourg proposal we now have a document signed by both Italy and the United Kingdom, or the United Kingdom and Italy if you prefer. We also had a joint press conference last Sunday with Ministers Genscher and Dumas announcing that they were about to unfold new initiatives. In last Saturday's discussion in Haarzuilens one thing emerged clearly again, namely the crucial significance of the choice of the decision-making procedure for the so-called *action commune*, the joint action. Everyone agrees that the question of principle as to whether a certain matter must be the subject of joint action is one which can only be taken unanimously. But what happens after that? A number of Member States and the Commission too believe that whenever the requirement of unanimity is admitted afterwards, in the follow-up the joint action becomes *de facto* a continuation of the European political cooperation, an inter-governmental matter. They believe that in those circumstances the Community is too indecisive, an objection which takes on extra force when we consider that in a joint action the Member States themselves no longer have any freedom of policy. That is the distinctive nature of the meaning of joint action.

This group of Member States argued that implementing decisions of the joint action could be taken by some form of qualified majority. It need not only be the traditional qualified majority – a debate on the basis of Portuguese objections – it could also be a qualified majority under Article 148 of the Treaty, with a proviso that eight Member States, for example, approve. But there are other views, opposing views, including the opinion that for reasons of principle as well as practice the Member States reject decision-making by majority voting on matters of foreign and security policy. Reasons of principle because these Member States believe that foreign and security policy by definition do not lend themselves to majority decisions, quite simply because national sovereignty remains the basis of that policy.

In addition to that it was argued that in this sphere there is no role, or at least no significant role, for the Community institutions other than the Council to play. By way of practical objections these countries argued that there is no distinction anyway between the decision in principle to implement a joint action and the follow-up decisions. Any so-called follow-up decision would contain such a political change that it would in practice boil down to a decision in principle.

In Haarzuilens there was also an exchange of views on defence policy, on the list of subjects which could lend themselves to joint action. Decisions proved impossible on both points and the matter was referred to COCO and then to the personal representatives.

Mr President, recent developments, such as I have indicated, defence matters, explain why no decisions could be taken. With regard to the list of Azolo points, which were annexed to the Luxembourg draft treaty, the ministers recognized that list, which was last discussed in autumn 1990, is an update.

This brings me to the second important issue, judicial and police cooperation. As an area without borders comes closer, reactions to the repercussions of the free movement of persons become clearer. But not just that. All our Member States will be faced with important teething trouble and we would be burying our heads in the sand if we thought that these problems would go away by themselves or not affect us. And even that is not the whole story. There is an increasing need felt for cooperation in many legal and internal matters, whereas everyone involved increasingly recog-

nizes that the existing consultation structures produce results which in qualitative terms are in inverse proportion to the number of meetings. That is why we urgently need to streamline and produce results in international consultation, while the many areas which touch on the working spheres of Community integration clearly demonstrate the need for close association with the European Community.

Just as with foreign and security policy, we have here a particularly close link between the degree to which the substance of the problems can be solved and the structure which is finally chosen. For the near future it seems unlikely that this area of work can be fully incorporated into the Community decision-making process. Even the Dutch Presidency pressed for elements of inter-governmental decision-making for this cooperation. But it is important to ensure that anything that comes under Article 8a of the EEC Treaty, in other words free movement of persons, can also be settled in the future on a Community basis.

Mr President, there is a third subject of relevance here, namely democratization. This has been a central theme in the negotiations both on EPU and on EMU, and the relationship between the two will have to be illustrated more closely. A European Community which continues to develop in an increasing number of policy areas without making good the democratic deficit does not present an acceptable hope for the future in my opinion. Here too there are deep-rooted differences of opinion between the Member States; what strikes you is the difference between Member States which advocate a European solution for matters falling within the Community's jurisdiction, and those Member States which even for these matters argue for a primarily national parliamentary solution. But developments along the line of strengthening the democratic powers of the European Parliament have not been totally unsatisfactory. Although we are purely speculating at this juncture, we can assume that the EPU will find space for the introduction of co-decision, for extending the scope of the cooperation procedure and of the assent procedure. However, whether the result will meet the wishes expressed by the European Parliament itself in the Martin report and by the Inter-parliamentary Conference in Rome is indeed doubtful. On a personal note I must admit to being surprised during this debate that both the European Parliament and the national parliaments have not been more vociferous in this matter which is so important to parliamentary democracy in Europe. Mr President, there is no point in adopting a maximalist position and then refusing to debate further. We need considerably more involvement in order to reach satisfactory results within the European Political Union.

The question of cohesion constituted Commission President Delors' introduction to the European Council of Luxembourg and the negotiating round which took place on that in July. One must draw the conclusion from these two that the Luxembourg text in its present form does not meet with a consensus. There will have to be urgent additional negotiations in the coming months but there is general agreement that negotiations on the EPU should not be combined with negotiations on the future financing of the Community.

And finally, Mr President, the letter from my prime minister to his colleagues on the Dutch proposal on social policy. This problem is also characterized by deep-rooted divergences, with the basic question being asked of the degree to which Community authority extends to social matters. There are various schools of thought on this one too. To put it briefly, one Member State believes that the Community really ought to have no authority on many social affairs. A group of Member States favours granting authority or confirming such authority, in view of the powers already conferred by the EEC Treaty, but insists on making that conditional on unanimity in decision making. Another group of countries argues that in principle a qualified majority ought to be applied to this area too, while finally the idea has been expressed, as an emergency solution to the existing unanimity, of a so-called reinforced qualified majority. What has emerged clearly from the discussion so far is that social security and social protection in all Member States touch on the very fundamentals of society itself. The system of social protection has become an irreplaceable characteristic of the social market economy we live in, and every Member State has given it its

own form and content. The process of letting them grow towards each other is one which, irrespective of how you look at it, will take many years yet.

The last sentence, Mr President, equally applies to the creation of the EPU as a whole. In the firm hope that it will prove possible to agree on a treaty in Maastricht which will see justice done on all these points, I am nonetheless convinced that even then we shall be doing no more than taking one further step along the road towards unification. And on that the name of the European Political Union gives rise to some misunderstanding. Europe continues to develop with its ups and downs, moving from one crisis to the next, with occasional successes in between. That is what is happening at the moment, and that, I think, is what will happen in Maastricht.

*[After the ensuing debate, Mr Dankert stated:]*

Mr President, I should like to say a few words on the points which have been raised by Members in the debate.

Mr Bertens of the Liberal, Democratic and Reformist Group asked why the new draft was so necessary. He is unfortunately not in the Chamber at the moment. I would willingly give him a detailed answer but for that his presence would be highly desirable. Fair enough, for the record I would say that the Netherlands produced the new draft for reasons which Commission President Delors has just explained. After the eight-four situation in Dresden at the beginning of June, the repetition of the debate at the European Council, the confirmation during the General Council of 29 July, the Dutch Presidency was instructed to examine all the points of the Luxembourg proposal on which there was no agreement and to present alternative proposals on structures, democratization, foreign policy, police and judicial cooperation, social policy and cohesion. Well, the Dutch Presidency has carefully abided by these instructions. Because let us be clear about one thing, and I repeat it here, despite everything I remain convinced that this proposal, although no longer on the table, served a useful purpose. It precipitated the crisis which was kind of built into the debate on the Luxembourg proposal, namely gradually extending majority voting, which meant that more time was thereby made for examining the Maastricht subjects. That was beneficial, because I was extremely worried that otherwise the crisis might have burst too late for Maastricht to have been able to produce results. I think that that aspect – Mr Woltjer is laughing but I am serious – must be appreciated. That was the risk facing the Presidency. It is a risk which we may not have knowingly accepted, but the problem was that there was an inherent risk of a crisis too late in the day in the method being followed so far. In the European Community negotiations stumble from one crisis to the other in order to reach results at the end.

All that creates a certain confusion, as Mr Musso said – but he, too, is no longer present in the Chamber – but that is part and parcel of proper negotiating in the Community. It also leads to this kind of ‘bilateral chats’ which we witnessed last weekend, some of which indeed were expected long before that.

Commenting on the points made by the Chairman of the Socialist Group I would say that Maastricht must undoubtedly represent considerable progress but not the definitive step towards European Union. As Commission President Delors already indicated, we are entering in the coming years a parallel process of deepening and widening; the widening forces us to go deeper because otherwise we will not be capable of accepting that widening or because it will not be possible to find twelve votes in favour of widening. We were forced by external pressure, as often happens, to put our internal house in order. But Maastricht must represent an important step in that process. Maastricht must produce results for example on the free movement of persons under Article 8a of the EEC Treaty. It must produce results in what we are trying to achieve with Yugoslavia in terms of fixing Community responsibilities. I think it must also make some progress on making the Community more democratic in order to retain the support of national parliaments for the process. Because it is not for the sake of the European Parliament that we want to democ-

ratize, I believe that the national parliaments are now paying more attention to the fact that there will be no transfer of authority to the Community without a fair degree of democratization in return. I consider that approach quite justified if Europe wants to live up to its claim of being democratic.

Is that programme over-ambitious? I dare not make any forecasts about the outcome of Maastricht, but I am afraid that if it does not happen in Maastricht, the risk is great that it will not happen afterwards. That is why the present opportunity must be seized. Hence the somewhat cryptic remark, Mr President, to the European Parliament on political activities, on difficulties, even national ones, with the political debate. It is splendid that the European Parliament is formally consulted in reports and opinions in procedures under the inter-institutional dialogue. But if that is not reflected in the political reality of the Member States and those Member States are the participants in the Inter-governmental Conference, then I think that the European Parliament is being left out of this debate. I would not say, like one of my fellow party members maintained in a Dutch evening paper two days ago, that he as a national member of parliament would like to see members of the European Parliament to go and throw ink-pots over the Council, metaphorically speaking, but I do think that attendance at the political discussion is one of the pre-conditions for success in Maastricht. Hence the comments I have just made.

#### **91/299. Statement concerning the situation in Yugoslavia**

Date of issue: 9 October 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of the Council:* Mr President, the situation in Croatia at the moment is apparently quiet, which is gratifying. It seems as though there are the beginnings of an agreement between the opposing factions to keep to a genuine cease-fire this time. Tomorrow, Thursday, Presidents Tudjman and Milosevic and Mr Kadijevic, the Minister of Defence, are meeting in The Hague with the Netherlands in the Chair in an attempt to cement the fragile truce, which at present is not much more than a first step towards a more lasting cease-fire, and again to seek possible ways of making progress in the conference on Yugoslavia.

The details of the truce are a cease-fire for 5 p.m. on 8 October 1991; the raising of all blockades on land and sea along the Adriatic coast with immediate effect – and here I am thinking in particular of the problem of Dubrovnik which has arisen in the past few days; the ending of the siege of some larger barracks, in particular in Zagreb and from 9 October, and agreement that the EEC observers shall form part of an aid convoy to Eastern Croatia, equipped with food and medicines – which concerns particularly the towns of Vukovar and Vinkovci, which are continually the scene of fighting.

This truce was preceded by a serious warning from the Community to the parties concerned on 6 October from the conference at Haarzuilens, to the effect that after midnight on 7 October sanctions would be applied against any party failing to adopt a cooperative attitude with regard to the conditions laid down.

Previously, also at the meeting of the Foreign Affairs Ministers at Haarzuilens last week-end, Saturday 5 October, the Community Ministers severely censured the take-over of the federal presidium by Serbia and Montenegro in particular. On the pretext that the threat of war was looming closer the two republics had also taken over a number of powers of the federal Yugoslav Parliament. That has now been condemned by the Community Ministers as unconstitutional and contrary to the CSCE Paris Charter. Other Yugoslav republics not participating in the presidium



have also condemned the action of Serbia and Montenegro as unconstitutional. Here I am thinking of Bosnia-Herzegovina and Macedonia.

Possibly the setting up of the rump presidium will affect the final decision on whether to declare sanctions against one or more parties in Yugoslavia. But above all, we are not yet out of the danger zone. Tomorrow's consultation will, I hope, improve the chance of a lasting cease-fire and of a further step towards a comprehensive settlement of the crisis. It is only provisional, but I have hopes. So the Community has decided still to postpone the application of the sanctions which were worked out today in The Hague by those responsible for policy in case they should be needed.

If the cease-fire can be consolidated and the situation with regard to the centres of fighting can be stabilized, particularly through the deployment of observers, then attention may again be fully directed to the negotiations in the conference on Yugoslavia. Let us recall that on 4 October the Foreign Minister, Mr van den Broek, and Lord Carrington reached agreement with Presidents Tudjman and Milosevic and the Yugoslav Minister of Defence, Mr Kadijevic, on a so-called two-way approach, which means that any republic which wishes may become independent, but can only do so in a general settlement brought about by negotiations. There are three relevant elements in such a general settlement. First, a loose association or alliance of sovereign or independent republics. Secondly appropriate arrangements for the protection of the rights of minorities, possibly even a special status for certain areas. Finally no unilateral frontier changes.

So as to make sensible negotiations possible the following features of a truce were agreed at the meeting on 4 October. The Croatian authorities were to raise the blockade of facilities for the Yugoslav national army immediately. The Yugoslav national army was to regroup its units with the assistance of the Community observers. Lord Carrington is to make a report tomorrow to the Secretary-General of the UN, Mr Perez de Cuellar, on his efforts and those of the Presidency. Perhaps you know that Mr Perez de Cuellar has been authorized by the Security Council, by Resolution No 713 to offer his assistance and report to the Security Council at a later stage. He has now appointed his special representative for Yugoslavia, President Jimmy Carter's former United States Secretary of State, Cyrus Vance.

As regards the conference, it is of undiminished importance to ensure observance of the cease-fire. Everything that the parties fail to do in this respect when they have the opportunity to make a contribution must be regarded as bad faith and makes progress at the conference more difficult.

The two northern republics are bringing the position of the federal government up for discussion at the conference. They regard that government, or its representatives, as not being full participants in the conference since the federation in their eyes no longer exists. Perhaps the central place opposite the Chair, which the federation has hitherto occupied at the plenary conference table ought to be changed for a place next to the Chair. The refusal to recognize the status of the federal government will have repercussions at international level, not yet today in the European Parliament, but that development is foreshadowed, though I should like to say at the same time that the Community and the Member States have no need to hasten that process unless there are good reasons for doing so. Thus the Community has already distanced itself from the collective presidium usurped by the Serbian bloc. Moreover the Community will continue to have need for a central address in Yugoslavia as long as no acceptable settlement of the succession to the rights and duties – I am thinking of the debt question – has been agreed.

The position now is that a number of sub-committees have been set up in the framework of the conference. In consultation with the Chairman and coordinator a number of sub-coordinators have been designated for those sub-committees: Mr Durieux of the Commission for the sub-committee for economic affairs, Mr Craw of the United Kingdom for institutional relations and Mr Ahrends, from Germany, who is, moreover, the former President of the Assembly of Europe, for minorities and human rights. The first group began work on 3 October; the others begin this week.

Representatives of minority groups are being given an opportunity – and have to some extent already taken it – to put their points of view to the coordinator and the two vice-chairmen so that the conference may take account of their interests. I mentioned that in Parliament last time with regard to the representatives of the Albanian majority in Kosovo, I might say, and with regard to the Serbs in Croatia. Provisional contact has been made with all those who have been in touch with the Chairman of the conference for that purpose. That relates in the first place to the representatives of the Albanians in Kosovo, whom I have already mentioned, and in the second place to the Hungarians in Vojvodina.

That is the state of things as far as I can give it at the moment. At present we are experiencing a brief period in which there is once more hope of a more peaceful development in Yugoslavia than we have recently been able to gather from the various reports of violence there. I sincerely hope that now in the coming days all conceivable contacts will be made at diplomatic level to secure a more peaceful and more stable development, and that those contacts will indeed succeed. I can assure you that the Presidency will make every effort to that end.

*[After the ensuing debate, Mr Dankert stated:]*

Mr President, I have a few words to say, but I am a bit hesitant to pronounce them because I am afraid that what I say might be unpopular with two honourable Members, namely Ms Pack and Ms Grund. I do not know whether to risk my life by saying what was not their opinion.

In spite of everything that has been said here, it seems to me exceptionally unwise to be over-hasty in recognizing the independence of Slovenia and Croatia. On the Council's part too we know, and have been saying since July, and in that respect Mr Wettig did not mince his words, that Yugoslavia as a federal state no longer exists. There is a clear process of disintegration under way; we recognize that. But the question is how, from that process, one reaches a peaceful settlement of the problems which will also do justice to the problems of minorities existing within Yugoslavia. That is a path which we pursued further on 4 October with the collaboration of the Yugoslav authorities. It is essential for us to try to pursue that path to the end, because that is much better for human rights in Yugoslavia than the way being chosen here by a number of those who favour quick recognition. What is important is for us to come to a lasting cease-fire in Yugoslavia to which all parties are committed. If all parties do not do that, then we are doing more harm than good to Yugoslavia.

I think those are the basic principles to which the Council must adhere. I am sorry that there are calls here in Parliament which would lead to more bloodshed instead of establishing a cease-fire, which may help towards a lasting solution of the problems.

**91/300. Question No O-197/91 by Mr Ford and others and O-243/91 by Ms Valent and others concerning Community action against racism and xenophobia**

Date of issue: 9 October 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No O-197/91:*

It is now a year since the European Parliament endorsed the findings of its second Committee of Inquiry into Racism and Xenophobia.

Can the Foreign Ministers give an account of the measures they have taken and plan to take in the immediate future to implement the recommendations made to the Foreign Ministers meeting in Political Cooperation in the report of the committee of inquiry?

*Question No O-243/91:*

Now that one year has passed since the European Parliament adopted the report of the second Committee of Inquiry into Racism and Xenophobia, can the Council of Ministers meeting in EPC explain what measures have been taken and what measures are planned for the near future with a view to implementing the recommendations addressed to the Council of Ministers meeting in EPC in the committee's report.

*Answer:*

*Mr Dankert, President-in-Office of the Council:* Madam President, former colleagues, ladies and gentlemen. First of all I wish to apologize that fog in both the Netherlands and in France, particularly in the Strasbourg area, prevented me this morning from being present from the very beginning of the proceedings, but the officials who were here this morning have given me a report on the debate so far.

I would start by stating on behalf of the Council that we share the views of this House on racism and xenophobia and the outright condemnation of the same. Our attitude is reflected in an earlier declaration of the Council together with the other institutions of the Community – Commission and Parliament – of 11 June 1986 which was confirmed once more in the resolution of the European Council of 29 [April] 1990. It was reiterated during the European Council of Dublin in a declaration on anti-semitism, racism and xenophobia.<sup>1</sup>

The Council shares Parliament's views because when it comes to racism and xenophobia the fundamental values of our society are being put under the magnifying glass, values such as tolerance and democracy which are at the very roots of our social system. At the same time we must demonstrate a certain measure of discretion, and my impression from one of the last speakers is that what is written in the report, and what the Council has always advocated, is to a large degree dependent on what happens on the national front. The whole problem of racism and xenophobia can clearly only be solved at the national, regional and local level. That is where the necessary measures will have to be taken. That is why I must say that for both institutional reasons, with the treaties as they presently stand, and for factual reasons the situation on immigration calling for government action in the Member States and the economic and social consequences of implementing the recommendations form a complex which differs from country to country and from city to city. At the same time there are also elements – and I understand that the President of the Commission has already referred to them – where it is clear that the Community must become more involved. I believe that the President of the Commission made particular reference to the problem of immigration which is increasingly becoming a Community issue. We have not yet managed to organize a debate on this matter in the Council, but when I view the proposals before the Inter-governmental Conference on Political Union I realize that we must gradually develop our thoughts and be prepared to discuss them.

On the other hand the point was clearly made that there is a link with development cooperation. Ms van Putten has just mentioned the tremendous problem of the refugees in Africa, the waves of migration between countries, the tolerance to be found there. You must of course appreciate that part of the problem in Africa is reappearing in the Community and that we must seek ways and means of developing a policy to enable these people to be settled in the developing country itself. These are problems for which immediate measures cannot be taken, but they call for closer scrutiny, in my view. That is a matter which the Council will willingly take on board together with

the recommendations in your report. But I would repeat that the crux of the matter cannot be tackled by the Council in Brussels. The crux of the matter must be solved by and in tolerant Member States.

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<sup>1</sup> EPC Bulletin, Doc. 90/264.

**91/301. Question No H-957/91 by Ms Dury concerning Community action against the regime in Zaire**

Date of issue: 9 October 1991  
Place of issue: Strasbourg  
Country of Presidency: The Netherlands  
Status of document: Answer to Oral Question in the European Parliament

The United States has decided to impose sanctions on the Zairese Government for its refusal to accept democratization. Does EPC intend to do likewise, particularly given that Zaire is a signatory of the Lomé IV Convention, which imposes specific obligations in this area?

*Answer:*

The Community and its Member States are deeply concerned about the serious deterioration of the situation in Zaire.

On 27 September they have issued a statement deploring the course of events and launching an urgent appeal to restore peace and security in the country.

The Community and its Member States are convinced that political initiatives designed to bring about democratization are the only way to satisfy the aspirations of the people. They have therefore urged both the Government and all political and social forces to do their utmost to reach an agreement on the political future of Zaire, in which the rule of law, organization of free elections and respect for human rights are guaranteed.

The Community and its Member States also stressed the importance of overcoming the social and economic impasse in order to improve the deteriorating living conditions of the people of Zaire.

In this spirit, they hope that an effective agreement can be reached between President Mobutu and opposition parties on forming a crisis Government.

The Community and its Member States will continue to follow very closely developments in Zaire. Their assessment of the situation will be decisive in considering any further measures.

As to the first part of the question raised by the honourable parliamentarian, according to a press release from the US State Department, 'there has been no suspension of American aid to Zaire'. One category of aid, development assistance, has been blocked since 1 June by the Brooke Amendment. Under this US law, development assistance must be suspended to any country more than one year behind in its repayment of official debt to the US. US authorities have also indicated that American food aid is not affected by this law and will continue.

**91/302. Statement in the Special Political Committee of the UN General Assembly concerning the effects of atomic radiation [agenda item 70]**

Date of issue: 9 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, allow me first of all to congratulate you, on behalf of the European Community and its Member States, on your election as Chairman of the Special Political Committee. I should like to extend these congratulations also to the other members of the Bureau. You can count on our fullest cooperation in fulfilling your important responsibilities.

Mr Chairman, the European Community and its Member States attach great importance to the work of the United Nations Scientific Committee on the Effects of Atomic Radiation, which for 36 years has effectively carried out the mandate conferred upon it in Resolution 913 of 1955.

The European Community and its Member States welcome the fruitful cooperation that has been established between the Committee and Specialized Agencies such as the United Nations Environment Programme, the Food and Agricultural Organization, the International Atomic Energy Agency, the International Commission on Radiological Protection and the International Commission on Radiation Units and Measurements. Their contribution is essential for the task of the Committee and we hope that this close cooperation will be maintained and enlarged and that all agencies concerned will provide the Committee with relevant information on the subjects of interest for the further programme of study.

The European Community and its Member States have studied the report recently submitted to the 46th General Assembly (A/46/218) by the Scientific Committee on the Effects of Atomic Radiation and I can express our satisfaction with the work of the Scientific Committee.

In its report the Committee emphasizes the continuing need for further knowledge of radiation sources and of the unavoidable and circumstantial exposures that are a part of human life. The efforts in this direction by the committee are of great value to the European Community and its Member States, since they provide a useful input to the community policy in the field of radiation protection.

The European Community and its Member States note with appreciation that the methodology developed by the committee for dose evaluation has provided a fundamental basis for the comparison of results in the international review, undertaken last year to assess the consequences in the Union of Soviet Socialist Republics of the Chernobyl accident. The European Community and individual experts from Member States have been actively involved in the assessment project. It is hoped that the project report, which was presented in Vienna last May, will provide guide-lines for follow up research and that the fruitful collaboration between the committee and other relevant organizations in this field will be continued.

Mr Chairman, accidents causing serious exposure of the public have, fortunately, been extremely rare. Because of the fact, however, that a nuclear industry exists and radiation sources are used for industrial, medical and agricultural purposes, the possibility of accidents cannot be disregarded. The European Community and its Member States are convinced of the importance of effective international cooperation to address problems arising from accidents, if they occur, and if possible to prevent them from occurring. In this respect it is worth recalling that at the European Council held in Rome in December 1990, the Community and its Member States decided to provide technical assistance to the Soviet Union *inter alia* in the field of safety of nuclear installations. The Community's Trade and Cooperation Agreement with the Soviet Union – which was suspended at the time of the *coup* but is now again under way – makes provision for *inter alia* a 400 million ECU programme of technical assistance, with as priority areas energy and the safety of nuclear installations. The Community is presently also negotiating cooperation agreements between Euratom and the USSR in particular in the field of nuclear safety.

Furthermore, we would like to recall that all Member States of the European Community have signed the International Convention on Early Notification of a Nuclear Accident. The European Community as such has also decided to accede to it, as it operates itself nuclear plants within its Joint Research Centres, and holds specific responsibilities in the field of radiological protection

under the Euratom Treaty. The potential transboundary effects of nuclear accidents are now recognized by the international community following the Chernobyl accident.

We hope that the Scientific Committee will continue to carry out its mandate successfully with the support of other international agencies dealing with the subject of atomic radiation.

The European Community and its Member States wish to compliment the Committee on the work that has been accomplished and to express their appreciation by supporting the resolution to renew the mandate of the Committee.

Thank you Mr Chairman.

**91/303. Statement in the Working Group of Friends of the Chairman of the Fourth Committee of the UN General Assembly concerning decolonization**

Date of issue: 9 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van der Lugt:* Mr Chairman, I am speaking on behalf of the European Community and its twelve Member States.

The Twelve welcome your intention to reassess the United Nations approach to the decolonization issue and to seek consensus on all of the Fourth Committee resolutions and decisions this year.

Let me state here that the Twelve welcomed the initiative by the previous President of the General Assembly earlier this year to examine the General Assembly agenda and procedures so as to reflect more accurately the realities of the world we live in. This must especially relate, in our view, to the Fourth Committee.

In that context, the Twelve consider your initiative timely; indeed they had already indicated during the debate last year that the time had come to look seriously at the work of the Fourth Committee in the light of the progress achieved in decolonization and to bring ideas and procedures into line with reality.

The Twelve are of the opinion that your efforts run parallel to positions which they have taken in the past and still feel attached to. Unfortunately, the draft resolution that you have submitted falls short of meeting our expectations. It contains elements unacceptable to several Member States of the European Community. Furthermore, it does not take into account a number of the suggestions that the Twelve and others have put forward in the past.

Thank you, Mr Chairman.

**91/304. Statement concerning the Middle East peace process**

Date of issue: 10 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States reaffirm their full support for the Middle East peace initiative promoted by the United States and the USSR. They welcome the agreement in principle of all the parties to the dispute to the approach proposed by the US Secretary of State Mr Baker. In

this respect they also welcome the positive attitude of the Palestine National Council. They hope that this emerging consensus will open the way to an early resolution of the problem of an authentic Palestinian representation. They do not believe that any formula on this issue can be held to prejudice negotiations on substantive issues such as the status of Jerusalem.

The Community and its Member States continue to attach importance to the adoption by both sides of confidencebuilding measures designed to create the right climate for successful negotiations. They underline the importance they attach to a suspension of Israeli settlement activity in the Occupied Territories including East Jerusalem, and welcome the willingness of Arab States to freeze the trade boycott of Israel in return for this.

They reaffirm their strong disapproval of the 'Zionism is Racism' Resolution passed by the United Nations General Assembly which they believe should be consigned to oblivion.

While reaffirming their well-known positions of principle, the Community and its Member States confirm their determination to give all possible support to efforts to convene a Middle East Peace Conference and their determination to play an active role as a full participant in such a conference alongside the co-sponsors.

They believe that an unprecedented opportunity to create peace between Israel and the Arabs now exists and they call on all parties to show the flexibility and imagination necessary to grasp this.

**91/305. Statement in the Sixth Committee of the UN General Assembly concerning measures to prevent international terrorism [agenda item 125]**

Date of issue: 10 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the twelve Member States of the European Community. The twelve Member States of the European Community wish to reiterate their support for General Assembly Resolution 44/29 of 4 December 1989, in which the Assembly unequivocally condemned, as criminal and not justifiable, all acts, methods and practices of terrorism wherever and by whomever committed.

The Twelve continue to underline the fact that, no matter how legitimate a cause may be, it can never justify acts of terrorism. Such acts damage whatever cause the perpetrators claim to be pursuing. Furthermore, terrorist acts negatively affect relations among states and as such endanger the stability of the international order.

Mr Chairman, the Twelve are, as always, convinced of the importance of compliance with the firm call for the immediate release of all hostages and abducted persons, wherever and by whomever they are being held, as stated in paragraph 7 of General Assembly Resolution 44/29 of 4 December 1989. Although some progress has recently been made with regard to the release of hostages, the Twelve remain concerned about the plight of those still being held, many of whom are nationals of Member States of the European Community. The Twelve call upon the parties concerned to bring about their immediate, unconditional and safe release.

Moreover, not only nationals of individual states are held by terrorists, but also staff members of international organizations, such as the United Nations, have been illegally deprived of their freedom. The Twelve wish to express their appreciation for the tireless efforts of the Secretary-General of the United Nations in addressing the hostage issue, particularly as his mission of good offices has recently led to the release of some hostages.

Mr Chairman, the Twelve believe that, given the frequency and gravity of terrorist activities world-wide, states must continue to coordinate their responses to terrorism as closely as possible, if they are to combat it effectively. The Twelve wish to stress their commitment to this end and equally reiterate their readiness to cooperate constructively with all states for this purpose. Developing and implementing effective and concrete measures against terrorism, as recommended in Resolution 40/61 of 9 December 1985 and Resolutions 42/159 of 7 December 1987 and 44/29 of 4 December 1989, needs to be emphasized. It remains essential that states meet their obligation to refrain from organizing, instigating, assisting, participating or acquiescing in terrorist acts in or against other states.

The Twelve believe that, in accordance with the appropriate laws and through agreed international procedures, states should reinforce cooperation through the exchange of information to enable governments to strengthen their capability to prevent acts of terrorism, to apprehend, prosecute and/or extradite suspected perpetrators. The Twelve are convinced that the best way to combat terrorism is to adopt an approach that avoids generalities and focuses on specific terrorist acts. This approach has been successfully adopted by international organizations through the conclusion of a number of conventions, such as those mentioned in the fourth preambular paragraph of Resolution 44/29 of 4 December 1989.

The twelve Member States of the European Community welcome the conclusion of an important additional instrument, namely the Convention on the Marking of Plastic Explosives for the purpose of Detection, adopted in Montreal on 1 March 1991. Its prompt entry into force would be highly beneficial.

In this context, the Twelve would like to recall that in Resolution 635 (1989) the Security Council voiced deep concern at all acts of unlawful interference in international civil aviation and urged the International Civil Aviation Organization further to intensify its work, aimed at preventing all acts of terrorism against international civil aviation.

The twelve Member States of the European Community note with appreciation the increased adherence to the aforementioned conventions and urge those states that have not yet ratified or acceded to the relevant conventions to consider doing so. Increased adherence to the conventions will help ensure that under no circumstances will perpetrators of terrorist acts be provided with a safe haven.

Mr Chairman, as regards the convening of an international conference aimed at defining terrorism and differentiating it from the struggle for national liberation, the Twelve repeat their answer to the Secretary-General's request to present their views on terrorism, namely that the organization of a conference on the matter is inappropriate. The view of the Twelve is contained in document A/46/346/Add.1.

The Twelve consider that the organization of an international conference would signify a departure from their stated approach which avoids generalities and focuses on specific acts of terrorism. Furthermore, the organization of such a conference would rather perpetuate the misconception, which the Twelve have always contested, that there is a link between terrorism and the exercise of the right of self-determination.

No practical result can be expected from a conference such as the one proposed. While the main characteristics of terrorism are sufficiently known, defining terrorism presents insurmountable difficulties as experience has shown. Attempts to agree on a definition are not only bound to fail, but may jeopardize the achievements obtained with such difficulty on this important and sensitive subject over the years. The Twelve are convinced that the negative consequences of a conference would be overwhelming and therefore hold that the entire exercise should not be embarked upon in the first place.

Mr Chairman, it is the view of the twelve Member States of the European Community that any terrorist act is an outrage against the international community as a whole. For this reason the



Twelve look forward to the unanimous adoption once again of a resolution unequivocally condemning terrorism.

Thank you, Mr Chairman.

### **91/306. Statement concerning Mozambique**

Date of issue: 11 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcomed the announcement of the resumption in Rome of the peace negotiations on Mozambique. They believe that every effort should be made to assure the success of this initiative after fifteen years of civil war in the country.

In this regard, the Community and its Member States launch an urgent appeal to the two parties, in particular to RENAMO, to put an end to the conflict and to agree on the framework for national reconciliation and democratization, indispensable for a real economic and political progress in the country.

The Community and its Member States reiterate their willingness to support the creation of a peaceful, democratic and pluralistic Mozambique, in which all political forces would be treated equally.

### **91/307. Statement at the Plenary Session of the UN General Assembly concerning the situation of democracy and human rights in Haiti [agenda item 145]**

Date of issue: 11 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van Schaik:* I have the honour to speak on behalf of the European Community and its Member States.

Mr President, it is the long-standing position of the European Community and its Member States that all peoples have an inalienable right freely to determine in accordance with the rules of international law their political status and to pursue their economic, social and cultural development. The people have the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage.

The unanimous adoption less than a year ago of Resolution 45/2 on electoral assistance to Haiti, and the exemplary manner in which the Secretary-General has acted upon the provisions contained therein, highlights the continuing and special commitment of the United Nations to the strengthening of democracy in Haiti.

On 28 December 1990<sup>1</sup> the European Community and its Member States welcomed the fair and orderly manner in which the presidential elections of 16 December in Haiti had been conducted; the Twelve indicated at that time that the expression of the peoples will through the democratic process had the potential to be a major breakthrough in Haiti's long struggle towards the establishment of a society built on the rule of law, respect for human rights and the promotion of social justice and economic progress.

Subsequent developments including a failed attempt in early January of this year to undo the results of the elections even before the inauguration of the elected President sadly proved how long the struggle was yet to become.

The violent events of 30 September were cause for great dismay. In their declaration of 3 October<sup>2</sup> the European Community and its Member States unreservedly condemned the military *coup* against the country's first democratically elected President which took place despite the clear and repeatedly expressed popular will to defend the constitutional order. The Community and its Member States expressed their strong support for the legitimate authorities as well as for the democratic forces in Haiti and called for an immediate return to the rule of law and the restoration of the legitimate government of that country.

Pending that, the European Community immediately suspended the economic assistance decided upon in the framework of the Lomé Convention. Member States with bilateral programmes suspended their economic assistance with the exception of programmes for humanitarian support.

Mr President, the Twelve support the efforts of the Organization of American States and its resolutions of 3 and 8 October 1991; they express the hope that the provisions in these resolutions will be implemented without delay. The Twelve support in particular the swift dispatch of high-level missions under the aegis of this regional organization. They trust that the civilian mission envisaged by the Organization of American States will make an effective contribution to the return of the legitimate government and the restoration of the constitutional order in Haiti.

The Twelve welcome the statement delivered by the President of the Security Council on 3 October when President Jean Bertrand Aristide appealed to the Council for international support.

The Twelve regard the inclusion on the agenda for the 46th session of the General Assembly of an additional item entitled Crisis of Democracy and Human Rights in Haiti as an appropriate and timely response of the Organization to the recent events in Haiti and are pleased to be in a position to support the draft resolution 25 tabled by the Latin American and Caribbean Group and introduced a moment ago by the Permanent Representative of Honduras on behalf of that Group.

By this means, the European Community and its Member States reiterate their strong support for the democratic forces in that country and stand ready to support, in cooperation with regional efforts, appropriate measures aimed at the restoration of the rule of law and protection of human rights in Haiti.

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<sup>1</sup> EPC Bulletin, Doc. 90/477.

<sup>2</sup> EPC Bulletin, Doc. 91/292.

### **91/308. Statement in the First Committee of the UN General Assembly**

Date of issue: 14 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, on behalf of the European Community and its Member States I wish to congratulate you, Sir, on your election to the chairmanship of the First Committee of the General Assembly. I should also like to extend my best wishes and congratulations to the other members of the Bureau. I am sure that under your able leadership the First Committee can look forward to a fruitful session. Let me assure you of the whole-hearted support of the European Community and its Member States for the accomplishment of the important task with which you have been entrusted.

### *General developments*

Mr Chairman, our work in the First Committee of the General Assembly comes at an important time in the field of international peace and security. Many new developments have taken place since our last session, and more are undoubtedly at hand in the near future. While the spectacular decline of East-West tensions has been clearing the way for new, cooperative security structures, some long-standing concerns as well as new challenges remind us of the amount of work that remains on our agenda.

Looking at the vastly changed international security environment, the recent war in the Gulf and its aftermath cannot but figure prominently in our minds. The Twelve pay tribute to the resolute collective efforts which have led to the restoration of Kuwait's sovereign independence and have thus demonstrated that aggression does not pay and can be reversed. Beyond its immediate effects, the Gulf conflict has illustrated the effectiveness of a truly collective security system which the United Nations has been expounding down the years. The breakdown of the paralyzing division of much of the world into two antagonistic camps was a major factor enabling the Security Council to assert the authority vested in it by the UN Charter and thus to respond to the challenge posed by the invasion of Kuwait. The Twelve warmly welcome the United Nations' increased weight in matters of international peace and security as a result of the Gulf conflict. They believe that there is now a need for – and opportunities for – a more active and assertive United Nations' role in international peace and security. One such opportunity may be the expansion of the United Nations' role in disarmament and arms control, where the Twelve will lend their support to the United Nations' efforts to build upon the momentum which has now been generated.

The experience of the United Nations Special Commission (UNSCOM) in implementing Security Council Resolution 687 holds important lessons for the implementation of arms control agreements. By ordering the mandatory elimination of Iraq's weapons of mass destruction, the United Nations has broken new ground. The Twelve wish to emphasize that the Special Commission deserves every measure of support, as does the work of the IAEA in fulfilment of Resolution 687.

The pioneering work of the Special Commission and the IAEA in Iraq underscores the urgency of curbing at the global level the rising tide of proliferation of weapons of mass destruction and of missiles. If we are to eradicate the proliferation threat, we must resolve its underlying causes. I refer of course to the many political divisions, both old and new, which continue to burden the reality of international relations. At the same time, the Twelve attach the utmost importance to the early establishment of a system of effective and interlocking arms control and disarmament measures designed to root out the threat which proliferation poses to global security. In the view of the Twelve, these disarmament measures must be complemented by new action to prevent the build-up of conventional weapon arsenals well beyond the levels warranted by the legitimate right to self-defence enshrined in Article 51 of the Charter.

### *General overview of the progress made in arms control and disarmament*

Having dwelt on the Gulf war and its impact on the international security environment, allow me, Mr Chairman, to review briefly the recent progress made in the field of arms control and disarmament. The European Community and its Member States welcome the new climate of confidence prevailing in Europe, which has already benefited our work during the last two sessions of the First Committee. The revolutionary political changes in Central and Eastern Europe, now leading to the gradual consolidation of free and democratic societies in that part of the world, have imparted a new quality to security relations on the European continent. The Treaty on Conventional Forces in Europe (CFE), concluded in November last year, will be a cornerstone of future European security. The reduction in conventional forces and the far-reaching verification regime provided for in the Treaty reflects the desire on the part of the Contracting Parties for a signifi-

cantly greater degree of political and military stability and cooperation in Europe. The resolution of the problems that had arisen concerning the CFE Treaty can now lead to its early ratification and entry into force. The Twelve welcome the significant progress made in the field of confidence- and security-building measures as reflected in the Vienna Document. The new instrument of evaluation of information on military forces and on plans for the deployment of major weapon and equipment systems by visits which must be announced five days in advance became effective on 1 July 1991. The first evaluation visits have taken place over the past few months and have clearly indicated that these visits are a valuable tool in promoting confidence among participating states.

The on-going negotiations on manpower levels in Europe as well as the continuing negotiations on confidence- and security-building measures represent a further step towards strengthening stability and security within that continent. The Twelve wish to emphasize that the further development of a security dialogue and of arms control measures will be embedded in the wider framework of the CSCE process. In this respect the CSCE participating states have recently started informal preparatory consultations aimed at establishing new negotiations in 1992, after the conclusion of the Helsinki follow-up meeting.

The Twelve welcome the encouraging outcome of the recent exploratory round on an Open Skies Agreement, to which they attach the utmost priority. As an Open Skies regime will introduce a new dimension of transparency and confidence building and will further advance the arms control process, the Twelve are in principle in favour of full participation by all CSCE participating states which might wish to join the negotiations. The Twelve express the hope that rapid progress will be made towards the earliest possible establishment of an Open Skies regime.

The European Community and its Member States wish to emphasize that the further development of this new European security order must remain firmly embedded in the wider framework of the CSCE process which, now more than ever, represents an important factor of stability in the face of at times conflictual change between and within the nations of Europe. Recent events in Yugoslavia and the Soviet Union are a dramatic testimony to the many unresolved and historically rooted sources of conflict which now demand our urgent attention. It cannot be stressed enough that structural solutions conducive to the creation of new and stable constitutional orders in Yugoslavia and the Soviet Union, including full respect for human rights and democratic freedoms, can only be found through negotiations and dialogue.

There have been dramatic initiatives in nuclear arms control since the conclusion of the Strategic Arms Reduction Treaty (START) between the United States and the Soviet Union. The Twelve nonetheless warmly welcome that Treaty and look forward to its early ratification. The START Treaty, leading to increased stability through substantial reductions in the most destabilizing strategic nuclear arms in particular, is a milestone in the nuclear arms control process and the basis for further measures outlined recently by the United States and the Soviet Union.

In the view of the Twelve, nuclear disarmament must be supported and strengthened by an effective international nuclear non-proliferation regime. The recent accessions of more states to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and more specifically the prospect of accession to the Treaty by all five permanent members of the United Nations Security Council, will buttress the existing nuclear non-proliferation regime.

In the field of conventional arms control further measures must be given our increasing attention. This is an area where all states can make a significant contribution to the ultimate goal of global arms control and disarmament. The recent Gulf war has sharply reminded us of the grave dangers which the excessive build-up of conventional arsenals poses to international peace and security. The Twelve are ready to start tackling this problem during the present session of the First Committee.

To complete this brief review of the main outstanding issues on our agenda, the Twelve would like to commend the on-going negotiating efforts in Geneva to overcome the remaining obstacles standing in the way of a global, effectively verifiable and comprehensive ban on chemical weapons. Similarly, the recent Third Review Conference of the Biological and Toxin Weapons Convention has just outlined a programme of action designed to uphold and, where possible, strengthen the existing ban on biological weapons.

### *Nuclear disarmament*

Mr Chairman, nuclear disarmament continues to be one of the Twelve's highest priorities in the field of arms control and disarmament. The Twelve consider that making further progress in nuclear arms control remains one of the most serious challenges facing the world today. They therefore note with satisfaction that the process leading to genuine arms reductions, which the Treaty on Intermediate Nuclear Forces (INF) inaugurated, has visibly accelerated now that President Bush and President Gorbachev have appended their signatures to the Strategic Arms Reduction Treaty (START). By agreeing for the first time actually to reduce the number of their deployed strategic nuclear weapons, the United States and the Soviet Union have demonstrated their special responsibility in the field of nuclear arms control and disarmament. The Twelve warmly welcome the Treaty as an important milestone along the road to substantial and balanced nuclear arms reductions, a process to which they continue to attach the utmost importance.

The Twelve therefore strongly support the initiative of the United States concerning the unilateral reduction of its nuclear arsenal, as announced by President Bush on 27 September. The implementation of this initiative will result in a substantial reduction of the nuclear arsenal. They hope that this initiative will be conducive to further far-reaching steps in order to bring about greater stability at substantially lower levels. The Twelve welcome with pleasure the positive response of the Soviet Union announcing also its intention of reducing its nuclear stockpile. They look forward with confidence to the outcome of the forthcoming consultations on these matters, including strategic defences. The Twelve strongly support early follow-on talks between the United States and the Soviet Union on these issues, as well as the continuation without delay of negotiations on defence and space issues, including the relationship between means of strategic offence and defence.

With the removal of the last intermediate nuclear missiles from Europe, the Treaty on Intermediate Nuclear Forces (INF), which eliminates a whole class of nuclear weapons, has been successfully implemented. Mindful of the improved political and military conditions prevailing on the European continent, the Twelve welcome the prospect of far-reaching reductions by the United States and the Soviet Union in short-range nuclear arms.

### *Nuclear disarmament/nuclear non-proliferation*

We cannot, however, close our eyes to some less encouraging developments. The European Community and its Member States are gravely concerned about reports from the United Nations Special Commission and the IAEA to the Security Council that the Government of Iraq so blatantly violated its obligations under the safeguards agreement pursuant to the Non-Proliferation Treaty (NPT) and Security Council Resolution 687. The Twelve reaffirm their commitment to the principle of nuclear non-proliferation in general, and the NPT in particular, as a cornerstone of the international regime of nuclear non-proliferation. They welcome the accession of more states to the NPT. In this respect they commend Mozambique, South Africa, Tanzania, Zambia and Zimbabwe for having recently become parties. With the announced intended accessions of France and China, all permanent members of the Security Council will have underwritten the NPT, thus further strengthening the universality of the Treaty. We are confident that, in parallel to wider adherence to the NPT, a better functioning of the present nuclear non-proliferation regime can be

brought about. Thus, in view of recent events, the Twelve look forward to a reinforcement of the various elements of that regime and, more in particular, to a further strengthening and improvement of safeguards implementation. The Twelve expect that discussions being held presently within the IAEA will soon reach positive conclusions to this end.

A Conference to amend the Partial Test Ban Treaty (PTBT) was held in New York in January of this year. No consensus was reached, a fact which reflects the diverging views on the degree of priority to be given to the conclusion of a comprehensive nuclear test ban. There exists, nevertheless, a clear trend towards limiting nuclear testing, as exemplified by a decreasing number of actual explosions and by the Protocols to the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET), signed by the United States and the Soviet Union in June 1990, and ratified by both countries. The prospects for further limitations, as foreseen by the United States and the Soviet Union, should be discussed bilaterally. The Twelve note the re-establishment this year of the Ad Hoc Committee of the Conference on Disarmament on a Nuclear Test Ban. They believe that the issue of nuclear testing should continue to be addressed in that multilateral context.

### *Conference on Disarmament*

Mr Chairman, before turning to global disarmament issues proper, I would like to signal the increasing importance of the institutional aspects of the arms control and disarmament process. As our agendas and our fora are growing in size, so does the centrality of multilateral disarmament diplomacy. In this connection, the Twelve wish to stress the unique character of the Geneva Conference on Disarmament as the sole multilateral negotiating body on disarmament within the United Nations system. The Twelve welcome the growing number of states which, although not members of the Conference, are nonetheless participating in its work. The Twelve trust that the new working methods and additional improvements in the functioning of the Conference on Disarmament will further enhance the important role which it already fulfils within the global arms control and disarmament process.

### *Chemical Weapons*

Mr Chairman, the Gulf war has imparted a new sense of urgency to reaching the long sought-after goal of a global, effectively verifiable and comprehensive ban on chemical weapons. After many years of multilateral negotiations in the framework of the Geneva Conference on Disarmament, the speedy conclusion of a Chemical Weapons Convention clearly has become imperative. Much of the groundwork has already been done. The favourable outcome of the Gulf war now provides the negotiators with a political window of opportunity which we cannot afford to let go by. With determination and imagination we can bring the negotiations to their final and decisive phase. In this connection the Twelve warmly welcome the timely and substantial revision of the positions of the United States, as set out by the initiative of President Bush, which should facilitate the completion of the negotiations by the middle of 1992. In view of the amount of progress already realized in Geneva, this timetable seems by all means achievable. The Twelve welcome President Bush's important announcement that the United States formally forswears the use of chemical weapons for any reason, including retaliation, against any state and unconditionally commits itself to the destruction of all its stocks within ten years after the entry into force of the Convention. This should clear the way for the resolution of the remaining issues, among which verification stands out. Confidence in compliance is the crucial yardstick by which the credibility of the future Chemical Weapons Convention will be measured. The Twelve therefore call on all negotiating parties to muster the creativity and political will necessary to break the deadlock over this seemingly intractable issue. They are confident that this and other remaining obstacles can be overcome during the next few months and they reaffirm their intention to be among the first signatories of the Convention. The Twelve invite other states to do likewise, either on a national or on a regional

basis. No efforts should be spared to help deliver the promise of a Chemical Weapons Convention. This includes the full and timely implementation of last year's breakthrough agreement between the United States and the Soviet Union on the destruction of their respective chemical weapons stockpiles.

While a global, effectively verifiable and comprehensive Chemical Weapons Convention is the ultimate response to the scourge of chemical warfare, the on-going diversion from their legitimate uses of materials and technology needed for the manufacture of chemical weapons requires immediate and decisive action, both at national and international level. In conjunction with other states, the Twelve are working to strengthen and expand existing arrangements aimed at preventing the proliferation of chemical weapons.

Halting the spread of chemical weapons and other weapons of mass destruction is a practical objective for the post-Gulf war period, to begin with in Iraq. The European Community and its Member States wish to stress that Iraq must fully abide by the relevant terms of Security Council Resolution 687 concerning the elimination of its nuclear, chemical and biological warfare and missile capabilities.

Last but not least, the Twelve recall the importance of upholding the authority given to the United Nations Secretary-General to investigate cases of alleged use of chemical weapons.

### *Biological weapons*

Mr Chairman, on several occasions during the past years the Twelve have warned against the proliferation of biological weapons. The first biological weapons inspection carried out by the United Nations Special Commission in Iraq has shown that our concerns were justified. Unlike the case of chemical weapons, the international instrument banning biological and toxin weapons already exists. I refer to the Biological and Toxin Weapons Convention of 1972. The Twelve consider the strengthening of this Convention to be of the utmost importance.

The Twelve therefore welcome the outcome of the Third Review Conference of States Parties to this Convention, which took place in Geneva from 9 to 27 September 1991. Significant progress was made *inter alia* in the field of confidence-building measures. In this respect the Twelve call on all States Parties to participate in the improved and expanded CBMs that were agreed upon.

The Twelve particularly welcome the important decision of the conference to establish an ad hoc group of governmental experts to identify and examine potential verification measures from a scientific and technical standpoint. The Twelve stress the importance of the recognition by the conference that effective verification could reinforce the Convention. They consider the great interest in verification, expressed by a considerable number of delegations present at the conference, highly encouraging. This corresponds at the same time to a growing awareness by the international community of the risks of proliferation and to progress in openness to multilateral controls. The Twelve hope that this interest will be reflected in a broad participation in the work of the expert group. They are of the opinion that the proceedings of the Third Review Conference and the Final Declaration adopted by the Conference have underlined the importance of this international instrument as the authoritative norm against biological and toxin weapons, a norm which fully deserves our support, now and in the future. The Twelve sincerely hope that States, which are not yet parties to the Convention, will be encouraged by the decisions of the Review Conference to accede to the Convention without delay.

### *Regional disarmament*

The European Community and its Member States reaffirm the importance they attach to regional arms control and disarmament measures. Arms control and disarmament achievements on a re-

gional level will, alongside bilateral and multilateral negotiations, facilitate global arms control and disarmament efforts. While initiatives in this field should take into account the specific characteristics of each region, some general principles can be drawn from the experience gathered so far. The successful conclusion of the Treaty on Conventional Armed Forces in Europe (CFE) in November of last year and the simultaneous adoption of a substantial new set of confidence- and security-building measures by the CSCE participating states deserve mention in this context. One of our partners has taken an initiative aimed at regional disarmament in a Balkan area.

As the European experience suggests, confidence building measures, such as the exchange of information on military structures and force deployments, the advance notification of large-scale military movements, the mandatory invitation of observers and on-site inspections, will lead to greater openness, transparency and predictability of military activities. Second, regional arms control and disarmament measures should focus, initially and as a matter of priority, on the most destabilizing military capabilities and imbalances, such as the capacity to launch surprise attacks and to conduct large-scale offensive operations. Third, the process of adoption by all countries of defensive force structures should result in a stable military balance at the lowest possible level of armed forces and armaments and in conditions of equal and undiminished security for all participants. Fourth, regional arms control and disarmament measures must be buttressed by adequate verification provisions. Last but not least, arms control and disarmament measures in one region should not lead to increased arms transfers to other regions.

While measures as I just outlined should come from, and be developed by, the region itself, initiatives from outside can be called for to act as a catalyst. This is certainly the case with respect to the Middle East, where regional arms control and disarmament measures must be instituted as a matter of priority. In this connection, the European Community and its Member States give their unequivocal support to the objective of instituting arms limitation and disarmament arrangements in the Middle East, including the establishment of a weapons of mass destruction-free zone and the possible consideration of measures for conventional arms reductions. They recall the various proposals to this end put forward by President Mubarak, and welcome the timely arms control initiative which President Bush proposed for this region as well as the global disarmament initiative presented by President Mitterrand and the related proposal on conventional arms made by Prime Minister Major. The Twelve call on all States in the region to join the international efforts now under way, aimed at ridding the Middle East of the scourge of war.

### *International Arms Transfers*

Mr Chairman, now that the world has irreversibly moved beyond the East-West divide and its attendant arms race into an era of greater international cooperation, the excessive levels of conventional armaments held by many states are standing out as a dangerous anomaly. The Iraqi aggression against Kuwait and the ensuing Gulf war exemplify the permanent threat which the indiscriminate acquisition of massive arsenals by certain states poses to regional peace and stability and, indeed, to international security as a whole. If we are to prevent the repetition of tragedies similar to the one which afflicted the Gulf, the international community must develop ways to deny states the instruments which enable them to sow war and devastation. Missiles capable of delivering weapons of mass destruction are a particularly notorious example in this respect, which is why the Twelve reaffirm their support for the guide-lines of the Missile Technology Control Regime (MTCR).

The Twelve are aware of the conceptual and practical difficulties which greater control over the burgeoning international arms trade entails. The Twelve acknowledge the right to self-defence enshrined in Article 51 of the United Nations Charter and accept that, to be able to exercise that right, many states depend on arms imports. But while every state should enjoy the means to ensure its security in accordance with the letter and the spirit of the Charter, their armaments holdings



should not exceed their legitimate self-defence needs to the point of becoming a threat in itself to neighbouring countries. Achieving wide acceptance of this concept of reasonable sufficiency is one of the many practical challenges we face in the post-Gulf war period.

Since in this field no international agreements are in place, or in the process of negotiation, we will have to innovate and break new ground where necessary. The European Community and its Member States for their part are determined to come to grips with this problem and to contribute to its resolution, as they have made clear in the Declaration on Non-Proliferation and Arms Exports which was issued by the European Council at its most recent meeting in Luxembourg in June.<sup>1</sup> In the perspective of political union and in the framework of their internal consultations, the Twelve wish to elaborate on the basis of a common set of criteria a common approach to harmonization of their internal policies. At the international level the Twelve believe that far-reaching action is needed immediately to promote restraint and transparency in the transfers of conventional weapons and of technologies for military use, in particular towards areas of tension.

First and foremost, the Twelve stress that openness and transparency, which by now are well-established principles of arms control and confidence-building, must be extended to the international trade in conventional arms and military technology. Several initiatives are already being taken in this respect. At the regional level proposals are being considered in the context of the CSCE negotiations on confidence- and security-building measures for the annual exchange of information on production and exports of military equipment. At the global level the Twelve are giving the greatest priority to the early establishment of a universal and non-discriminatory United Nations register of conventional arms transfers. They note with appreciation that this initiative has already attracted wide support from recipient and supplier countries, including the seven most industrialized countries and the five permanent members of the Security Council. In this context they welcome the stated readiness of those states which account for the overwhelming bulk of conventional arms transfers, to start tackling this worrying problem.

The timely and excellent report by the Group of Governmental Experts on ways and means of promoting transparency in international transfers of conventional arms, established under the aegis of the United Nations Secretary-General, gives added weight to the proposal for a register. In our view, such a register would promote several objectives. It responds to the need for greater openness and transparency. It could give early warning of attempted arms build-ups beyond the level of reasonable sufficiency. Finally, the establishment of a register would constitute a first practical step in a wider process designed to curb irresponsible and destabilising arms transfers.

The Twelve are therefore among the original sponsors of a draft resolution on the establishment of a register, which will be tabled during the present session of the First Committee. As to the practical modalities of the register, the Twelve will aim for a system that is unambiguous, easy to administer and ready for immediate adoption. Later improvements can of course be envisaged in the light of the experience gained. The Twelve trust that these various elements will commend themselves to the First Committee, and they solicit the cooperation and support of all states in achieving substantive results in this field.

In addition to the establishment of a universal register of arms transfers, the Twelve call on suppliers as well as recipients of conventional arms to observe responsibility and restraint in an area where restraint has, on some occasions, been so manifestly absent, to the detriment of regional and global security. Restraint is particularly called for where destabilizing weapons, such as ballistic missiles, are concerned. This in itself can already contribute to a more reasonable pattern of arms transfers. The provisions in the Treaty on Conventional Forces in Europe (CFE) which aim at preventing the transfer of surplus weaponry to countries outside the area covered by the Treaty are a commendable development in this context. Third, the Twelve would welcome a dialogue between recipient and supplier countries, with a view to evolving an agreed code of conduct governing arms transfers. They remain open to the further consideration of the arms trade issue in all its aspects by the United Nations and other appropriate multilateral fora.

*Other matters*

Mr Chairman, transparency of international arms transfers is just one aspect, albeit an important one, of wider openness in, and objective information on, military matters in general. The Twelve have consistently spoken out in favour of such openness, which they see as a means to strengthen mutual confidence and overall security. The Twelve will therefore continue to support the annual reporting of military budgets and call for wider participation in this exercise. The growing importance of objective information on military matters was well reflected in this year's session of the United Nations Disarmament Commission (UNDC), as next year's report will undoubtedly show. In this context the Twelve note with appreciation the renewed sense of purpose which the implementation of UNDC's reform has imparted to this year's deliberations of the Commission. More generally, the vigorous activities undertaken by the United Nations disarmament machinery, especially in the field of verification, testify to the present vitality of the arms control and disarmament process. The Twelve commend the Department for Disarmament Affairs (DDA) for its dynamic efforts aimed at promoting the multilateral dimensions of the arms control and disarmament process. Similarly, the various research papers published by the United Nations Institute for Disarmament Research (UNIDIR) during the ten years of its existence, as well as the useful activities undertaken by the United Nations Regional Centres for Peace and Disarmament, have given greater visibility to the United Nations role in arms control and disarmament.

In the wake of recent arms control and disarmament achievements, significant reductions in military expenditures can be observed in many states. While such reductions will undoubtedly be beneficial in the longer term, they can entail painful economic adjustments in the short term. The European Community and its Member States acknowledge that the transition from military-dominated to civilian economies has become a dominant concern in a growing number of states.

There is, however, no single blue-print for the conversion of defence resources into civilian industries. Differences between the existing economic and political systems impose limits on the possibility of evolving a general approach to the conversion issue. In the view of the Twelve, the conversion process can therefore best be managed along balanced and pragmatic lines in accordance with the specific conditions prevailing in each country. Thus, in a free-market economy, conversion will essentially take the form of a natural economic response to the problem of adjusting supply to changing demands in the civilian industry. Technical and economic feasibility, rather than political desirability, will then be the key factors determining the scope and the pace of the conversion process. This also means that we cannot see conversion as a prerequisite for developing international peace and security. At the same time the Twelve feel that governments should avail themselves of existing collaborative structures, both at national and international level, which could assist national conversion processes.

*Conclusion*

Mr Chairman, now is the time to preserve and build upon the spirit of international cooperation which we have been able to establish. As I said before in my intervention, we cannot afford to let precious opportunities slip away, and least so in the area of arms control and disarmament which, as we all know, is so susceptible to the cross-currents of international relations. The Twelve trust that the First Committee will fully play its part in the quest for cooperative solutions to our common security challenges. In recent years the First Committee has given evidence of its growing ability to put effectiveness before rhetoric, and flexibility before dogmatism. Further rationalization of its procedures and streamlining of its agenda should enable our Committee to deal decisively with the real problems of today. As in previous years, the European Community and its Member States will again promote wider consensus on a well-contained overall number of resolutions. In a continued effort at setting priorities, the Twelve will also encourage a more frequent bi-annualization or multi-annualization of items on our agenda. They appeal to other states to join in

these practical efforts aimed at maximizing the contribution of the First Committee to the cause of disarmament.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/151.

**91/309. Statement in the Special Political Committee of the UN General Assembly concerning the protection and security of small states [agenda item 69]**

Date of issue: 15 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Hiensch:* Mr Chairman, my delegation has the honour to speak on behalf of the European Community and its twelve Member States, on the agenda item concerning the 'Protection and security of small states'.

The European Community and its Member States have studied the report which the Secretary-General submitted on this subject. They have also taken note of the draft resolution sponsored by the delegation of the Republic of the Maldives. The European Community and its Member States of course fully recognize the fact that small states may feel vulnerable as far as their security is concerned. They would therefore like to address the concerns of the Maldives in a proper and fitting manner.

Mr Chairman, allow me to share with you some of the thoughts which the subject 'Protection and security of small States' provokes among the delegations of the Member States of the European Community. As they said in their first statement on the subject in the 44th General Assembly, they adhere strictly and unequivocally to the principle of sovereignty and territorial integrity of all states, irrespective of their size, as well as all other principles enshrined in the United Nations Charter. It is their firm conviction that, having regard to the Charter, no distinction should or could ever be made between states with reference to their security. There can be no justification for a differentiated approach with regard to states when it comes to one of their basic rights under international law. To this end the preamble to the UN Charter rightly affirms the principle of the 'equal rights of nations, large and small'.

The Member States of the European Community are deeply committed to that principle and consider strict adherence to international law to be the most effective means of preserving and reinforcing the security of all states, including small states. This principle of sovereign equality before international law enables every state, without distinction, to appeal to the competent organs of the United Nations when it feels that its security, sovereignty or territorial integrity is under threat or has been violated. The Gulf crisis has demonstrated how the UN is able to respond effectively to the appeals of a small state when international law has been violated and its sovereignty has been infringed. In this connection the European Community and its Member States stress the need for full implementation of all Security Council resolutions.

Mr Chairman, the European Community and its Member States note that the draft resolution does not provide any kind of special status for small states. Had it done so this would have raised difficult problems of definition to which they referred in their statement in this Committee in 1989.

In addition to the views set out above the European Community and its Member States are pleased to note that the draft resolution before us will not involve any additional financial charges to the organization whose financial situation is already heavily burdened.

Mr Chairman, the European Community and its Member States are stating their basic views and certain doubts on the agenda item before us, in order to ensure that certain elements of the draft resolution do not deflect from what is in the Twelve's view the essence of the resolution, namely the universal principle of the right to security and peace for all states, irrespective of their size. They nevertheless recognize the fact that certain small states may be more vulnerable to external threats or to foreign interference in their internal affairs. With this political reality in mind the European Community and its Member States understand the preoccupations of the Maldives, which requested the initial inclusion of this issue on the agenda of the General Assembly. For these reasons the European Community and its Member States will join the consensus on this draft resolution.

Thank you, Mr Chairman.

**91/310. Statement in the Third Committee of the UN General Assembly concerning advancement of women [agenda item 95]**

Date of issue: 16 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van der Heijden:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States on Agenda Item 95: Advancement of Women.

The European Community and its Member States have long recognized the importance of the advancement of women. They are of the opinion that full and equal participation of women at the European level is of importance for social and economic development. They are aware of the fact that governments have to play an important role in improving the status of women. To achieve this goal they have adopted several action programmes in recent decades. In October last year the Commission of the European Community adopted the Third Medium-term Action Programme for Equal Opportunities 1991-1995. The Council of Ministers recently approved a Resolution supporting this Programme. The main objective of the Programme is to enhance women's participation in the European labour market and in all aspects of society and to make effective use of the possibilities which can be derived from the coming into operation of the internal market.

Mr Chairman, the European Community and its Member States welcome and support the convening of a new World Conference for the Advancement of Women in 1995. A thorough preparation of the Conference will be of major importance to its outcome. By adopting Resolution 45/129 the General Assembly approved the convening of a World Conference on Women in 1995, at the lowest possible cost, and initiated the preparatory process in which the Commission on the Status of Women, as a preparatory body, will play an essential role. The Twelve welcome in this connection ECOSOC's decision to approve the convening of four additional meetings to be held simultaneously with the plenary meetings of CSW during its 36th session in order to consider the preparations for the World Conference on Women in 1995.

The European Community and its Member States are firmly convinced that the Conference in 1995 will provide a good opportunity to review and appraise the progress made in implementing the Forward-looking Strategies (FLS) and to give them more political weight. Therefore, we support wholeheartedly the title for the Conference: 'Action for Equality, Development and Peace'. Action has to be taken since the FLS and its priority themes are losing momentum while none of

them has lost relevance as has been emphasized by the UN study 'The World's Women 1970-1990, Trends and Statistics'. The Conference should reaffirm that the United Nations considers the Advancement of Women as one of its priorities. At the same time the international community will be able to demonstrate its political will to bring about profound social and economic changes in order to eliminate the structural imbalances that compound and perpetuate women's disadvantages in society.

The venue of the conference will be decided at the Commission on the Status of Women's next session. The Twelve attach great importance to full involvement of NGOs in the Conference and its preparation. NGOs with consultative status but also the ones without such a status including individual women should get the opportunity of participating in the NGO-Forum related to the conference. The European Community and its Member States are keenly aware of the constructive role which the non-governmental women's organizations have played in securing the success of Nairobi. Since their participation has been a valuable one, the NGO-Forum should be encouraged to work closely with this conference as well. The Secretary-General proposed to look for innovative ways of linking the NGO-Forum to the work of the conference itself. In this respect we would propose parallel meetings for both the Forum and the conference at convenient locations to facilitate interaction between the two.

Despite the fact that women constitute more than half of the electorate, they still play a disproportionately small part in the political life of most countries. Women's participation in the decision-making process must be enhanced for there to be full participation at all levels. Also at the international level, for instance at international conferences, increased participation by women in official delegations should be encouraged. In the process of democratization, in which women have played already an important role, women's rights and interests must also be respected. Their access to information and communication should be guaranteed. It is therefore necessary to look at the institutional factors in order to examine which barriers for women's political representation exist. The Interregional Consultation on Women in Public Life due to be held in Vienna from 10 to 12 September 1991 would have been an excellent forum to discuss these problems. We regret that the Secretary-General was obliged to postpone the consultation as the financial resources available were not sufficient to convene the consultation. ECOSOC required that the Consultation be financed from voluntary and other resources. We sincerely hope that the consultation will take place in the near future and thereby provide an opportunity for fruitful exchange of views and sharing of experiences between female politicians and other women active in political and public life. Furthermore, this postponement enables Member States and the Division for the Advancement of Women to prepare better for the coming consultation; modalities of participation can be clarified and further work can be done on substance and the expected results of the consultation. We take it that this postponement does not mean cancellation.

In Luxembourg on 9 June 1991<sup>1</sup> the European Council adopted a declaration on human rights reaffirming that respecting, promoting and safeguarding human rights is an essential part of international relations. Moreover, the Council noted that special attention should be paid to women, one of the vulnerable categories of people. Regarding development, the importance of promoting human rights and participation, without discrimination, of individuals or groups in the life of society were stressed, bearing in mind particularly the role of women.

In this connection we would like to reiterate our view that women's rights cannot be separated from human rights. One area of concern in this regard is the issue of abused women and women who are victims of trafficking in persons. Physical and sexual violence against women constitute a most serious offence. The Twelve strive to prevent such abuses, and where abuses have occurred, to apprehend those responsible and to prosecute them in accordance with the legislation in force in the Member States. Trafficking in women constitutes a serious violation of human rights to which too little attention is often paid. It should be considered a structural criminal phenomenon, involving deception, coercion and violence and as such it is exploitation, in violation of all basic human

rights. The Working Group on Contemporary Forms of Slavery discussed the issue in Geneva last July.

Amnesty International's report entitled 'Women in the Front Line' on human rights violations against women once more underlines the different types of atrocities women suffer. The European Community and its Member States consider Amnesty's twelve recommendations to protect women from human rights violations extremely valuable. In this respect the Commission on the Status of Women could play an important role if the existing mechanisms for communications were strengthened. Unfortunately, the 35th Session of the Commission on the Status of Women postponed a decision on the strengthening of the communications procedure. On the basis of the report (E/CN.6/1991/10) in which relatively minor modifications of the existing communications procedure are proposed, we trust that next year's session of the commission will be able to take a decision on the subject.

Please allow me, Mr Chairman, to make a few comments on the International Research and Training Institute for the Advancement of Women (INSTRAW). I would like to take this opportunity to offer our sincere congratulations to Ms Margaret Shields, who has recently been appointed as new Director of INSTRAW. We are convinced that she will be successful in fulfilling this challenging task. Over the past ten years the Institute has played an important role in publishing statistics and indicators on women, including women's role in the informal sector. Furthermore the Institute has implemented programmes related to relevant issues concerning women and development. INSTRAW played an innovating role in research and training activities in the statistical field. We hope that INSTRAW will continue to concentrate on its activities in this field, relying on a strong professional staff. We trust that the Institute will continue improving its effectiveness.

Mr Chairman, with regard to the work of the Committee on the Elimination of Discrimination against Women the Community and its Member States are convinced of the relation between the implementation of the Nairobi Forward-looking Strategies and the application of the dispositions of the Convention on the Elimination of Discrimination against Women. They wish to express their support for the activities of the Committee on the Elimination of Discrimination against Women as well as for recommendations XVI, XVII and XVIII adopted by the Committee.

The European Community and its Member States consider the achievement of *de jure* and *de facto* equality of women of importance. In this respect they wish to touch upon the issue of parental leave. The Twelve are of the opinion that there should be possibilities of combining participation in the labour market and family life, with a view to enable both parents to participate fully in the family life as well as in the labour market. It should be ensured that parental leave has no influence on the parent conditions of tenure. Women's role in economic life has been increasing gradually over the past years. This increased participation requires, amongst other things, adequate childcare facilities.

I would like to refer briefly to some of the resolutions adopted this year by ECOSOC, to which we attach special importance. The Twelve welcome Resolution 1991/22, entitled national, regional and international machinery for the advancement of women. As responsibility for remedial actions rests largely at national level, effective national machinery is of importance in promoting the implementation of the Forward-looking Strategies targets. Such machinery, if functioning properly, is essential to sustain national programmes at a consistent level and to ensure that women's interests are taken into account fully at all levels of policy-making. Dissemination of information and cooperation are important in this respect. United Nations organizations can play an important role in facilitating the exchange of experiences among national machineries.

The protection of a woman's right to bodily integrity is obviously of fundamental importance. The Twelve therefore welcome ECOSOC Resolution 1991/18, entitled violence against women in

all its forms and Resolution 45/114, entitled 'Domestic Violence'. In this respect the Twelve are looking forward to the results of the expert meeting on Violence against Women which will take place in Vienna from 11 to 15 November, organized by the Division for the Advancement of Women. The Convention on the Elimination of All Forms of Discrimination against Women does not, to be sure, explicitly address violence against women although this is an obstacle to the achievement of equality for women. A world-wide increase in public awareness of violence against women, the strengthening of assistance to victims of violence, the establishment of policies and legislative measures to prevent and eliminate such violence are some of the most urgent objectives to be pursued.

ECOSOC Resolution 1991/17, entitled improvement of the status of women in the secretariat, deals with an important matter for this organization. The overall participation of women in the UN secretariat is not satisfactory. The Twelve hope that the overall participation rate for women and in particular at senior decision-making and managerial levels will be significantly increased. In this regard the Twelve believe it would be helpful if Member States were to encourage more women to apply for posts in the secretariat.

ECOSOC Resolution 1991/23, entitled refugee and displaced women and children, takes note of the substantial number of refugee women and children, in all no less than about 80 per cent of the total refugee population. We are aware that UNHCR has been focussing on this phenomenon. We take this opportunity to warmly commend UNCHR and other relevant UN agencies, as well as the International Committee of the Red Cross, for the excellent work they carry out for both men and women under particularly difficult conditions. However, the specific problems female refugees encounter deserve special attention.

Next year the Commission on the Status of Women will discuss 'elimination of *de jure* and *de facto* discrimination against women' under the priority theme equality. Since the adoption of the FLS considerable progress has been made in recognizing and eradicating legal discrimination against women. However, the problems of discrimination, both direct and indirect, still exist in practice in all countries, regardless of their level of development. The underlying patterns of discrimination cannot be immediately removed by new legislation in this field. Positive action is a means of securing effective enforcement of new laws and of abolishing *de facto* discrimination. Under the theme of peace the Commission will discuss 'equal participation in all efforts to promote international cooperation, peace and disarmament'. In this rapidly changing world the discussion under this theme could focus on the obstacles and solutions on how to increase the participation of women in the peace process at the decision-making level. By adopting Resolution 1990/15 ECOSOC has already approved of this idea. Under the priority theme development the CSW has included next to 'the integration of women in the process of development' the theme 'women and the environment'. The Twelve welcome the UNCED symposium on the impact of environmental degradation on women and children which was convened in Geneva from 27 to 30 May 1991. The symposium focused on the role of women and children in environmental issues not only as victims but as potential participants in solving environmental problems. According to the results of the symposium, women and children in many countries are responsible for more than 80 per cent of the agricultural production and for major decisions concerning, for example, water use and animal husbandry. An ecologically sound, sustainable development will not be possible without the full participation of women. Therefore women have an important role to play at the coming UNCED conference. In this regard reference can be made to the resolution of the Prepcom for UNCED contained in document A/CONF/151/PC/L40, entitled 'Women in Environment and Development'.

Mr Chairman, we would like to underline the growing recognition of the role of 'Women in Development'. Our basic objective should be to utilize the full potential of women in all areas of society. This has become an increasingly important development issue, not only because of equity

concerns but also as a result of the recognition that the integration of women in development operations is of vital importance for the chances of economic success and sustainable development. Emphasis should be given to providing an appropriate infrastructure and machinery to support the role of women in economic growth. In this respect the Twelve are looking forward to the outcome of the seminar on Integration of Women in Development which will be held from 9 to 11 December 1991 in Vienna, organized by the Division for the Advancement of Women, in preparation of the CSW meeting in 1992. As far as the European Community and its Member States are concerned, efforts are being made to integrate the women's dimension into projects and programmes via operational guide-lines, the provision of information and the raising of awareness. This has also been done with success by specialized organizations. We believe that UNIFEM should continue to play and enhance its catalytic role in this respect. We note a steady progress in the work of UNIFEM and congratulate the staff on its excellent work.

Before concluding my remarks, I would like to emphasize the Twelve's full support for elaborating strategies for the coming years in order to ensure a constructive review and appraisal of the Nairobi FLS at the coming World Conference for the Advancement of Women in 1995. The fact remains that there are enormous economic, political and social changes taking place in our world. Implicit in all these changes is a strong note of hope for a better future, and for the realization of *de facto* equality. The Nairobi Forward-looking Strategies can play an important role in this field. The European Community and its Member States will continue to make every effort to ensure that the goals set by the FLS are attained.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/194 [of 28/29 June 1991].

**91/311. Statement in the Second Committee of the UN General Assembly concerning international cooperation to study, mitigate and minimize the consequences of the disaster at Chernobyl [agenda item 87]**

Date of issue: 17 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, speaking on behalf of the European Community and its Member States, I welcome the opportunity to address under this agenda item the international cooperative actions undertaken by UN organizations, by the European Community, and by individual member States, to combat the consequences of the Chernobyl accident, which happened now five years ago.

People living in the three Republics of Russia, Belarus and the Ukraine suffered heavily and are still suffering in various ways from the consequences of this calamity. As the Secretary-General pointed out in his report, the full impact of the accident on the health of the affected people will not be fully known for years to come. The governments concerned, inter-governmental organizations involved, non-governmental organizations and the people of our countries only gradually became aware of the magnitude of the disaster. A huge undertaking started in order to help the authorities concerned to cope with this emergency situation. In time it became clear not only that more assistance was needed but also that proper coordination should take place in order to avoid overlap and ineffective use of the financial and material means which were made available.



In December 1990 the General Assembly adopted Resolution 45/190, co-sponsored by the Member States of the European Community, in which the Secretary-General was invited to support efforts to harmonize, strengthen and coordinate international projects aimed at mitigating the consequences of the disaster. At the same time the international community was requested to continue to provide support and assistance to the most seriously affected areas. As we stated during the Pledging Conference, the European Community and its Member States have made substantial contributions to the endeavours to mitigate the consequences of the accident through *inter alia* delivery of food, medicine, technical equipment to measure radiation, facilities for decontamination and technical advice. We can assure you that the European Community and its Member States will continue to contribute to the mitigation of the consequences of the Chernobyl accident. Not only the European Commission and our governments have undertaken numerous projects, but also – as a result of a groundswell [of] compassion with the victims of the disaster – many non-governmental organizations in our countries contributed in alleviating the effects of the accident. We firmly believe that also these undertakings will continue.

The European Community and its Member States welcome the overall positive response to resolutions adopted by the UN General Assembly, WHO and ECE regarding cooperation and coordination in the international efforts to mitigate the consequences of the accident. An elaborate study was undertaken and issued this year, namely 'The international Chernobyl Project: An overview'. Relevant UN organizations, governments, private institutions and experts of many countries participated in this effort. The data, conclusions and recommendations emanating from this highly useful project can provide guide-lines for future cooperation in this field.

Ms Anstee, Director-General of the UN Office in Vienna, was appointed by the Secretary-General as UN coordinator and she chaired with great success the UN Task Force that was established to stimulate and direct the UN activities in this field.

In July, as a result of this concerted approach the Joint Plan was presented which was drawn up by the Governments of the Soviet Union, and the Republics of Belarus, the Ukraine and Russia in consultation with the Special UN Coordinator. The plan provides a very useful indication of the assistance requirements. In this respect we would highly appreciate it if the available data could be publicised and distributed to as many organizations as possible, including non-governmental organizations. We realize that the plan is not yet complete: it represents, as Ms Anstee stated during the Chernobyl Pledging Conference on 20 September last, an initial phase in a constantly evolving process.

Mr Chairman, we would like to emphasize the need for international cooperation in the field of nuclear safety to avoid similar accidents in the future. In this respect I would like to call your attention to the decision taken by the Ministers of Foreign Affairs of the European Community in Rome in December 1990 concerning technical assistance, *inter alia* in the field of safety of nuclear installations and to the discussions now taking place with a view to preparing a European Energy Charter. A part of this charter will deal with cooperation to evaluate and improve the safety of nuclear installations.

In concluding, Mr Chairman, I would like to reiterate what we said during the Pledging Conference of 20 September last, namely that the European Community and its Member States, and particularly our peoples, are heavily involved in actions to mitigate the consequences of the Chernobyl disaster as part of a continuing effort and that we will continue to do so. In the long run, the mitigation of the economic and social effects of the Chernobyl accident will require a general economic recovery of the regions concerned. The broader effort of the European Community and its Member States at assisting the economies in transition of the Soviet Union and their republics will contribute to this recovery.

Thank you, Mr Chairman.

**91/312. Statement concerning Yugoslavia**

Date of issue: 18 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States, the US and the USSR, are deeply concerned by the continuing violence and bloodshed in Yugoslavia. None of the cease-fire accords agreed over the last three months appear to have been implemented in full. We are convinced that cease-fire accords offer the only path away from further worsening of this conflict and toward a peaceful and just resolution.

We call upon the Presidents of the Republics, who will participate in Friday's plenary meeting of the Conference on Yugoslavia, to reaffirm their commitment to the peace process and to adhere absolutely to the commitments they have already made.

In calling for an end to hostilities and observance of the cease-fire agreements, we are motivated by concern for the fate of all the peoples of Yugoslavia, for the rights of all ethnic minorities, and for the future of the Balkan region, and of Europe as a whole. We are distressed by the terrible violence and loss of life that has occurred and by the possibility of even worse suffering if the conflict is not resolved. We are particularly disturbed by reports of continued attacks on civilian targets by elements of the federal armed forces and by both Serbian and Croatian irregular forces. The continuation of military activities in Croatia threatens to extend the armed confrontation to other regions of Yugoslavia.

Our common desire is to promote a speedy and complete halt to all military activities as an essential precondition to a settlement. We condemn the use of force for the settlement of political differences. We also reject the use of force to change established borders, whether internal or external. Such actions are totally unacceptable in 1991 in the heart of Europe. The principles of CSCE with regard to borders, minority rights and political pluralism guide our approach toward resolution of this conflict and should be respected and adhered to by the parties in Yugoslavia themselves. We will not accept any outcome which violates those principles.

Croatia and the JNA should make a serious start with discussion about the status of the JNA in the interim period. The EC, through its monitor mission or otherwise, could facilitate this process.

The US and the USSR reiterate their full support for the efforts of the European Community and its Member States, under mandate by the CSCE, to mediate a peaceful resolution to the Yugoslav crisis, in particular through the conference on Yugoslavia and the arbitration commission set up within its framework.

The US and the USSR express their readiness to support restrictive measures applied by the EC to help achieve a successful outcome of the conference in Yugoslavia.

The EC and its Member States, the US and the USSR also endorse the UN Secretary-General's efforts to further the prospects for a peaceful settlement.

**91/313. Statement in the general debate in the Fourth Committee of the UN General Assembly**

Date of issue: 18 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

With the achievement of Namibia's independence of [South Africa] last year, we witnessed a landmark in the process of decolonization. I may recall that at that time the Twelve warmly welcomed Namibia's independence through a political process under the auspices of the United Nations, the Secretary-General, his Special Representative and UNTAG.

This year our attention is focussed on an equally important process in the field of decolonization that is now taking shape in Western Sahara, illustrated by the adoption of Security Council Resolution 690, followed by the implementation of the cease-fire and the partial deployment of MINURSO. The Community and its Member States believe this represents an important step towards a just and lasting settlement of the conflict in Western Sahara through a referendum on self-determination. They reiterate their firm support for the persistent efforts of the Secretary-General and his Special Representative to implement the provisions of the United Nations plan in full and to secure the continued cooperation of the parties involved, so that the current process will proceed smoothly. For that reason members of the Twelve are actively participating in MINURSO and provide substantial financial and other support.

The Twelve reiterate their support for the contacts between Portugal and Indonesia under the auspices of the Secretary-General and in this connection welcome that the two countries have agreed on the terms of reference of the forthcoming visit of the Portuguese Parliamentary delegation to East Timor. They express the hope that this visit will help to create an atmosphere conducive to a just, comprehensive and internationally-accepted settlement in line with the purposes and principles of the United Nations Charter, including the respect for human rights and for fundamental freedoms, giving full consideration to the legitimate interests and aspirations of the people of East Timor.

Mr Chairman, the history of decolonization is one of the greatest success stories of the last four decades. Since 1945 more than 80 former colonial and other territories have attained independence. As a result the map of the world has been reshaped in an important way and the membership of the United Nations has more than tripled.

In this area the United Nations has played a significant role, in particular by contributing to the definition of general principles and by encouraging colonial peoples to exercise their right to self-determination. The Twelve confirm their support for the principle of self-determination and for actions, consistent with the Charter, aimed at eliminating colonialism. In that context the Twelve agree that the principle of self-determination should in no way be affected by geographic location or population size.

Mr Chairman, as a result of the success achieved in decolonization over the years, the amount of work that remains to be done has been substantially reduced. This is reflected in the changing agenda of this committee, which has become correspondingly limited and which should have its impact on the programme of work. Your predecessor as Chairman of the Fourth Committee during the 45th General Assembly, the Permanent Representative of the Republic of the Congo, Ambassador Dr Martin Adouki, responded to comments made by delegations on its functioning by proposing that consultations be held among members of the Fourth Committee. Ambassador Adouki and the vice-Chairman Mr Al-Kindi, who chaired a number of meetings, have rightly received praise for that timely initiative. While we consider the discussions to have been very helpful, it has unfortunately not proved possible, so far, to achieve substantive progress on a number of issues raised by members of the Twelve and others in the debate.

Mr Chairman, the Twelve have already welcomed your intention of rationalizing the work of this committee and of seeking consensus on Fourth Committee Resolutions and Decisions this year. They are, however, disappointed that the efforts undertaken so far have not succeeded.

Mr Chairman, the Twelve are greatly disappointed that once again this Committee has been presented with a number of draft resolutions and decisions which refuse to acknowledge the changed realities outside this room and, moreover, which contain considerations and language that do not serve the real interest of the remaining non-selfgoverning territories.

The Twelve do not agree with views expressed in this committee that all remaining non-self-governing territories have failed to exercise the right of self-determination only because that right was denied to them by the administering powers. There is sufficient evidence to the contrary.

The Twelve maintain that we should concentrate on issues relevant to the remaining non-self-governing territories. It is clear, for instance, that the independence of Namibia has rendered the consideration of apartheid in the framework of decolonization irrelevant.

The Twelve would appeal to all that, in the interest of the remaining non-self-governing territories, the Committee should redirect its efforts towards a review of its annual resolutions. The Twelve will equally encourage efforts aimed at reforming the work of the Fourth Committee. A meaningful future for this Committee requires a radical and speedy rationalization of its work.

We therefore welcome your decision, Mr Chairman, to continue the consultations to be held among members of the Fourth Committee and we hope that the conclusions of these consultations will be given a fair chance. In that context members of the Twelve will continue to seek the suppression of irrelevant and needlessly confrontational language, elimination of any name-calling and avoidance of duplication of work between the sub-committees, the Special Committee and the Fourth Committee, namely in the hearing of petitioners. They will also continue to oppose taking up the decision on 'military activities', which does not appear on the list of agenda items allocated by the General Assembly to the Fourth Committee.

Finally, the Twelve favour the incorporation of the agenda of the Special Political Committee in the work of the Fourth Committee on the understanding that the full scope of their former proper competence would be maintained. This view is consistent with ideas circulating in this building and elsewhere with a view to rationalizing the work of the General Assembly.

Thank you, Mr Chairman.

**91/314. Statement in the Fifth Committee of the UN General Assembly concerning the proposed programme budget for the biennium 1992 and 1993 and the programme planning [agenda items 107 and 108]**

Date of issue: 18 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr de Marchant et d'Ansembourg:* The Netherlands delegation has the honour to take the floor on behalf of the twelve Member States of the European Community on agenda item 107: Proposed Programme Budget for the biennium 1992 - 1993 and agenda item 108: Programme planning.

I would like to thank the Secretary-General for the introduction of the Budget as well as the Chairman of the ACABQ and the Chairwoman of the CPC for the introduction of their reports. The Twelve would first wish to underline their whole-hearted agreement with the emphasis placed by the Secretary-General and the Chairman of the ACABQ on the vital importance of the financing of the appropriations. The Twelve are among the Member States that meet their financial obligations. A discussion of the budget would be ineffective if two thirds of the members of this organization ignore their treaty obligations to pay their assessments to the budget and the peace-keeping operations promptly and in full. Their position is all the more ironic when they support the appropriations. The Twelve are willing to address proposals to try and improve this situation during this General Assembly.

The Twelve consider the current budget procedure to be an important element in the reform process that has been initiated by the Group of 18 and the conclusions of which have been laid down in Resolution 41/213. As a result of the budget-procedure formulated in this resolution the Fifth Committee today can start to consider a budget that already has been the subject of broad consultations. Consultations that have enabled a number of subsidiary organs to contribute to the various sections of the budget in order to improve its programmatic content and to indicate their priorities in relation to the resources available.

The Secretary-General in his introductory statement and in his report on the work of the organization (A/46/1) underlined the importance of the agreement in the General Assembly on the adoption by consensus of the organization's budget as a means of enhancing the authority and status of the United Nations. In this framework it is quite appropriate that ample time should be devoted to this proposed programme budget.

The Twelve agree that budgetary decision-making by consensus is vital to the well-being of the organization. The Twelve are as ever committed to cooperate loyally in this process and to negotiate in good faith. The objective is to promote the broadest possible agreement on the content and level of the budget. This in turn requires willingness on the part of all delegations to accommodate the concerns of others in the interests of the organization as a whole.

The proposal before us has been drafted on the basis of Resolution 45/255 on the budget outline. The main purpose of the outline was to involve member States in the budget process at an earlier stage. This remains for us an important consideration. It is important also that confidence in the outline should be maintained. This means first that its level, once established, needs to be respected. It also means that the budget should reflect the premises on which the outline proposed by the Secretary-General had been based and adopted, in accordance with relevant resolutions of the General Assembly. The CPC has made a pertinent recommendation in this regard.

Mr Chairman, the Twelve want to stress that they regard a budget as a key policy document of any organization. It should establish the link between programmes objectives on the one hand and resources on the other hand. Therefore the UN Programme-Budget should reflect the priorities emanating from the UN Charter. The purpose of these proposals should be to convince us, the member States of the United Nations, that the Programme-Budget has been formulated in conformity with the guide-lines set by the General Assembly. At the same time the budget document should give the General Assembly the information necessary to assess whether or not the resources to be appropriated and the organizational changes proposed will enable the Secretary-General to achieve the objectives set.

Against this background the Twelve have studied with the greatest care the Proposed Programme Budget and the narratives as contained in document A/46.6. We have also thoroughly examined the recommendations of the 31st session of the Committee for Programme and Coordination (A/46/16) as well as of the ACABQ (A/46/7). The reports of the CPC and the ACABQ are complementary in that the first one covers the programmatic content of the programme budget, whereas the latter concentrates on the financial and administrative aspects.

We note the modest changes in the present budget format as well as in the introduction to the budget. In this framework the Twelve want to voice their appreciation for the willingness of the Secretary-General to further enhance the presentation of the document. At the same time we still would like to express our concern over the ambiguities that persist. By way of example we would focus attention on growth rates. Under the present methodology, the rate of growth depends first on the distinction drawn between recurrent and non-recurrent expenditure. It is inevitably affected if the definition is changed as in the case of office equipment or if, as the ACABQ report reveals, there are instances where it appears not to have been consistently applied. In addition, the budget indicates only the rate of growth over the revised estimates for the second year of the preceding biennium. Comparison with the initial appropriations as in the case of the outline, would provide a different picture. As a random example, in the present budget the growth rate for UNCTAD would

not be negative but positive, taking account of the significant increase in staffing approved last year. In addition a solution remains outstanding to the problem of additional expenditures including those deriving from inflation and currency fluctuations which are not covered by the Contingency Fund. Our delegations would express the hope that on the basis of the recommendations of both CPC and ACABQ the budget format can be improved still further.

The Twelve stress that the recommendations of the proposed ad-hoc technical seminar should enable the Secretary-General to draw up proposals on methodology and format of the budget that will, after consideration by the 47th General Assembly, be used in the preparation of the budget for 1994-1995. We also believe that it would be appropriate to review at the same time the regulations and rules governing programme planning, the programme aspects of the budget, the monitoring of implementation and the methods of evaluation. The Twelve feel the need to underline the necessity for swift action in this field as they consider these activities an integral part of the efforts to improve the efficiency and effectiveness of the budgetary and decision making process.

The Twelve fully agree with the Secretary-General that the search for efficiency is a continuing process and not an end in itself. They are however concerned about the fact that the results of this search are not easily found in the proposed Programme Budget. We note for instance the net increase in established posts, as well as the number of upward re-classifications and recall that in its Resolution 45/254 the General Assembly indicated the need for maximum restraint in proposals for the staffing table of the organization. At the very least it would be logical to expect significant improvements in staff productivity to result from the 'vigorous programme of technological innovations' that is being pursued. The need for continued improvement of the Secretariat is widely recognized. The Secretary-General, in his report A/45/226 on the review of the efficiency of the financial and administrative functioning of the United Nations, indicated that a great deal remained to be done in the field of improvement in efficiency and effectiveness of the Secretariat. In this connection we would also like to refer to programme VIII of the Medium-Term Plan for 1992-1997, in which reference is made to existing duplication in programme and managerial structure. The Twelve want to express their appreciation for the on-going efforts in this field as well as in the field of restructuring and revitalization of the various organs of the UN-system. The Twelve recognize that further proposals are forthcoming. In the view of the Twelve an active continuation of administrative reform in the spirit of the report of the Group of 18 is not only desirable but indeed essential.

We had expected that the proposal for the Programme Budget for the biennium 1992-1993 would reflect the important considerations put forward by the Secretary-General in the foreword to the budget as well as in the introduction to the Medium-Term Plan. They would like to recall the fact that the aim of the Medium-Term Plan, as defined by the Secretary-General, 'to recapture the vision of international affairs articulated almost half a century ago when the Charter was adopted', has gained in meaning during the turbulent political developments of [the] past year. As to the way the Medium-Term Plan has been formulated the Twelve would welcome all efforts that are aimed at making future medium-term plans more accessible, more realistic and action-oriented.

Mr Chairman, a source of concern to our delegations is the fact that it would appear that in the present proposal the confirmation of the existing pattern of the Secretariat's structure has been given preference over a more genuine rating of programme-priorities. We note with regret that very few, if any, activities and outputs have been considered as obsolete or of little relevance to the organization. The programmatic content of this Proposed Programme Budget is actually to a large extent identical to the previous budgets. At a time when the United Nations are called upon to seek solutions for new challenges it would have been of the utmost importance to have redeployed the resources in those areas where they would have had the maximum impact. At this point we do not wish to repeat the lively debate in the Committee for Programme and Coordination about a number of the Secretariat's budget proposals. In particular the Twelve are of the opinion

that a more rigorous review of programmes that have proved ineffective or otherwise have a low priority would have yielded more resources to be used for redeployment. Suffice it to mention here that the Twelve would have welcomed a more solid justification for a number of changes in the sub-programmes that make up this budget.

The Twelve would like to stress that the organization in general and the internal budget preparation process which is the main instrument for setting priorities in the allocation of scarce resources in particular, will benefit from the establishment of a system of responsibility and accountability of programme managers. In this regard we strongly support the recommendation on this subject by the CPC in paragraph 400 of its report A/46/16, in which the Committee stressed the importance of a review of resource utilization. The CPC noted that at present the link between programme performance and budget performance was unclear. The Committee for Programme and Coordination stressed that one of the main reasons for this was the lack of a system of responsibility and accountability of programme managers, as well as of a clear formulation of programme objectives, as distinct from programme activities. The Committee recommended that such a system should be established. We fully support this recommendation and we look forward to a concrete implementation of such a system by the Secretary-General.

Mr Chairman, the Twelve would also like to stress the need for close cooperation and full consultation between programme managers and the Office of Programme Planning, Budget and Finance in the course of the preparation of the Medium-Term Plan, the regular budget and the preparation of PBI's. Too often the process can be frustrated by failures to follow proper procedures. The Twelve wish to stress the role of the Programme Planning and Budgeting Board in the internal budget preparation process. The Twelve believe that this role, which serves to commit programme managers to a fair and equitable internal allocation process should be further enhanced.

We regret an error in the recasting of the outline and hope that adequate steps will be taken with a view to avoiding the recurrence of a similar error. One consequence is, that the size of the contingency fund 1992-1993 will need to be recalculated in money terms.

I should like now to address the overall size of the proposed budget and the related question of the setting of clear priorities. The Twelve note first that the Secretary-General has proposed a gross appropriation of USD 2 363 million and that this is just within the outline established by the General Assembly as it has been re-costed at 1992-1993 rates.

Mr Chairman, until the middle Eighties member States of the United Nations found it difficult and some even impossible to agree to the overall size of the budget as it was proposed under the old budget decision-making process. Since then, as has been pointed out not only by many delegations but also and repeatedly by the Secretary-General himself, the new decision-making process has enabled member States to work together constructively by consensus for the benefit of the organization. While resource growth as calculated with the present methodology over the last 10 years may not appear to be excessive the United Nations budget has grown considerably in dollar terms.

When considering the overall budget, the effects in terms of efficiency should be taken into account particularly at the time when the organization has to face commitments which call for a new thrust as well as for structural changes in the Secretariat. The Twelve believe that there is room for the consideration of a more dynamic approach to the fundamental issue of resource growth in relationship with priority areas.

Such an approach might be based on a distinction between support activities and other general services such as public information and conference services on the one hand and the core activities of the United Nations covered by titles I to VI of the proposed programme budget on the other hand. A growth of resource requirements in these titles, in areas where they would have the maximum impact, could be the result of redeployment through a review of programmes or of an

allocation of additional funds. The support and other general services would be strictly contained. This approach, which is fully consistent with the current budgetary process, would enable the organization to respond better to the changing needs and the new requirements in the years ahead.

The Twelve suggest that more attention should be paid to the internal distribution of the budget. Expenditures directly related to human resources amount to 80 per cent of the budget total. One of the major administrative issues currently facing the organization is that of remuneration. We appreciate the particular concern with regard to the professional and higher categories. In the context of budgetary strategy an innovative approach based on gains in productivity could justifiably merit consideration along with all related issues. The Twelve intend to revert to this question in our statement on the relevant agenda items.

With regard to the recommendations of the ACABQ the Twelve welcome the very thorough review by the Advisory Committee. The net reductions this expert body is proposing in its extensive report amount to USD 43 382 100 in the expenditure estimates and USD 451 300 in the estimates of income and touch on virtually every section of the Proposed Programme Budget. As far as the proposed reductions are concerned the Twelve intend to revert to this matter in the course of the deliberations about the various sections of the Programme Budget. However at this stage the Twelve would appreciate to be informed by the Chairman of the ACABQ about the distribution by object of expenditures within the budget sections of the across the board reductions of USD 15 million proposed in paragraph 22 of the report.

The question of programmes and priorities is discussed in paragraphs 8 to 14 of the introduction to the proposed Programme Budget. The position of the Twelve in this regard is clear. As we said in our statement on the budget two years ago we support fully the organization's peace-keeping and peace-making activities. We attach importance to drug abuse control and to issues related to the environment. We are sensitive to the problems of developing countries and the particular problems of the African continent. We have a special attachment to the Universal Promotion and Protection of Human Rights and Fundamental Freedoms which is one of the purposes of the organization as set out in Article 1 of the Charter. In all these areas the Secretary-General has made proposals which represent an effort to respond to trends of a broad sectoral nature. In the introduction to the budget he refers to a number of new or expanded activities notably in relation with the new programme on Africa and in section 28, Human Rights. With regard to the Africa programme we consider that the revised narrative recommended by CPC represents a considerable improvement after intensive study and discussions of the various and inter-related sections of the budget. With regard to the Centre for Human Rights, there is evidence of a significant increase in workload. As pointed out, last year by the Secretary-General in his report on the work of the organization, the issue of human rights is becoming of dominant concern to the world Community. This year he has spoken again of heightened international interest and indicated the need for a higher degree of cooperation in the field of human rights. In these circumstances we believe that further growth in resource requirements can legitimately be anticipated.

In the course of the Fifth Committee's section by section review of the budget in first reading we shall examine carefully the adequacy and appropriateness of the proposals for each programme against the criteria which I have indicated. I wish to repeat that the objective the Twelve are seeking is the approval of appropriations at an overall level which all can accept and distributed in a manner which takes due account of all concerns. In this connection the Twelve will revert to the proposals of the Secretary-General and the ACABQ recommendations as appropriate.

Mr Chairman, we would once again express the hope that the ad-hoc seminar that the Secretary-General has been asked to convene will also be able to contribute to resolving the various problems. We should however be aware of the fact that the causes of problems of this kind are more fundamental than can be addressed through a further refinement of the methods of calculation. The United Nations Programme Budget could do with a healthy dose of transparency, accessibility and manageability.



In this framework the Twelve would like to voice their explicit support for the recommendation made by the CPC to reformat the UN budget, in order to transform it into the genuine policy document which it has always been intended to be. The present voluminous financial-administrative format provides a tremendous amount of detail, but not enough meaningful information on the objectives and goals of the programmes and the resources required to achieve them. We also know from the performance reports of the UN that, once the Budget has been adopted by the General Assembly, its implementation is not necessarily executed along the lines of the proposal. We also believe that the inter-governmental decision-making process should be improved considerably and that the review of the programme budget by CPC needs to be enhanced. A UN budget document that is drafted as a policy document as opposed to the present strictly administrative document would be of considerable importance to the upgrading of that debate and enable CPC to fulfil its task effectively as was envisaged in Resolution 41/213.

We would like to add that some organizations within the UN system are in the process of restructuring their budget documents at the request of their governing bodies and that this restructuring has resulted in considerable improvement in the insight of members into the workings of the organizations' programmes.

The Twelve are still looking forward to the Secretary-General's report on the extra-budgetary resources of the United Nations and stress the need to pay particular attention to the effects of these resources on the plan and on the budgets of various programmes. The Twelve hope that this report may provide indications for improvement of budgetary policy. At the same time a better utilization of resources within the United Nations system may be reached.

The Twelve would like to express their thanks to the Secretary-General for his report on the methodology for monitoring and reporting the programme performance of the United Nations (A/46/173). The Twelve are generally in agreement with the recommendations of the CPC on this report and endorse the remark made by the ACABQ that the effectiveness of monitoring is a function of the quality of the Medium-Term Plan and the Programme Budget. In this respect the Twelve would like to emphasize that the cost effectiveness of these procedures should be kept in mind.

The Twelve look forward to the review process of the Medium-Term Plan during the 32nd meeting of the CPC. We would however like to state that in our view it is not the task of the Fifth Committee to rewrite the narratives of the sections under review. Such redrafting should take place in the Main Committees that are seized of the substance of the narratives. We should like to add that sectoral, regional and central reviewing bodies should enhance the quality of their review activities.

Mr Chairman, finally, Mr Chairman, allow me to repeat that the Twelve are committed to contribute to the work of this committee in a constructive way. We are fully aware of the difficult task this committee is facing and have every intention working constructively with our colleagues for the benefit of the United Nations. The Netherlands delegation intends to take the floor on behalf of the Member States of the European Community to address issues concerning the various budget sections and cross-sectional issues at a later stage in the debate.

Thank you, Mr Chairman.

### **91/315. Statement on fighting at the border between Sierra Leone and Liberia**

Date of issue: 19 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are concerned about the situation in the Southern and Eastern provinces of Sierra Leone following the recent renewal of fighting at the border between Liberia and Sierra Leone.

The Community and its Member States fear that the renewed fighting will bring further loss of life and misery to the people of a poor region who have already suffered hardship and distress from earlier incursions. The fighting also threatens the Liberian Peace Accord signed at Yamoussoukro in October.

In the interest of the people of Sierra Leone and Liberia, the Community and its Member States call on all those involved to end hostilities immediately and seek a peaceful, negotiated solution to their disputes.

#### **91/316. Statement concerning Zaire**

Date of issue: 21 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States note with satisfaction the formation of a Government of consensus and they hope it will end the political impasse Zaire has faced over the past weeks.

The Community and its Member States encourage the new Government to pursue in a constructive spirit the process of democratization in Zaire and to take the necessary measures to redress the economic situation in the country.

The Community and its Member States repeat their view that only in this way a fundamental contribution to the improvement of the living conditions of the people of Zaire can be made.

#### **91/317. Statement at the Plenary Session of the UN General Assembly concerning the report of the International Atomic Energy Agency [agenda item 14]**

Date of issue: 21 October 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I should like to express the appreciation of the European Community and its Member States to the Director-General, Dr Blix, and his staff for their outstanding contribution to the work of the IAEA. Recent developments in the world have shown that there is an increasingly important role for the Agency to play in promoting and ensuring the peaceful use of nuclear technology and in preventing the proliferation of nuclear weapons. The international community has an important stake in the continued effectiveness of the Agency's work in these fields.

On two issues the Agency's work has been particularly prominent, viz. nuclear safety, especially safety of nuclear power generation, and non-proliferation and safeguards. On the issue of nuclear safety, the Nuclear Safety Conference, held in Vienna at the beginning of September this year, produced a number of promising results, some of which have been taken up by the General Conference. The European Community and its Member States, who took the initiative for this Conference, particularly welcome in this context the adoption of a resolution on measures to

strengthen international cooperation in matters relating to nuclear safety and radiological protection, which recognizes the value of following a step-by-step approach to a framework convention for the promotion of an international safety regime. It invites the Director-General to prepare an outline of the possible elements for such a convention for the Board's consideration by February 1992 at the latest. We also welcome the results of the International Chernobyl Project which have been published recently. The project has examined the assessments of the radiological and health situation in areas of the USSR affected by the Chernobyl accident and provides guide-lines for follow-up projects. The Twelve will make every effort to continue their contribution to these projects. A recent example of such cooperation is the IAEA Project for the Safety of Older Reactors. We have participated actively in expert missions and studies on the safety of WER 440-230 reactors in Eastern Europe and the Soviet Union. Following an appeal by the Bulgarian Government, the Community and several of its Member States, together with the Bulgarian Government, the IAEA and WANO, decided to provide immediate financial and technical assistance to improve safety conditions in Kozloduy.

Regarding the Convention on the Physical Protection of Nuclear Material, I am pleased to announce that all 12 Member States have acceded to the Convention. The European Community and its Member States welcome the adoption of a resolution by the 35th General Conference requesting the Director-General to report regularly on the status of the Convention, particularly with a view to the preparations for a Review Conference of the Convention to be held in 1992.

With regard to the second issue of non-proliferation and safeguards the accession of more states to the NPT is good news indeed. With France's decision to accede, all Member States of the European Community will be parties to the Treaty. We commend the five African states, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe for having taken the decision to become parties to the NPT and we trust more states in Africa will accede. In particular South Africa's ratification and subsequent signing of a safeguards agreement with the IAEA and its immediate entry into force on the first day of the 35th General Conference will contribute substantially to the prospect of a nuclear-weapon-free Africa. Furthermore, Albania's decision to accede to the NPT and China's announcement of such a decision illustrate even more how much non-proliferation has become a universal objective. Argentina and Brazil are close to agreeing on the text of a comprehensive safeguards agreement with the Agency. The Democratic People's Republic of Korea has accepted the text of a safeguards agreement with the Agency. However, the Twelve have expressed concern during the General Conference over the long delays in the signing, entry into force and implementation of the safeguards agreement between the DPRK and the Agency. It should be borne in mind that the conclusion of a safeguards agreement was already long overdue.

The adoption of a resolution by the 35th General Conference on the application of IAEA safeguards in the Middle East is seen by the European Community and its Member States as an important breakthrough towards establishing a nuclear-weapon-free zone in that region.

The European Community and its Member States are gravely concerned about the Director-General's report based on the inspection reports of the 6 nuclear inspection missions to Iraq. Each successive mission to Iraq has made it increasingly clear that the international concern about Iraq's nuclear ambitions was well-founded. Not only has Iraq violated its safeguards agreement with the Agency, it has also wilfully not complied with its commitment under the Non-Proliferation Treaty by actively pursuing the nuclear weapons option and creating a very substantial enrichment and weaponizing programme. Iraq also violated the privileges and immunities to which the inspectors were entitled on several occasions, notably during the sixth inspection mission.

The violation of Iraq's safeguards agreement has shown the urgent need for taking measures to strengthen the Agency's safeguards system. The work undertaken by the Agency in analyzing and developing concrete steps for improving the system are to be commended. The Twelve have pro-

posed to the 35th General Conference as a first step, and as a matter of priority, to take a set of relatively straightforward measures that could be implemented immediately. These measures should include:

- an obligation for states to declare any new facilities to the Agency at least 180 days before construction work begins;
- an obligation to declare civil nuclear materials, including uranium ore concentrate (yellow cake) produced in the territory of a state;
- effective use by the Agency of special inspections, including the use of such inspections in relation to undeclared nuclear facilities;
- setting up by the IAEA of a universal register of exports and imports of sensitive nuclear equipment and, at the discretion of the IAEA, verification that:
  - i. such equipment is actually located in a safeguarded facility; and that
  - ii. all nuclear materials processed in that facility are effectively safeguarded;
- an obligation to notify the Board of Governors of any application for exemption under the terms of Articles 36 and 37 of INFCIRC/153, before accepting such an application.

We look forward to further examination of this issue and hope that a number of conclusive decisions can be taken soon.

I also want to mention briefly the consequences of the emergence of states in Central and Eastern Europe for the Non-Proliferation Treaty. The Twelve trust that emerging states will fully abide by the international obligations deriving from the former parental state-structures, in a way that will maintain or even enhance the international norm against the proliferation of nuclear weapons.

We recognize the Agency's vital contribution to making the benefits of nuclear technology available to all regions of the world. The European Community and its Member States support the Agency's efforts in this direction, particularly in bringing technical expertise to bear on safety problems. In an ever-growing number of countries, nuclear technology has become an important element in the economic development. The IAEA program for scientific and technical cooperation is an important dimension of the Agency. We have always attributed a high priority to these activities and the importance we attach to them is amply reflected by the steady increase of resources over the past ten years. I would like to emphasize, with reference to my earlier remarks on safeguards, that improvement of the safeguards system would facilitate more enhanced forms of assistance and cooperation.

The choice of nuclear energy is an important element in the energy strategy of several Member States. At the same time, governments and public opinion world-wide have become more and more aware of how energy production affects health, safety and the environment. Governments are faced with the difficult task of reconciling environmental challenges, security of supply and economic competitiveness. In this respect the Twelve take note of the outcome of the Helsinki Symposium on Electricity and the Environment.

Given the challenges it has been faced with this past year, it is appropriate that the Agency is now engaged in the process of preparing a Medium-Term Plan. The main difficulty in preparing such a plan will be the establishment of priorities among the competing interests of Member States. The Executive Summary of the draft plan prepared by the Agency has gone a long way in that direction. The European Community and its Member States support the main thrust of the Summary, although a thorough exchange of views between Member States will be needed, before the Medium-Term Plan can be adopted.

Let me conclude, Mr Chairman, by stating the firm wish of the European Community and its Member States that the close cooperation which exists at present between them and the Agency should continue to develop successfully.

Thank you, Mr Chairman.

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**91/318. Statement concerning the fifth round of negotiations between the Government of Guatemala and the URNG**

Date of issue: 22 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States welcome the resumption of negotiations between the Guatemalan Government and the Union Revolucionaria Nacional Guatemalteca (URNG) and commend the commitment of the parties to achieving a peaceful resolution of their differences. They acknowledge the important contribution to these negotiations of the Guatemalan National Reconciliation Commission, CNR, and of the conciliator and personal representative of the UN Secretary-General.

The Community and its Member States note that respect for human rights will be a major topic in the present meeting. They welcome this further consideration of the issue of human rights: continuing reports from Guatemala of violations of human rights cause them deep concern.

They urge the parties concerned to take meaningful steps at the present round of negotiations towards the full enjoyment of these rights by all Guatemalans and towards a political resolution of their differences as the only guarantee of peace and future stability.

**91/319. Statement concerning the situation in the Middle East**

Date of issue: 23 October 1991  
Place of issue: Strasbourg  
Country of Presidency: The Netherlands  
Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of European political cooperation:* Mr President, we are on the eve of the peace conference on the Middle East, which will be opening in Madrid on 30 October. We hardly need emphasize that this is an historic event. It is the first time that all the parties directly involved in the conflict will be sitting down together at the negotiating table. It is a conference that has been made possible – as you have regularly seen on the television and read in the newspapers – by the untiring efforts of the American Secretary of State, James Baker, and his many visits to the Middle East. These efforts were supported by the Soviet Union and also by the 12 Member States of the European Community.

It is unbelievably important that the parties directly involved in the conflict should now feel committed to starting a negotiating process with the aim of coming to an all-embracing peace settlement for both the Arab-Israeli conflict and the Palestinian question. The terms of reference for the conference are set out in two Security Council Resolutions, with which you are all familiar, Nos 242 and 338, and in what is known as the two-track approach, meaning that, after the conference has opened, negotiations will begin between Israel and the Palestinians on the one hand and Israel and the Arab parties on the other.

We should realize that we must prepare ourselves for an extremely long peace process, in which I believe there will be innumerable barriers and obstacles to overcome. But the Twelve are determined to join with the Soviet Union and the United States, where necessary, in helping to ensure this process continues and is brought to a conclusion.

The premises of the Twelve's policy have remained unchanged for many years: first, Israel's right to secure and recognized frontiers; second, recognition of the Palestinians' right to self-determination. It is for the parties to the negotiating process that is now beginning to find so-

lutions that are acceptable to everyone. It is also important that the parties involved in these negotiations should even now – I would say in the region itself – take steps that may help to bring the process to a satisfactory conclusion. What is needed above all else, I feel, are confidence-building measures. In particular, I believe there should be a moratorium on the Israeli settlement policy and, in exchange for that, a suspension of the Arab boycott of Israel.

As regards the situation in the Occupied Territories, I hope that both sides will exercise self-control and that Israel will respect the provisions of the fourth Geneva conference on the Occupied Territories. The Twelve hope there will be a structural improvement in the situation in the occupied West Bank and the Gaza Strip when the intended interim arrangement that provides for the Palestinians to have self-government comes into force, pending the negotiations on the definition of the status of the Occupied Territories.

It must be possible for this process – confidence-building measures on the one hand and the start of the conference on the other – to lead to peace, which is crucial for the Middle East and may eventually produce a very considerable peace dividend. Here again, the Twelve certainly want to make an active contribution from now on, partly because of the close historical and economic links between the European Community countries and the Middle East. Where necessary and possible, the Twelve will play a stimulating and catalytic role in the multilateral consultations on regional questions, such as arms control, regional security, water and economic development. The multilateral track, the one concerning regional questions, and the bilateral track, concerning political issues, may, we feel, strengthen each other.

The work of the multilateral working groups may produce the seeds of a possible peace. I feel that that in itself may help to ensure that progress is made during the political negotiations in the bilateral working group. From our own European experience we know the advantages of removing trade barriers, the importance of good regional infrastructure networks, increases in scale and scientific and technological cooperation in a wider context. Eventually this must also be the way in the Middle East. Greater economic interdependence will do a great deal for security and stability in this area. At regional level efforts can and should be made to bridge the not inconsiderable gap between rich and poor in many areas of the Middle East. Here again, the Twelve give an assurance that they are prepared to help close this gap, which may in itself lead to instability.

Mr President, for the moment it is for the parties themselves to make a start on removing the political obstacles and to find the way, in good faith, to an all-embracing and just peace. The Twelve will do everything in their power to give active support to this extremely delicate process, politically and otherwise.

*[After the ensuing debate Mr Dankert stated:]*

Mr President, I believe I can be fairly brief in my reply, because I feel I answered quite a few of the questions in my introductory statement.

Mr Planas Puchades's question about the European Community playing a more active role follows on from various other questions. We must realize that the history of the conflict clearly indicates that the way in which the United States and the Soviet Union have been involved in the conflict in the past is different from the way in which the European Community has been involved. There is a significant difference in this respect. This difference also explains, to my mind, the differences at the conference. But I would also point out that the European Community and its Member States have a fundamental role to play when it comes to organizing the future in the Middle East. The historical and economic links between the Community countries and this region are of crucial importance in this respect. If we maintain this difference, I do not think there is much point in discussing the importance of the role of one or other side at the conference. A delegation from the Presidency, in which the Commission is represented, is attending the conference

on the European Community's behalf, along with the United States and the Soviet Union. The Community has an important role to play as regards both the political factors I referred to in my introductory statement and the creation of an atmosphere in which the conference can proceed to a successful conclusion. I have already referred to confidence-building measures.

There was also a question about the Occupied Territories. I talked about Israel's settlement policy and the application of the Geneva convention just now. I feel these are essential elements in contributing to a process in which the peace conference can produce results. Mr Amaral asked a question about trumps that Europe can play during the negotiations. If we have any, we will have to put them on the table. I have already answered Mr Perez Royo's question about the economic situation. I will not discuss Mr Martinez's question about Iraq.

[Interruption from Mr Martinez: 'Why not?']

For the very simple reason that this is a conference on the Middle East, Mr Martinez, and the question you have raised has nothing to do with this conference. You can grumble as much as you like.

Mr President, in reply to Mr Pannella's question and the question put at the end about kidnapping I will say that the Member States of the European Community have repeatedly advocated respect for the principles of international law as it must be applied in international dealings. We have also made very clear statements on terrorism. I will reaffirm them here. I feel this is fundamental. As regards the financial and economic problems I have made it clear that this is where Europe's basic role lies. The Community can play an exemplary part in future developments in the Middle East. We feel this is the way that will eventually lead to lasting peace and stability in the Middle East.

[After the continuing debate Mr Dankert stated:] Mr President, I will be quite happy in the afternoon to have an analysis of the situation in the Middle East but it would take three-quarters of an hour of speaking time. I was asked to give a statement on the Peace Conference. I did so and if the agenda is wrong then I am sorry.

### 91/320. Statement concerning the situation in Yugoslavia

Date of issue: 23 October 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr Dankert, President-in-Office of European political cooperation:* Mr President, I want to concentrate on developments in the Yugoslav situation, following on from the statement I made here during a debate not so long ago. I will begin with the plenary session of the conference on Yugoslavia on Friday, 18 October, which, after some difficulty, was eventually attended by the whole Yugoslav Presidium, the Presidents of the various republics. Before the meeting began, a new cease-fire was agreed with the Presidium and President Tudjman of Croatia. Both the Presidium and the Croatian President then ordered their armed forces to respect the cease-fire immediately and unconditionally, to lift the blockades on all barracks and facilities of the Yugoslav National Army in Croatia immediately and to give the YNA units in the barracks an opportunity to withdraw from Croatia in accordance with a timetable to be drawn up by the local tripartite truce committee.

At the meeting on 18 October Lord Carrington also presented a plan outlining a possible political solution to the Yugoslav problem, known as 'arrangements for a general settlement'. This builds on various aspects on which agreement was reached in The Hague, on 4 and 10 October,

for example, with some of the main figures, particularly the Presidents of Croatia and Serbia, Tudjman and Milosevic. The Community believes that a settlement of this kind must include the following elements.

Firstly, the republics must be sovereign and independent, with a personality in international law for those that want this.

Secondly, efforts should be made to establish a free association of the republics with a personality in international law, as mentioned in the proposed arrangements. There should then be all-embracing arrangements, including supervisory mechanisms for the protection of human rights, with a special status for certain groups and areas. There should be European involvement in the process, especially where such involvement is considered appropriate. The independence of the republics wanting it should be recognized under a general arrangement and within the existing frontiers, unless a different arrangement concerning frontiers is decided by peaceful means. The document also contained detailed arrangements concerning, in particular, human rights, with special guarantees for communities forming a minority in an existing republic. A special autonomous status for certain regions is also being considered. Fairly detailed proposals have also been drawn up for other aspects, including the inter-institutional framework, and I am happy to say that, with the exception of the Serbian President, which is, of course, regrettable, all the participants have generally endorsed the basic principles. The President Milosevic of Serbia has objected to the principle underlying the proposals, that Federal Yugoslavia would cease to exist in its present form.

Despite this, the conference working groups met during the week and attempted to draw up an agreement on various aspects of human rights, economic relations and future institutions in the form of detailed treaty texts and considered how the objections raised by Milosevic and others in this respect might be overcome.

This Friday there will be another plenary session of the conference, which I hope will be attended by the same people as last Friday, and an attempt is to be made to reach an agreement in principle. Given the difficulties encountered last Friday, I cannot give any guarantees, but I am not completely without hope that a little more progress can be made in this respect. Any outstanding differences would then be submitted to the arbitration committee that forms part of the conference and was discussed on a previous occasion. In the meantime we sadly have constant reminders that the agreed cease-fire has not been respected by the parties in any way. Widespread hostilities continue. YNA barracks are still surrounded, and such places as Vukovar and Dubrovnik are under siege. In exchange for the removal of the barricades around barracks in Zagreb, a relief convoy, accompanied by Community monitors, at great personal risk for all concerned, has on the other hand, been to Vukovar and brought out injured people. The whole course of events relating to this convoy has shown how difficult it is to ensure that agreements are in fact respected, even though they have been reached at virtually every level.

I would also like to refer to a particular aspect of the negotiations so far. Before the conference began on 18 October the European Community, the United States and the Soviet Union issued a joint statement on Yugoslavia. It reveals that both the United States and the Soviet Union fully support the European Community's efforts to set the peace process in Yugoslavia in motion and to settle the problems politically, and this encourages the Twelve to continue their efforts and to try to find a solution by adopting two parallel approaches. On the one hand, there is the local approach, the activities of the Community's monitors, the tripartite truce committee in Zagreb, which I mentioned just now and which is now trying to work out the details of the truce agreement and again trying to make the truce work. On the other hand, there is the conference approach, which is now going ahead on a weekly basis in The Hague.

A timetable for the activities of the conference was agreed on 10 October, requiring a solution as proposed by the conference to be found within one or, at the most, two months. If the process



fails, the Twelve do not rule out the possibility of announcing restrictions on the parties who do not wish to work constructively towards a solution. In the joint declaration of 18 October the Soviet Union and the United States also indicated that they were considering the possibility of joining in Community sanctions in such a situation.

I must also mention that, at the request of the Twelve and others, the Secretary-General of the United Nations has appointed a special envoy for Yugoslavia, the former Secretary of State of the United States, Cyrus Vance. He will shortly be reporting to the UN Secretary-General, who will then report to the Security Council. In this way the United Nations will remain involved in the Yugoslav situation in compliance with the Security Council's Resolution 713. The problem will also be discussed at the Conference on Security and Cooperation in Europe by the committee of senior officials at its meeting in Prague this week.

Finally, Mr President, the CSCE continues to support the Community's activities in this matter. This is also evident from the participation of monitors from a number of the CSCE countries. I am unable to paint an optimistic picture of the situation, but as there are still various options, we must do whatever we can at the conference and through the monitors to guide the process in the direction we intend to continue taking, towards a peaceful solution to Yugoslavia's problems, a solution that satisfies the criteria laid down by civilized states.

*[After the ensuing debate, Mr Dankert stated:]*

Mr President, the questions began with one from Mr Avgerinos about what the Community can do now that various groups are operating in Yugoslavia: the official militias, the Yugoslav National Army and various smaller units. I must say that one of the major obstacles to finding a solution is the very existence of these uncontrolled groups. It was also asked who is responsible for the violation of the cease-fire. It is not always the National Army, it is not always the Croatian militia: these uncontrolled groups are often to blame for the resumption of hostilities, and that is one of the difficult elements in the whole Yugoslav process.

I will repeat what I have clearly said here. What the Community wants is a settlement of the Yugoslav question that entails the establishment of sovereign and independent republics with a personality in international law. There is no doubt that these republics will then be recognized. We have said that we would like to see this happening in the context of a free association of these republics. We have also noted that the President of Serbia does not agree to this. That is one of the problems that arose last Friday: Mr Milosevic wants to retain the old Yugoslav state structure. In short, I thought the Community was taking a course that appealed to most Members here, but some of you are calling for immediate recognition. As long as we can make progress in this process, and this again is what I said last time, recognition is worth something. In addition, if we grant recognition, there is no way the Community, since it does not have suitable instruments for the purpose, can ensure that it will lead to a better security situation for the people in Croatia, Bosnia or wherever in Yugoslavia. That too is part of the Community's responsibility, and it is one of the factors that must be considered in the steps taken at that time. That is one of the problems that has been discussed here, and I would like to add something on this, the problem of the Albanians in Kosovo, for example. At the conference we can give guarantees that these groups will be involved in the process, because provision has been made for this. If the conference is abandoned, I have nothing more to say for the moment about such guarantees, and I feel we must consider factors like this in the deliberations as a whole.

In reply to Mr Lamassoure's question I refer him to the convening of the meeting of the arbitration committee, which can tackle a number of outstanding problems.

As regards Mr Prag's question, let there be no mistake that a peaceful solution may entail the revision of the frontiers, but frontiers changed by military force will not be recognized by the European Community.

Mr De Piccoli asked why Serbia does not agree to the basic principles underlying the conference. As I have already said, Serbia insists on retaining the old state structure, and I am totally convinced that that is an outdated position in view of the developments we have seen in Yugoslavia in recent months.

I believe I have answered most questions. I do not have a clear picture of the refugee situation. The figures that Mr van den Brink quoted with regard to Hungary seem familiar, but I have no idea at all what is happening on the Albania border. We have a rough idea of movements to Italy in recent months. I assume that this will be discussed when we have a conference on the whole migration issue next week.

**91/321. Question No O-265/91 (H-1488/91) by Ms Cassanmagnago Cerretti concerning common foreign and security policy**

Date of issue: 23 October 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

1. How have recent events in Yugoslavia and the Soviet Union influenced the proceedings of the Inter-governmental Conference on Political Union as it seeks to frame a common foreign and security policy?

2. Given that the proceedings at the Conference are due to be concluded by the end of 1991, is it possible at this stage to gain an overall picture of the points on which agreement exists and ascertain the prospects for compromise on the points still outstanding?

*Answer:*

*Mr Dankert, President-in-Office of the Council and European political cooperation:* Mr President, you say 'on behalf of the Council', but I do not think I will be able to answer most of the questions on the Council's behalf. I do not really know in what capacity I should do so. I think I will simply act in my personal capacity as the representative of the President of the Inter-governmental Conference. I feel that is just about right. It is not accountable to Parliament. That will no doubt come later when the document exists.

I will begin by rejecting what Ms Cassanmagnago Cerretti said about there being some reluctance to take courageous decisions. I thought we had agreed that it is in Maastricht that the final touches must be put to the decision-making on European Political Union and European Monetary Union, and I would not like to leave it in any doubt that that is where the decisions must therefore be taken.

The questions, to my mind, also reveal rather too much pressure to draw conclusions at this stage from developments in Yugoslavia and the Soviet Union and from the agreement that was signed with the member countries of EFTA last night, when there is still a great deal that is not clear about these developments. So it is no bad thing that we have time until December to draw the necessary conclusions. We surely agree – and I feel Ms Cassanmagnago Cerretti made this very clear – that since 1989 we have had to deal with each other in a completely new situation and that we must focus all our attention on the relevant conclusions drawn at numerous European Councils, last reaffirmed by the European Council in Luxembourg, the strengthening of the Union's identity and role as a political factor on the international stage. Clearly, this also imposes an obligation on us to ensure that the Community's external activities are as cohesive as they should be and that we organize ourselves accordingly. It is not only the Community, it is not only

the twelve Member States that consider it essential for this objective to be achieved: other nations and governments both in Europe and elsewhere find it highly desirable that we should take this course.

In the second part of her question Ms Cassanmagnago Cerretti asks for a list of the points on which agreement exists and an appraisal of the prospects for compromise on the points still outstanding. This is, of course, asking a great deal of the personal representative of the President of the Inter-governmental Conference, who does not at the moment have a real and full picture of the situation. Ms Cassanmagnago Cerretti herself referred to all kinds of initiatives that have recently been taken, and it is therefore very difficult to assess what the eventual outcome will be. But I can make a few more general comments on the subject. Firstly, I would point out that at the IGC too the negotiations on the common foreign and security policies are quite clearly seen as a single item, but as no more than part of the overall process of establishing a European Political Union and that, as has been said so often, there can be agreement on foreign and security policy only if there is agreement on the total package that this Political Union comprises. And that, as I have said before, will not be reached before the European Council meeting in Maastricht.

What we can conclude at this stage is that there are signs of a wide, general area of agreement emerging, particularly on the question of how the foreign and security policies should be structured. Various factors play a fairly important role in this context. Even at this stage it is clear that foreign and security policy will not be covered by a normal chapter in the Community Treaty, but that, although it will be brought together in one place, it will quite clearly have its own features. It will also differ significantly from European political cooperation in its present form. And if you then want a description, I can say that it will be somewhere between the two, between the format of today's European political cooperation and the Treaty as it applies to other policies.

Where foreign and security policy is concerned, one of the main issues being discussed at the IGC is the need for the Union to pursue the objectives which it itself sets through various forms of action. And one of the forms of action being discussed most is common action, *action commune*, which would be binding on the Member States as regards both the position they adopted and the manner in which such common action would be taken. And in this a part is played by such questions as majority decision-making, informing Parliament and the Commission, involving as well as informing them and external representation of the Union in foreign and security policy matters.

Ms Cassanmagnago Cerretti referred to the need to involve the European Parliament and, I assume, the Commission. Given the mould in which foreign and security policy is being cast, I must assume that this involvement will be rather different and perhaps rather less extensive than what is taken for granted in normal Community structures.

This is not to say, of course, that there are not a few extremely important, even essential aspects for which solutions have yet to be found. Above all, there is the question of security and defence, and I must say here that, where defence is concerned, the debate is quickly coming to focus on the definition of a common defence identity, and there has even been some talk of common defence. The question of majority voting on the adoption of the detailed arrangement for taking common actions is an aspect on which opinions still differ quite considerably at the IGC, though the dissenting group of countries is small. Views also differ on the list of subjects to which these common actions should relate. This, as you know, is the Asdo list, in which a number of items had already been entered, but which is, I would almost say, being reformulated during the current debate.

Honourable Members will recall that during my statement on Political Union here two weeks ago I discussed some of these aspects at some length. You will appreciate that it is still too early to report on progress made since the Haarzuilens meeting, which I referred to at that time, but I assume that, where foreign and security policy is concerned, the follow-up to Haarzuilens will be considered at the next meeting of the Inter-governmental Conference in Brussels on Monday.

So for the moment I would prefer not to hazard any guesses on the outcome of this meeting. I believe we will be able to talk openly to each other about this during the interinstitutional consultations and certainly at the next meeting of the IGC.

**91/322. Statement in the Special Political Committee of the UN General Assembly concerning questions relating to information [agenda item 75]**

Date of issue: 23 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Hiensch:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

Mr Chairman, the European Community and its Member States attach great importance to the deliberations and discussions in the Special Political Committee on the question of information. The free exchange of ideas and points of view which will take place during this debate reflects the very subject of our deliberations: freedom of information, which is a most important achievement for individuals as well as for societies. It is therefore worthwhile recalling, every year, that one of the first resolutions of the United Nations General Assembly, Resolution 59(1), unanimously adopted almost 45 years ago, begins by stating that freedom of information is a fundamental right and the touchstone of all freedoms to which the United Nations is consecrated.

The principle of the freedom to inform and to be informed is also the basic tenet of any democratic society and should not be subject to any restriction, limitation or control.

This freedom can be substantiated only by freedom of the press and the free and unhindered flow of information and opinions. All violations of press freedom, in whatever place and manner they may occur, are therefore unacceptable and have to be condemned in the strongest words. And all who have dedicated themselves to this freedom have to be praised. The European Community and its Member States would like to take this opportunity to pay particular tribute to the journalists who have died over the past year in the performance of their duty.

The values of democracy and freedom continue to be in ascendancy world-wide. The greater freedom in the flow of information that they are witnessing has been both a benefit, and perhaps even a cause, of these changes and has also contributed to reducing the ideological tensions which have pervaded international life for many decades.

Mr Chairman, the European Community and its Member States are well aware of the disparities which still exist between developed and developing countries in their capability to disseminate and communicate information. They accept that the solution of this problem lies in enlarging and reinforcing the capacity of the developing countries to disseminate information.

On previous occasions the Member States of the European Community have stated, clearly and emphatically, their readiness to cooperate with the developing countries to enable them and their public, private or other media, to develop their own information and communication policies freely and independently and to increase the participation of media and individuals in the communication process. This includes the strengthening of media infrastructure and of communication technology so as to guarantee their population the full benefits of freedom of information. This cooperation must primarily be carried out in the framework of UNESCO and its programmes such as the International Programme for Development of Communication.

In this respect the European Communities and its Member States would like to stress the importance of the cooperation between UNESCO and DPI regarding the promotion of an indepen-

dent and pluralistic Press. The seminar which was held in Windhoek, Namibia, in May of this year and the declaration which was adopted, can be considered a milestone in promoting an independent, pluralistic and free press.

Mr Chairman, the European Community and its Member States are very pleased to note that the consensus which was reached in the 1990 session of the Committee on Information was confirmed and strengthened during the last session of this committee. I can assure you that the European Community and its Member States will actively contribute to further enlarging and building upon the existing consensus.

This consensus will enable the committee to concentrate its activities in the future on its prime task, that is the elaboration of guide-lines for the Department of Public Information in order to help it discharge its responsibilities. These guide-lines have to be of a general nature in order to allow the department to react with the utmost flexibility and speed to new developments and new UN activities and operations. The Committee has therefore to take care not to draft a long list of recommendations which the DPI has neither the manpower nor financial resources to implement.

One of the first steps the Committee on Information could take is the streamlining of the operative part of the resolution on 'The United Nations Information Policies and Activities' in order to enable the Department to draw up an order of priorities. In this context the DPI should be encouraged to scale down, or even eliminate altogether, programmes whose usefulness has diminished or whose relevance has been overtaken by world events.

During its last meeting the Committee on Information decided to set up an 'on-going mechanism' consisting of the Members of the Bureau and the spokesmen of regional groups. The European Community and its Member States support this mechanism and note with appreciation that it has met with the Under-Secretary-General and other DPI staff members on a regular basis.

Mr Chairman, the European Community and its Member States attach great importance to the work of the Department of Public Information and will do their utmost to assist the Department in the exercise of its functions and the discharge of its responsibilities in promoting an informed understanding of the work and the purposes of the United Nations.

World developments in the long year that is behind us have created a strong demand for information on what was taking place in the United Nations. Satisfying that demand was a heavy burden for the DPI. The European Community and its Member States would like to congratulate the staff of the Department and its Under-Secretary-General on a task which they executed to general satisfaction. This demand underlined the fact that one of the main tasks of the DPI is to make available and to disseminate, immediately and on a daily basis, factual information on the activities of the Secretary-General, the General Assembly and the Security Council, their debates and resolutions, their decisions and actions. One other important aspect of the work of DPI is the vast educational role regarding the many other activities which take place in the United Nations framework. That is admittedly an important role and one which must be performed, but is clearly of a more on-going and less immediate nature.

The European Community and its Member States have always supported the view that an information component should be, when necessary, an integral part of the plans for UN conferences and UN peace-keeping operations when the budget implications are presented to the General Assembly for approval, and should not be subject to *ad hoc* arrangements at a later stage.

The European Community and its Member States support the efforts of the Secretary-General and the Under-Secretary-General regarding information on making the department a more professional and effective organization. In this respect the European Community and its Member States would like to suggest that at its next session the Committee on Information discuss the progress made on the question of the consolidation of public information activities in the department, which was the subject of a report of the Management Advisory Service.

One important aspect of the work and organizational structure of the DPI deserves particular attention: the United Nations Information Centres. The European Community and its Member States recognize that UN Information Centres are an important tool for the department in support of its role of disseminating information on the United Nations. The Centres should be optimally utilized and located and the European Community and its Member States note with satisfaction that the department has taken and continues to take a wide range of initiatives to enhance and strengthen the operations of the centres within its limited financial resources. The UN Information Centres are an important item on the agenda of the Committee on Information. The Committee should be encouraged to pay special attention to the mandate and functioning of existing Centres and to the question of procedures for the establishment of new centres.

The European Communities and its Member States welcome the holding, when necessary, of regional meetings of Directors of Information Centres like the one that recently took place in Brussels. These meetings provide an excellent opportunity for the directors to share and exchange experiences and information among themselves and with the representatives of UN Headquarters.

The European Community and its Member States sincerely hope that the consensus on the two draft resolutions that are before this committee will be maintained and serve as a basis for a constructive dialogue during the next meeting of the committee on Information.

**91/323. Statement in the Third Committee of the UN General Assembly concerning a cluster of items related to social issues [agenda item 94(A)]**

Date of issue: 23 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to address this Committee on behalf of the European Community and its Member States on agenda item 94a, concerning a cluster of items related to social issues.

Last year, while addressing this Committee on behalf of the European Community and its Member States, my Italian colleague expressed the hope that the easing of international tensions would make it possible to redirect resources and energies to the analysis of social problems and their solutions, with the aim of achieving a substantial improvement of living conditions for people world-wide. Unfortunately, living conditions for many people, especially in many developing countries, have deteriorated since then. During the past year the world has faced a number of humanitarian disasters, either man-made or natural. These tragedies, which occurred in different parts of the world, in the Gulf region, in the Horn of Africa, in Asia and elsewhere, clearly demonstrate the urgent need for continued international vigilance to deal effectively with humanitarian disasters. In this connection we would like to draw attention to the present initiative of the Twelve on the 'Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations'.

Mr Chairman, the past decade has seen far-reaching social and political changes on a global scale. We have witnessed a transition from repressive authoritarian regimes to more open political systems in many countries, especially in Central and Eastern Europe. This is proof that there is a growing awareness of the relationship between democracy, human rights and sustainable development. Respect for human rights and the rule of law, political pluralism, and the importance of political institutions that are effective, accountable and enjoy democratic legitimacy, constitute the basis for economic development and equitable distribution. Progress towards sound economic policies, democracy and accountability by developing countries, *inter alia* in Africa, is improving the prospect of growth.

Sound social and economic policies which give due importance to the role of the market and the private sector are an essential basis for stimulating economic growth. There is the need for an efficient State whose responsibilities will be, *inter alia*, to secure an adequate social infrastructure, including health and education facilities. Special attention to the advancement of women is required as well. Sustainable development including economic progress is best achieved within a democratic framework which gives free expression to both public and private sectors.

Although economic progress has been substantial in some countries, present statistics on global poverty show that eradication of poverty is not even glimmering on the horizon. On the contrary, in some parts of the world the situation has even deteriorated. This serious global challenge requires new policy outlines in the fight against poverty. UNDP's 1991 Human Development Report and the World Bank's 1990 World Development Report offer interesting suggestions for the definition of such policies.

The second UN Conference on the LDCs in September 1990 again stressed the difficulties which LDCs face and the need for partnership with the donor community. The concept of partnership is not a new one to the European Community: the Lomé Convention for instance has over many years forged strong partnership ties between us and a large number of developing countries, among which are more than two thirds of the LDC group. LDCs also receive special benefits under the European Community's generalized system of preferences. It is well known that the Twelve attach priority to a balanced cooperation with developing countries in a spirit of solidarity. In this respect they are aware of the common responsibility of donor and recipient countries to lessen the burden of the various debt problems. We recognize that, given the immense development task that lies ahead, and given the efforts towards democratization and reform of economic policies being undertaken in developing countries, a still greater effort will be required from donors, both quantitatively and qualitatively.

There is no doubt that, without economic growth, long-term sustainable alleviation of poverty will not be possible. However, economic reform programmes have to be carefully designed. Policy-makers and international organizations are now aware of the fact that structural adjustment programmes had serious implications on the poorest strata of society and that more emphasis must be placed on improving people's social condition and on the development of human resources.

Mr Chairman, this underlines the essential role of the social dimension in fighting poverty. The European Community and its Member States accordingly attach great importance to the social, cultural and human dimensions of development cooperation. Partnership and participation, not only between governments but also between governments and NGOs, is emphasized. In this connection we would like to stress the importance of encouraging and assisting local activities at the grassroots level, in the fields of agriculture, environment, health, housing and social welfare and training. In view of the large numbers of women in the poorest strata of society and the complex responsibility of women in raising new generations, policies have to take account of the gender dimension. In this context it is recalled, that with the signature of the Lomé IV Agreement with 69 countries from Africa, the Caribbean and the Pacific area, as well as with the cooperation agreements with Mediterranean, Asian and Latin American countries, the European Community and its Member States have given a clear indication of the priority they attach to devising an appropriate framework for dynamic and balanced cooperation activities with the developing countries.

When addressing the social condition of people, there are principles to be referred to constantly, such as the decentralization of authority, community participation and cost sharing, full access by women as well as by vulnerable groups to social services, education, legal rights and income-earning opportunities in order to fully utilize their human and economic potential. Economic policies which encourage human talents will create room for entrepreneurship which stimulates broad-based development and, last but certainly not least, a capable and efficient public sector that can provide a proper framework for development. In this context we would like to emphasize the

need for reducing excessive military expenditure, thus ensuring that the maximum amount of resources is available for social and economic development.

The protection of the environment and of natural resources constitutes a decisive element of the social dimension. Environmental aspects of human development play a significant role, even in the context of further growth of population in many regions of the world. Thus the European Community and its Member States attach great importance to the fact that sound economic and social development must be combined with the protection and thorough management of mankind's natural resources.

The experience of the European Community and its Member States in implementing social policies has revealed that efficient provision of social services can result in cost reduction and improved quality. This can be achieved by decentralization of policy measures and by people's participation in the designing and execution of innovative social programmes. Efficient social programmes do not have to drain national budgets. The European Community and its Member States would like to share experiences with developing countries in the field of restructuring national budgets and formulating and implementing realistic social policies.

The European Community and its Member States fully support the effective implementation of the mandate of the Centre for Social Development and Humanitarian Affairs (CSDHA) in Vienna, including the implementation of the Guiding Principles for Social Welfare Policies and Programmes, in line with CSDHA's designation as a focal point for social development in the UN system. Of course this requires that staff positions and financial resources that have been allocated within the regular budget will be made available to CSDHA during the medium-term planning period 1992-1997. It is also important for CSDHA to contribute to the social dimension of the International Development Strategy for the Fourth United Nations Development Decade, without prejudice to operational activities in the social field that should be implemented by the relevant programmes and specialized organizations. The growing awareness of the social dimension of development cannot but strengthen the role of the Commission on Social Development. In this respect we welcome the spirit of cooperation which prevailed during the 31st session.

We have before us the Secretary-General's Interim Report on the World Social Situation, doc. no. A/46/56, prepared by the Department of International Economic and Social Affairs. From this report, as well as from other reports, a socio-economic picture appears that has been amply commented on already. I will therefore limit my comments to a suggestion that should enhance the relevance of the report for policy-makers. Naturally not all countries or regions are faced with identical problems in their social policy. Therefore, it is felt that more attention should be given to the experience that various countries have acquired in the social field. This will enable policy-makers to draw lessons or choose particular models that are suited to their own countries. In this respect we also acknowledge the involvement of the regional Commissions as well as the Centre for Social Development and Humanitarian Affairs in the reports on the World Social Situation.

Mr Chairman, much has been said about the importance of the social dimension for the development of societies world-wide. In this context, before turning to some of the specific items in the cluster of social issues, mention should be made of ECOSOC's Decision 230/91 requesting the Secretary-General to carry out consultations with Member States on the possibility of convening a world summit for social development. The Community and its Member States are willing to contribute to the Secretary-General's consultations in a constructive way and look forward to his report to ECOSOC in 1992.

Now the internal market is due to become a practical reality the European Community and its Member States have concentrated on the social dimension in their policy. One of the most important steps taken in this direction was the adoption of the European Charter on Basic Social Rights for Workers by eleven Heads of State and Government of the European Community on 9 December 1989. On the basis of this Social Charter, the European Commission has formulated an



Action Programme with particular emphasis on social aspects, *inter alia* in the fields of unemployment, improvement of living and working conditions, equal opportunities, youth, elderly and disabled persons among other issues.

Mr Chairman, let me now turn to some of the specific items in this cluster of social issues. I will touch upon the issues of youth, elderly people, disabled persons and the international year of the family.

No development policy on a national or international level can ignore the youth dimension since youth constitutes an important development potential. It is necessary to recognize that youth is an important population group whose integration in society is essential for the future development of society. The problem of integration can be effectively tackled only through active participation on an equal basis by young men and women in the political, economic, social and cultural life of society. For the benefit of genuine democracy and development, full involvement of youth in society, including the fullest possible utilization of youth's creativity, is a prerequisite.

For many years youth policy has been a permanent item on the agenda of the Commission on Social Development and of the General Assembly. The International Youth Year in 1985 highlighted the general emphasis on youth. However, the momentum created by the Year and the follow-up activities have both been declining. There is a continuing need for suitable follow-up of the International Youth Year with emphasis on practical programmes in the fields of education, training, culture, sports and welfare operational programmes involving international and national youth organizations should be implemented, based on cooperation between youth in developed and developing countries. In this connection it is also important to stress once more the need for further improvement in the channels of communication between the United Nations system and youth organizations world-wide, with a view to improving the dissemination of relevant information. The tenth anniversary of the Year, in 1995, presents a suitable occasion to refocus global attention on youth issues and stimulate renewed action at all levels. We welcome the Secretary-General's report (A/46/360) on proposals for the world youth programme of action towards the year 2000 and beyond. This action programme, to be submitted to the General Assembly in 1995, gives ample opportunity to highlight youth issues. We refer in this respect to the decision of the Commission on Social Development to establish an open-ended ad hoc working group of the Commission for Social Development at its thirty-third session.

European youth programmes have been and are being developed in order to promote the mobility of young people, students and workers. Projects are being created in various fields for the development of young peoples' initiatives. Improvement of the standard of information and knowledge among youngsters, as well as the training of young leaders, are of equal importance. Projects aimed at education, training and work for the unemployed and less favoured groups of young people are funded through the European Social Fund. In order to create better mutual understanding among youth in different parts of Europe the Community applies the Youth for Europe Programme – an exchange programme for youngsters living in the Member States. Through this programme special exchange programmes and European networks of youth NGOs are being funded.

Mr Chairman, it is common knowledge that with the improvements in medical care, elderly people constitute a much larger share of the overall population than in the past. This demographic development imposes a heavy responsibility upon the world community to pay more attention to this issue. On a world-wide basis the care for the elderly should remain high on the agenda. We must bear in mind that the elderly, drawing on their experience, can provide a very useful and practical contribution to society. Increasing numbers of elderly people require life-style adjustments for individuals, families, neighbourhoods, countries and regions.

In the industrialized countries the ageing population is a matter of concern in terms of resources and amenities required for the care of elderly people. Policies are directed towards mea-

asures enabling elderly people to live independently as long as the situation permits them to do so by developing an appropriate mix of self-help opportunities, family and community support and government assistance. Furthermore, measures to improve working conditions of elderly workers and to combat age-stereotyping and unjustified age-distinction in the work-place and labour market deserve special attention. The European Community and its Member States are paying increased attention to ageing policies with emphasis on full community participation of senior citizens. To stimulate action and studies for the benefit of the elderly the European Community has formulated a medium-term European Plan of Action on Ageing for the period 1991-1993. In developing countries, with improvements in medical care and health services, longevity is rising. This is causing similar challenges for governments of such countries as well.

In its Resolution 37/51 of 3 December 1982, the General Assembly endorsed the International Plan of Action on Ageing on the basis of which interesting initiatives have been taken. This plan has provided a good basis for a long-term UN strategy on ageing policy. However, the Plan of Action has not been adequately implemented by all Member States. The plan will be celebrating its 10th anniversary in 1992, which offers an opportunity to review progress and generate a new momentum regarding the ageing population. In this respect the report of the Secretary-General on ageing, A/46/361, provides useful strategies for the coming years. ECOSOC recommended that the General Assembly devote four plenary meetings at its 47th session to considering the follow-up to the International Plan of Action on Ageing and to celebrating the tenth anniversary of the adoption of this Plan of Action. The European Community and its Member States are of the opinion that during this session special attention should be paid to inter-generational solidarity and the integration of elderly people in society, which is also the main theme of the European Year of the Elderly in 1993.

The UN Decade of Disabled Persons is drawing to a close. However, equalizing opportunities for disabled persons remains highly topical. The Decade has certainly marked a turning point in the international community's awareness of the situation of disabled persons, especially as regards the problems faced by disabled people in developing countries. In particular we want to draw attention to the fact that about 120 million disabled children are living in developing countries. Relatively little is known about their situation, the so-called 'hidden disaster'. During the Decade this group of disabled persons has been given special attention, and it is hoped that they will continue to receive concrete support. Disabled women constitute a vulnerable group and also require due attention. The Centre for Social Development and Humanitarian Affairs in Vienna should play a catalytic role in ensuring world-wide action.

The European Community and its Member States welcome the Commission on Social Development (CSD)'s Resolution (32/2) approving the establishment of an ad hoc open-ended working group to draw up standard rules on the equalization of opportunities for disabled persons. The working group will report to the CSD in 1993. This initiative is in line with the World Plan of Action for Disabled Persons and the Tallin Guide-lines. We hope the working group will be able to present a document containing concrete guide-lines advising governments on treating disabled persons in a just and honourable manner.

The main objective of national policies in this field should in our view be the full integration of the disabled into the community and their active participation in political, economic, social and cultural life. We would like to emphasize how important a role disabled people's organizations have to play in the work ahead, both in the industrialized and in the developing countries. Governments should be urged to promote and to cooperate with them as representatives of their members.

The Twelve attach great importance to various initiatives already undertaken by the United Nations and other inter-governmental and non-governmental organizations, as well as Member States, in order to follow up the UN Decade of Disabled Persons. The Helios Programme is an example of active involvement of the European Community and its Member States in this field. This

programme is aimed at social and economic integration of disabled persons. In this respect exchange of experiences, dissemination of knowledge and the development of a data-system are of importance. Helios I expires in 1992. It will be followed by Helios II. At the moment the details of this programme are being further specified. Let me take advantage of this opportunity to express the willingness of the European Community and its Member States to share with other members of the United Nations their particular experience and knowledge regarding programmes and information systems to promote full integration, active participation and independence of disabled persons in society. This is achieved by improving their access to relevant information and enabling them as far as possible to enter buildings, to use public transport and by providing adequate housing.

Mr Chairman, concluding my statement I wish to touch upon the International Year of the Family which will be celebrated in 1994. The European Community and its Member States look forward to adequate preparation of the Year. In the context of rapid social changes we see a dynamic role for the family, including different types of family structures. The changing role of men and women in the family, the problems of single-parent families, the sharing of family and professional responsibilities and child-care measures are some of the aspects which require due attention, taking into account the socio-cultural context of each country.

The European Community and its Member States will play an active role in preparing activities during the International Year of the Family, taking into consideration the specific family issues facing each country and exchanging expertise and practical know-how among Member States with common problems. In preparing the programme at the international level, we would call upon the Secretary-General to ensure that due attention is paid to migrant families and to technical assistance to developing countries, in formulating and implementing action programmes for the welfare of families belonging to the poorest sections of urban and rural areas.

Thank you, Mr Chairman.

#### **91/324. Statement on the occasion of the signature of the Cambodian comprehensive political settlement**

Date of issue: 24 October 1991

Place of issue: The Hague

Country of Presidency: The Netherlands

Status of document: Press statement

The European Community and its Member States welcome the signing of the comprehensive political settlement of the Cambodian conflict by all parties participating in the Paris Conference on Cambodia on 23 October under the co-chairmanship of France and Indonesia. In this respect they also welcome the important role of the United Nations in Cambodia. After many years of extreme suffering the Cambodian people can now look towards a future free from war and oppression, and start rebuilding their shattered nation.

The Community and its Member States recall that they have in the past repeatedly emphasized the need for self-determination of the Cambodian people through free, fair and internationally supervised elections and for the respect of human rights. They welcome the fact that strong guarantees to that effect have been incorporated in the provisions of the settlement.

A huge task that needs to be tackled now is the integration of the many Cambodian refugees and displaced persons, located both outside and inside the country, in local communities where they can build a new life. Under the settlement all Cambodians who fled their country have the right to return and to live in Cambodia in safety, security and dignity, free from intimidation or coercion of any kind.

The European Community and its Member States are prepared to contribute to the return of the Cambodian refugees to their homeland as well as to the country's reconstruction and development and urge other members of the international community to do likewise.

**91/325. Statement in the Sixth Committee of the UN General Assembly concerning the exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation [agenda item 140]**

Date of issue: 24 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van de Velde:* Mr Chairman, the twelve Member States of the European Community attach great importance to the protection of the environment both in times of peace and of armed conflict, and to the observance of international humanitarian law. Therefore they welcome the decision to place on the agenda of the Sixth Committee the subject 'Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation'. When speaking about the use of the environment as a weapon in times of conflict we of course cannot ignore the unprecedented environmental damage caused by Iraq in Kuwait. In this context I would like to draw your attention to what was recently stated in a report to the Secretary-General of the United Nations based on a United Nations mission, namely that the deliberate torching of the oilfields represents Kuwait's most pressing environmental problem of today, besides which all else pales into insignificance. As this report rightly points out there has never been anything like it in history before.

Mr Chairman, there cannot be any doubt that these Iraqi activities were in flagrant contravention of existing international law.

It is clear that international law limits the rights of belligerents to cause suffering and injury to people and to wreak destruction on objects. Massive ecological damage as a consequence of armed conflict – be it of international or non international character – can endanger the very basis of life on this planet for a long period of time.

Mr Chairman, on behalf of the twelve Member States of the European Community I wish to underline that what is called for first and foremost when speaking about the protection of the environment in times of armed conflict, is effective implementation of the existing international obligations under the laws of war, as these bear on the environment. It should be borne in mind that rushing to legislate as an immediate reaction to the massive and wanton destruction of the environment in Kuwait and the waters of the Gulf might very well lead to counterproductive results in the long-term.

The Twelve hope that consideration of this topic will lead to some conclusions on the magnitude and the nature of the problems covered by the agenda item, and on the best approach to tackling those problems.

Mr Chairman, let me make a preliminary remark on the scope of the issue. The topic has been put on the Agenda of this Committee as 'Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation'. It seems, Mr Chairman that, in fact, the discussion needs to cover the question of the protection of the environment during times of armed conflict in general. What is needed at this stage is a wide-ranging and open debate of the multi-faceted dimensions of this subject.

In approaching this item we shall need to review existing international humanitarian law. Which rules pertain to the protection of the environment? What is their scope? Do they command universal adherence? Is there a need to strengthen the existing law? Some instruments such as the first Additional Protocol to the Geneva Conventions and the 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention) lack universality. What is the state of implementation of the obligations concerned? How can we prevent the recurrence of catastrophes like the one we recently witnessed in the Gulf?

Furthermore, it seems necessary to examine the relationship between the rather autonomous development of international environmental law and humanitarian law. The question should be considered whether the development of environmental law has consequences for the interpretation of the rules concerning the protection of the civilian population.

In undertaking this rather comprehensive exercise not only must these questions be addressed, but the importance of adherence to the relevant existing legal instruments in the field of humanitarian law as well as the full and effective implementation of their provisions should be underlined. Related efforts should also be looked at. The Twelve consider it of great importance to examine closely the results of the 26th International Conference of the Red Cross and the Red Crescent which will take place from 29 November to 6 December 1991 in Budapest.

The twelve Member States of the European Community are aware, Mr Chairman, that they have [...] raised many questions in this intervention. We must however realize that we have to identify as clearly as possible the framework within which we should operate and that we have to adopt a realistic approach. The Twelve consider it appropriate at this stage for the General Assembly to seek the views of the member States on the subject, as has been mentioned by several delegations.

Thank you, Mr Chairman.

#### **91/326. Statement on the kidnapping of the Romanian chargé d'affaires in New Delhi**

Date of issue: 25 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States have learnt with concern of the kidnapping of the Romanian Chargé d'Affaires in New Delhi, Mr Liviu Radu, on 9 October 1991. They strongly condemn this act of terrorism. They are following the kidnapping of Mr Radu closely, and hope it will be possible to secure his early and safe release.

The Community and its Member States support a firm policy against all attempts at terrorist blackmail. They are determined to cooperate closely to combat acts of terrorism wherever they occur.

#### **91/327. Statement on Dubrovnik**

Date of issue: 27 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States strongly condemn the continuous JNA attacks on Croatian cities. Cease-fire agreements have been violated by all parties, but recent JNA attacks are out of all proportion to any non-compliance by Croatia. The repeated attacks on Dubrovnik have given the lie to the assertion that JNA only acts to relieve besieged garrisons or to protect Serbian communities.

JNA has issued an ultimatum whose terms imply the virtual surrender of Dubrovnik. The European Community and its Member States consider this an illegal act clearly aimed at the seizure of an indisputably Croatian city.

The European Community and its Member States reiterate that they will under no circumstances accept a policy of *fait accompli* aimed at unilateral change of borders.

In this context, they urge JNA to refrain from promulgating ultimatums and to comply strictly with the orders for a cease-fire issued by the eight members of the Federal Presidency on 18 October 1991.

They call on JNA to end the siege of Dubrovnik and to allow for relief supplies to be brought to the beleaguered population of the city so as to permit the legal administration and normal functioning of the city to be restored.

The European Community and its Member States forcefully remind the leadership of JNA and all those exercising control over it of their personal responsibility under international law for their actions, including those in contravention of relevant norms of international humanitarian law. They will further determine their position during their meeting in Brussels on 28 October 1991.<sup>1</sup>

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<sup>1</sup> EPC Bulletin, Doc. 91/328.

#### **91/328. Statement concerning the situation in Yugoslavia**

Date of issue: 28 October 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States assessed the results of the seventh plenary session of the Yugoslav Conference, which took place on 25 October 1991 in The Hague under the chairmanship of Lord Carrington.

They concluded that five republics reiterated their readiness to cooperate on the basis of the draft arrangements, submitted by Lord Carrington and the Presidency. They also noted that one republic continued to reserve its position.

The European Community and its Member States remain convinced that only a comprehensive arrangement, based on the principles as reflected in the draft arrangements submitted to the Yugoslav Conference, will ensure a peaceful solution to the present crisis. Notably, the principles of no unilateral change of borders, protection of human rights, and rights of ethnic and national groups constitute universal, objective standards, which leave no room for compromise.

The European Community and its Member States are appalled at constant violations of these principles. In this context they refer to the Serbian position in the Conference, the *coup d'état* by four members of the Federal Presidency and their announcement of a plan aimed at the establishment of a greater Serbia. The statements and actions of JNA, which were condemned in the Declaration on Dubrovnik of 27 October 1991<sup>1</sup>, should also be seen in this light.

If the Yugoslavia Conference is to succeed, these principles must be unequivocally accepted by all the parties, which means that the Serbian reserve must be lifted. If at the next plenary session of the Conference on 5 November the Serbian reserve is lifted, the Conference, as presently constituted, will continue on the basis of the draft arrangements.

If not, the Conference will proceed with the cooperative republics to obtain a political solution, in the perspective of recognition of the independence of those republics wishing it, at the end of a negotiating process conducted in good faith as set out in Haarzuilens on 6 October.<sup>2</sup> Non-cooperative parties can then expect restrictive measures to be taken against them by the European Community and its Member States.

The European Community and its Member States will ask the Security Council to urgently address the question of further restrictive measures under Chapter 7. Ministers will take up the question of restrictive measures at their meeting of 4 November in view of a decision in the margin of a subsequent meeting later in the week on the basis of the results of the next plenary session of the Conference on 5 November.

In view of the significance of the meeting of 5 November the Coordinator of the Conference, Ambassador Wijnaendts, will meet with relevant parties in Yugoslavia in a final attempt to bridge remaining differences. Lord Carrington will inform the Secretary-General of the United Nations today. In the meantime the working groups of the Conference will continue to elaborate and refine the arrangements for the comprehensive settlement.

The EC and its Member States call on the CSCE as well as on the Security Council of the United Nations to continue to express support for their endeavours to bring about a peaceful solution to the Yugoslav crisis and to denounce the role played by JNA and the *coup d'état* by four members of the Federal Presidency.

<sup>1</sup> EPC Bulletin, Doc. 91/327.

<sup>2</sup> EPC Bulletin, Doc. 91/296.

**91/329. Statement in the Special Political Committee of the UN General Assembly concerning the comprehensive review of the whole question of peace-keeping operations in all their aspects [agenda item 74]**

Date of issue: 28 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, my delegation has the honour of addressing this meeting today on behalf of the twelve Member States of the European Community on agenda item 74 concerning the comprehensive review of the whole question of peace-keeping operations in all their aspects.

Mr Chairman, the Twelve attach great importance to the use of peace-keeping operations by the United Nations in order to help maintain international peace and security. For this reason we have always contributed actively, be it in personnel or financial terms, to the various peace-keeping operations launched by the United Nations.

In view of the generally recognized importance of United Nations peace-keeping operations, the Twelve note with satisfaction that the improvement of the international political climate, due to the waning of traditional East-West confrontation, has reinforced and enhanced the role United Nations peace-keeping operations can play in the containment and solution of regional conflicts.

In this connection the Twelve would like to express their admiration for the tireless efforts of the Secretary-General in offering his good offices and in mediating in regional conflicts. Equally, the twelve Member States of the European Community would express their great appreciation for the important role of the staff that have served or are serving both in United Nations peace-making and peace-keeping operations throughout the world, committed to the maintenance of international peace and security, regardless of the dangers they may be facing in carrying out their duties.

The Twelve would commemorate at this point all those peace-keepers and other United Nations personnel who have given their lives in the maintenance of peace during the last year. Their fate should provide us with an even stronger incentive to gear our efforts towards obtaining better guarantees for the safety of current and future peace-keepers.

Mr Chairman, the Twelve have already expressed their views on many aspects of peace-keeping operations in earlier, detailed written comments submitted on their behalf by Spain in 1989, Ireland in 1990 and Luxembourg during the first half of this year and contained in documents A/AC.121/36, 37 and 38 and various statements in the Special Committee on Peace-keeping Operations. The views of the Twelve reflected in these submissions remain valid and it does not seem necessary, Mr Chairman, to restate them in the context of this statement.

Mr Chairman, as you are fully aware of the traditional views of the Twelve on peace-keeping operations, we would make use of this opportunity to touch upon three aspects of peace-keeping operations which the Twelve deem to be of vital importance to the future development of these operations.

The first aspect concerns preventive diplomacy and the possible uses of peace-keeping operations in this respect. The Gulf crisis and the ensuing Gulf war have highlighted the need for preventive diplomacy. The Twelve will make preventive diplomacy a top priority to help avert future conflict for example by making clear to potential aggressors the consequences of their actions. There is clearly a role for preventive diplomacy, for instance by the dispatch of United Nations observer missions, be they civilian or military, in dealing with threats to the international peace and security. Furthermore, the process of preventive diplomacy could be enhanced by the Security Council in formulating political statements in the early stages of a potential conflict situation, as has been suggested by the Presidency of the European Community during its address to the General Assembly.

Further study of the viability of a preventive role of peace-keeping operations is required. In the context of preventive diplomacy the Twelve also attach particular importance to the draft declaration on fact-finding which is to be adopted by this year's General Assembly.

A strengthened role of the United Nations in conflict prevention would be fully compatible with article 1 of the Charter which provides that the UN should take effective collective measures for the prevention and removal of threats to the peace.

In this context the Twelve emphasize the importance of keeping the basic principles of peace-keeping in mind.

Mr Chairman, the second important aspect involving peace-keeping operations, which the Twelve would like to touch upon today, is the tremendous development peace-keeping operations have witnessed recently. Civilian elements, including police units, have now become an integral part of many peace-keeping operations. The scope of peace-keeping operations has expanded from maintaining buffer zones to cover new facets: for example, organizing and monitoring elections, monitoring human rights situations and the possibility of establishing a transitional authority. In this regard the Twelve wish to draw attention to the major role the United Nations is likely to play in Cambodia, now that the agreements have been signed, for a comprehensive political settlement. However, the role of the United Nations in other recent operations should not be overlooked.



As a third aspect the Twelve would like to mention the financial aspects of peace-keeping operations. In the past years the Twelve have contributed some 30% of the total budget of peace-keeping operations, as distinct from their contributions in kind and other forms, for instance through their actual participation. In addition future operations will certainly put a heavy additional burden on the international community.

For the United Nations to be effective, a sound financial basis of peace-keeping operations is of the utmost importance. In this context the Twelve welcome the report of the group of the friends of the President of the Security Council dated 31 May 1991 concerning UNFICYP and take note of the Secretary-General's report and his recommendations on putting this force on a sound and secure financial basis (S/23144). Unfortunately, not all member States fulfil their financial obligations. We therefore urge all members to live up to their responsibilities and pay their assessed contributions in full and on time. In this regard, the Twelve recall the special burden on troop contributors and the need for the reimbursements owed to these governments to be paid in full. The non-payment or late payment of contributions by some member States, places an additional, unfair burden on troop contributors.

Mr Chairman, these three elements will have to be worked out by the United Nations with the help of its members, in particular the Special Committee on Peace-keeping Operations and as far as finance is concerned also the Fifth Committee. In the framework of the Special Committee on Peace-keeping Operations, the Twelve welcome the 'Report of the Secretary-General on responsibilities, functions and structures of secretariat units dealing with peace-keeping' and the 'Model agreement with countries contributing personnel', elements of which can be further discussed in that committee.

Mr Chairman, my delegation would like to conclude this intervention by stressing once again the value the twelve Member States of the European Community attach to peace-keeping operations in all their aspects. They remain, naturally, prepared to continue to participate actively in the discussions concerning the future development of peace-keeping operations, in addition to their willingness to contribute to present and future operations launched by the United Nations.

### **91/330. Statement at the Middle East Peace Conference, held in Madrid**

Date of issue: 30 October 1991

Place of issue: Madrid

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van den Broek:* On this historic day, in this beautiful capital city of Madrid, it is a privilege indeed to be speaking on behalf of the European Community and its twelve Member States.

For the first time, all the parties involved in the Arab-Israeli conflict and the Palestinian question are sitting together at the conference table, confirming their commitment to a just, comprehensive and lasting settlement. As little as a year ago, perhaps especially a year ago, most of us would have dismissed out of hand a gathering like this taking place so soon. But these are extraordinary times, holding out both challenges and promise. With their unprecedented commitment to peace the parties have met the moment of history. Let us hope that this day, as it surely must, marks a turning point in the annals of the Middle East.

Now is not the time to dwell on that history. Far from it. All too often it has been one of conflict, suspicion and frustrated aspirations. We all know how easy it is to tap recriminations from the reservoir of bitterness that they have left. But let us today take to heart the one all-important lesson that the past has to teach. It is that this chance for peace is too precious to be wasted. It will perhaps not return in our lifetimes. There must be no turning back.

We are today setting off on a road towards a Middle East different from the one we have known. The reestablishment of legality in the Gulf encourages us all the more to look everywhere for peace based on the rule of law. There is still a long way to go, but the objective of peace is no longer a mirage shimmering between earth and sky. It has become a living reality. It lies within range.

The Twelve pay tribute to the wisdom and courage of the parties directly involved. Israel, Syria, Jordan, Lebanon and the Palestinians. To be here today, each has in his own way surmounted difficulties, overcome ingrained reflexes and put aside doubts. It is a credit to them all that these have been transcended for the greater common objective. But it is absolutely essential that the commitment shown today is maintained and that trust grows from it in the days and months ahead.

The Twelve welcome and attach particular significance to the participation of Egypt. The peace treaty between Israel and Egypt was an important first step. It demonstrated that commitment and courage on both sides could bring material results. Those same qualities are in evidence here today.

Let us build on them.

We salute the representatives of the member States of the Gulf Cooperation Council and of the Arab Maghreb Union who are here today as observers. Their support of a peaceful settlement and their constructive role in securing the wider regional framework for peace – an area where the Twelve hope to be working closely with them – will be a much needed inspiration to progress.

The presence of a representative of the United Nations Secretary-General is an affirmation that what unites us here today are the principles and the guarantees which are enshrined in the Charter of the United Nations.

In a changing world those principles are the bedrock on which a peaceful world order stands, and it is the firm belief of the Twelve that the United Nations will have an important role to play in the coming peace process.

Last but not least we commend the United States administration which, in partnership with the Soviet Union, has mounted the effort to bring us together. Efforts which became all the more successful as a result of the new and constructive cooperation between the United States and the Soviet Union in promoting peace throughout the world. From the outset the Twelve have given their full support to the peace initiative. Secretary Baker's unswerving determination, tireless energy and high skill have marked the administration's pursuit of that goal.

It is an outstanding achievement; it deserves to be crowned with success.

That same wisdom and courage, that same perseverance and flexibility that brought us together today must be made to prevail throughout the negotiations themselves. They are sure to be long. There may be some rough going ahead. That is why the process requires early movement and adoption of confidence building and other measures to establish trust. That is vital.

It is in this spirit that the EC and its Member States, represented by its Presidency, will participate in the negotiating process. We will be working closely alongside the United States and the Soviet Union. We share their overriding interest in the success of the negotiations. They can count on our constructive partnership in all the phases of the negotiating process.

The Twelve consider it of the utmost importance that the parties have committed themselves to the road map of this conference: direct negotiations on the basis of Resolutions 242 and 338 along two tracks, between Israel and the Palestinians on the one hand and between Israel and its Arab neighbours on the other. The political negotiations are to be underpinned by multilateral negotiations on regional cooperation in fields of mutual interest. We look forward and expect to be working closely with all the parties to ensure progress along these lines.

Bearing in mind geographical proximity, a widely shared historical heritage, intensive relations across the whole spectrum of political, cultural, economic and humanitarian affairs with the people of the Middle East, the Community and its Member States cannot but have a close interest in the future of a region with which it shares so many interests, and are resolved to share in the building of peace.

The Twelve's guiding principles throughout the negotiating process are those which have since long governed our position. They remain unchanged. These principles are Security Council Resolutions 242 and 338, the principle of land for peace, the right of all States in the region, including Israel, to live within secure and recognized boundaries and the proper expression of the right to self-determination by the Palestinian people. Our position on issues relating to the Occupied Territories, including East-Jerusalem, is equally well-known.

A comprehensive settlement should, in our view, encompass these principles. But we do not claim to prescribe how they should be put into practice on the ground.

What is essential now, at the beginning of this conference, is that the way be opened to movement on substance. That, in our view, is why the early adoption of confidence building measures is vital. They will make an essential contribution to creating the stable environment which progress in the negotiations will require. In our view a halt to Israel's settlement activity in the Occupied Territories is such an essential contribution. Renunciation of the Arab trade boycott of Israel is another. With regard to the situation in the Occupied Territories, it is important that both sides now show restraint and that Israel abide by the provisions of the Fourth Geneva Convention. We look forward to a tangible improvement in the situation in the Occupied Territories, even before the putting in place of interim or other arrangements.

Early movement along the parallel track of the negotiations between Israel and its Arab neighbours is equally indispensable. Progress towards a durable peace between Israel and its neighbours Jordan and Syria will be crucial to the success of the overall peace process. Much will depend on the early establishment of a basis of confidence on both sides. We cannot emphasize enough that the parties involved should negotiate – and should be seen to negotiate – on the implementation of Security Council Resolution 242 in good faith. Progress will undoubtedly contribute to further restoration of stability and sovereignty to Lebanon, and to the implementation of Security Council Resolution 425.

As we move forward through the twin-track agenda, progress there will need to be assisted and underpinned by regional cooperation that will yield the practical and visible benefits of peace. Clearly, regional cooperation cannot progress faster than movement towards a political settlement. But the political and regional agendas should go hand in hand, each one reinforcing the other.

Given its close ties with all the parties involved, the Community and its Member States undertake to make an active practical contribution to progress in this important area of regional cooperation. The multilateral working groups to be established for this purpose should start their work as soon as possible.

A bold and imaginative approach is called for. We will be putting forward our own ideas. We will share with you our own experience in this regard to the benefit of all nations of the Middle East. Building a network of mutual economic interest amongst themselves and closer cooperation with the European Community and the wider world will help the threat of conflict recede. All this will call for wider participation. That is why the Community will endeavour to associate EFTA nations, Japan and of course the GCC states and others, in a framework of closer economic cooperation. Above all, we look forward to proposals from the parties themselves. We know the ideas are there and we will very shortly be contacting the parties to discuss them.

But regional cooperation must go deeper and wider. Elements of the process set in motion by the Conference on Security and Cooperation in Europe could serve as an inspiration and example. It shows how a modest start can bring great results. It was during the years of the Cold War that

principles for improving relations between States and between their citizens were agreed in Helsinki. These principles, and the commitments undertaken to give them effect, gradually established themselves as a code of conduct for governments, and an inspiration for the governed. Today they are universally accepted as a framework within which participating states conduct their domestic and international affairs. The CSCE also agreed a series of confidence and security building measures, which, over time, grew into the network of arms control arrangements that has proved its worth in Europe. It is singularly lacking and badly needed in the Middle East.

Europe is of course not the Middle East, but we believe that some of the lessons and experiences of CSCE could be taken on board. There is a long and difficult way to go. But in the end we hope to find ourselves in a Middle Eastern landscape that is different and new.

The most prominent features of that landscape are states that are at peace with each other, where the legitimate security needs of all have been met, where peoples give shape to their own future and a new life beckons for the region as a whole, and in particular for the Palestinians, who have been the principle victims of the Arab-Israeli dispute.

It is a landscape where new security arrangements have drastically reduced tension and are building confidence. Where networks of regional and economic cooperation reinforce the peace, and where the vast accumulation of armaments, including weapons of mass destruction, has been undone, and freed resources are made to meet the needs of citizens to pursue their well-being in security and in full enjoyment of their human rights.

These, and much besides, are the rewards that await the parties at the end of the road. That is our vision of a comprehensive settlement between Israel and the Palestinians and between Israel and its neighbours.

Commitment, good faith and perseverance. These are the essential ingredients of progress towards such a settlement. They have brought the parties here on this day. They must be sustained beyond it. In so doing, all the parties can count on the full support, encouragement and assistance to the negotiating process by the European Community and its twelve Member States. We will give of our best. That is the pledge I am honoured to make on this historic day. A day that marks a courageous step for each of you, and a giant leap for peace in the Middle East.

**91/331. Statement at the Plenary Session of the UN General Assembly concerning the restructuring and revitalization of the United Nations in the economic, social and related fields [agenda item 137]**

Date of issue: 31 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, the issue which I am addressing today on behalf of the European Community and its Member States is an urgent one and at the same time still a sensitive one. The restructuring and revitalization of the United Nations in the economic, social and related fields needs be carried further by taking decisive steps forward and at the same time we need to consider carefully together in an open dialogue what the best way forward actually is.

This issue is urgent because we have to use the present momentum: probably never before has there been so much trust in the United Nations as there is now. East, West and South do want to put the United Nations to better use. It is sensitive and delicate because the restructuring and revitalization of the social and economic sectors have a long history, and not always one of continuous success. The Special Commission analysed and thoroughly examined the functioning of the United Nations system in the social and economic field, but failed at the end to propose

concrete recommendations. We feel nevertheless that the work of the Special Commission served a good purpose, as did the discussions that followed, first in ECOSOC and later in the General Assembly.

These discussions contributed to a better understanding of the functioning of the United Nations in these areas and served as a launching pad for many good ideas which are now increasingly coming to the fore. They also led to some concrete improvements, particularly in the functioning of ECOSOC, culminating in Resolution 45/264, as adopted by the resumed session of the UNGA in May this year. We regard the results of this resumed session as an important step forward in this process.

All of this has contributed to a new mutual trust and to the conviction that we can and must place the United Nations in a position from which it can meet the challenges, not only of today, but also of tomorrow. People have high expectations with regard to the United Nations and want the United Nations to be instrumental in bringing about a new world order, also in the social and economic fields. To reach that objective we have to adapt the structures and to revitalize the way we are dealing with some of the issues in the United Nations.

Mr President, the resumed session of the 45th United Nations General Assembly had three major achievements in this respect. First, the basic principles and guide-lines for the restructuring and revitalization process were established. Secondly, agreement was reached on a set of measures by which a consolidated and more thematic ECOSOC was established, in which substantive dialogue on major policy issues in the social, economic and related fields will be at the centre. And thirdly, a non-exclusive agenda and a logical timetable were drawn up, reaching as far as the 48th General Assembly, for future action in the field of restructuring and revitalization in the economic, social and related fields. This General Assembly should review the subsidiary bodies of ECOSOC and the General Assembly, with the objective of possible restructuring and revitalization, and of improving their reporting responsibilities and procedures with a view to avoiding duplication. It was agreed that the review should be based, *inter alia*, upon the following criteria:

- a. Ensuring that the programme delivery of a subsidiary body meets the needs of Member States and that it is consistent with the goals and priorities of the United Nations in the economic and social fields;
- b. Application of the same basic principles and guide-lines for enhancing the effectiveness and efficiency of the subsidiary machinery as agreed upon in Resolution 45/264;
- c. Avoidance of subsuming highly technical functions of subsidiary bodies and expert groups by the Economic and Social Council;
- d. Ensuring that the subsidiary machinery in the economic, social and related fields is able to offer sound recommendations and advice as input into, and not a substitute for, consideration and decisions by the Economic and Social Council and the General Assembly.

The Secretary-General was requested to provide the General Assembly with relevant information at its 46th session, including information on the status of subsidiary bodies and their reporting procedures, in order to facilitate the review of the subsidiary bodies of ECOSOC and the General Assembly. We would like to express our appreciation to the Secretariat for the information they have provided to us.

During the last summer session of ECOSOC in July 1991 – the last in that form – a preliminary exchange of views took place on the implementation of General Assembly Resolution 45/264. In our statement on behalf of the European Community and its Member States a number of observations were made with regard to the restructuring of the subsidiary machinery; We noted in particular that many of the subsidiary bodies function reasonably well, and that there is therefore no need to enter into a comprehensive review of all the subsidiary bodies of ECOSOC and the General Assembly in the social, economic and related fields; We also made it clear that the restructuring is not aimed at eliminating the consideration of particular issues, but on the contrary at giving more

qualitative and better focussed attention to them in order to increase the ability of the United Nations system to deal effectively with these issues; We observed that the restructuring should focus on those issues that need to be addressed more effectively and on bodies that are widely seen as not fulfilling the tasks for which they were established; And, lastly, we recognized that high quality expert advice and relevant policy recommendations are needed in order to allow ECOSOC and the General Assembly to better understand the issues, to develop common policies and to agree on appropriate action.

In the same debate in ECOSOC the European Community and its Member States mentioned – as a non-exclusive list – four specific subjects that deserve better treatment in the United Nations: natural resources, new and renewable sources of energy, science and technology for development, and technical cooperation between developing countries; other delegations raised the subject of food, and particularly the role of the World Food Council in this respect.

Various options for improving the manner in which the United Nations is addressing these issues can be considered:

At the inter-governmental level the General Assembly and ECOSOC, as Charter bodies, are responsible for system-wide policies on the issues concerned. These policies could be discussed where appropriate on a biennial basis under a relevant agenda item; another possibility would be to devote a part of the coordination segment of ECOSOC to a review of the activities of the United Nations system in a particular field or fields once in a while. It could also be desirable – depending on the topicality of a particular issue – that ECOSOC or the General Assembly at some point gives special attention to these subjects in a High Level discussion or segment.

We suggest that the discussions in ECOSOC and the General Assembly would mainly focus on the activities of the United Nations in the various fields, on setting priorities in the work programmes, on coordination between the UN organizations involved and on the promotion of international exchanges on specific aspects of the issues concerned. They should give general guidelines to expert bodies in the respective areas, and to the Secretariat support structures, with regard to their work programme.

Both ECOSOC and the General Assembly could also make specific requests to expert bodies for input to debates in UN conferences and other high-level meetings.

At the expert level it is generally recognized that ECOSOC and the General Assembly need high quality expert advice in order to understand better the issues involved. They should be provided with thorough analysis and relevant policy recommendations or options on the basis of which they could give guidance to future work in the United Nations on these issues.

With regard to the issue of Science and Technology for Development (STD) we propose that the present Committee on Science and Technology for Development be transformed into an expert body, using the present Advisory Committee on Science and Technology for Development as a basis.

With regard to the issue of New and Renewable Source of Energy (NRSE) we would suggest that the CNRSE also be transformed into an expert body, making use of its present ad-hoc expert arrangements.

These expert bodies, which would report through ECOSOC to the General Assembly, should have a policy-oriented approach by promoting international cooperation in the field of Science and Technology for Development (STD) and New and Renewable Source of Energy (NRSE) e.g. through encouraging specific seminars and workshops on priority issues, by giving policy advice through their reports on priority issues – particularly to developing countries – and by providing input into deliberations in the United Nations on issues where Science and Technology for Development (STD) or New and Renewable Source of Energy (NRSE) have an important role to

play. The expert bodies should consist of a limited number of experts. The experts should be of outstanding quality, be knowledgeable on international cooperation in the fields of Science and Technology (STD) and New and Renewable Source of Energy (NRSE), and be policy-oriented.

The composition of the expert bodies should guarantee that sufficient representative expertise on their subjects is available so that exchange of knowledge and experience can take place, at the same time ensuring that the work of the expert body is in line particularly with the needs and interests of developing countries. The experts could be nominated by the Secretary-General for a fixed period of time, after appropriate consultations.

With regard to the issue of natural resources we suggest that the Committee on Natural Resources be discontinued. Expert advice on the three main areas which the CNR is discussing, i.e. water, energy and mineral resources, should be sought elsewhere in the United Nations system. Expert advice on minerals could be sought in particular from the UNCTAD Committee on Commodities, since that Committee is also concerned with minerals. Expert advice on water development should be sought from UNEP and possibly the Department for Technical Cooperation for Development (DTCD), the Regional Economic Commissions and other similar competent bodies. Expert advice on various aspects of energy could be added to the mandate of an expert body on new and renewable sources of energy.

The question of technical cooperation among developing countries (TCDC) should in our opinion become the responsibility of the UNDP Governing Council. UNDP should devote a special segment of its Governing Council meeting to the issue every two years and report on that to ECOSOC and the General Assembly. This arrangement should become operational after the High Level Committee on Technical Cooperation among Developing Countries has conducted a final review of the Buenos Aires Plan of Action and has assured that the on-going strategy for TCDC is well in place and is being implemented.

With regard to food, we recommend that the Secretary-General undertake a study on the relationship of WFC with FAO and WFP/CFA.

Finally, in the light of these suggestions appropriate adjustments should be made to the Secretariat structure so as to reflect these changes and to ensure that available expertise within the United Nations Secretariat is consolidated in order to improve the quality of its output.

These suggested improvements in the functioning of some of the subsidiary bodies of ECOSOC and the General Assembly would – if agreed – be another important step in the restructuring and revitalization process. Obviously it would be only one more step, since the broader issue of overlap in the agendas of the Second and Third Committees, and also of the UNCTAD Trade and Development Board, will be discussed during the next General Assembly.

We look forward to working with others on this issue and we hope that consultations can begin in the near future on the basis of concrete proposals.

Thank you, Mr President.

**91/332. Explanation of position at the Plenary Session of the UN General Assembly concerning programmes and activities to promote peace in the world [agenda item 22]**

Date of issue: 31 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Hiensch:* Mr Chairman, on behalf of the European Community and its Member States I would like to make a few comments on the Resolution concerning 'Programmes and Activities to Promote Peace in the World', which the General Assembly has just adopted by consensus.

Allow me first of all, Mr Chairman, to recall the full support which the European Community and its Member States have always given to the objectives of the International Year of Peace.

However, the European Community and its Member States do have reservations on certain aspects of the resolution before us. As they already have done on previous occasions, the European Community and its Member States feel they must once again draw the General Assembly's attention to the guide-lines for international years, laid down in 1980, which are respected neither by Resolution 44/11, nor by the Resolution under consideration today. The fear of the European Community and its Member States seems to be proven true, that the inclusion on the agenda for the General Assembly of an item entitled 'Programmes and activities to promote peace in the world' amounts to perpetuating an exercise which was to have been completed during the year in question, that is, by the end of 1986.

Moreover, the European Community and its Member States would like to point out that operative paragraph 3 of the resolution refers to the United Nations Peace Studies Unit, to which is entrusted what appears to be the follow-up to the International Year of Peace. The European Community and its Member States doubt the need for and the usefulness of such a structure, in as far as the promotion of peace in the world is the very reason for the United Nations' existence. On a purely administrative level it appears to be counter-productive to entrust the Peace Study Unit with tasks as difficult and as varied as those mentioned in paragraph 3 of the Resolution.

We must insist, Mr Chairman, on restating these reservations so that they can be taken into account in the drafting of the report which the Secretary-General is requested to submit in paragraph 6 of the Resolution.

However, because of their concern for peace, for the strengthening of international security and for the solution of conflicts by peaceful means, the delegations on whose behalf I have the honour to speak, have joined the consensus in spite of their serious reservations concerning the Resolution which we have just examined.

Thank you Mr Chairman.

**91/333. Statement in the Second Committee of the UN General Assembly concerning the cluster emergency aid [agenda items 83, 84, 85 and 91]**

Date of issue: 31 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, speaking on behalf of the European Community and its Member States I will briefly comment on the issues of special economic and disaster relief assistance, the International Decade for Natural Disaster Reduction and some specific emergency programmes.

The past months have shown an unprecedented number of both man-made and natural disasters and emergency situations all over the world, causing tremendous human suffering, loss of life and destruction. Particularly vulnerable groups such as women, children and the elderly were victims of these unfortunate events. Among recent examples that spring to mind are the drought and civil strife in the Horn of Africa which are still threatening the lives of millions of people, the plight of the Shi'ites and the displacement of Kurdish people as a result of the Gulf war, the unprecedented cholera epidemic in Latin America and the floods in Bangladesh. The devastating effects of some of these emergencies have been curbed while others are still taking their heavy toll. Of particular concern is the plight of the millions of people that have been forced to flee their home country or places of origin.



The fact that the most recent emergencies have occurred in developing countries underscores the underlying problems in development, which have made these countries particularly vulnerable and disaster prone. Many emergencies have their root causes in poverty, environmental degradation and civil or international conflicts. Their impact is aggravated by the limited capacity of developing countries to cope with the effects of disasters and emergencies. The challenges put to the international community to deal with these developments are tremendous and come at a time when the expectations *vis-à-vis* the United Nations system to find solutions to these problems are higher than ever.

Allow me at this stage to pay tribute particularly to the relief workers in the field and to the action undertaken by the various United Nations relief organizations for their serious attempts towards enhanced cooperation and coordination amongst themselves, with other international and non-governmental organizations and with the authorities of the recipient countries. All share a common objective, namely to save lives and alleviate suffering on the part of the affected people. The European Community and its Member States have shown their commitment in this respect by stretching emergency aid budgets to their maximum in order to be able to respond adequately to the people in need.

The aforementioned events are yet other illustrations of the pressing need for a coordinated approach to disaster prevention, preparedness, mitigation and relief. The International Decade for Natural Disaster Reduction has an important role to play in this respect.

It is therefore disappointing to note, that, after a difficult start and some signs of improvement later on, the Decade still does not seem to have gained the momentum that is needed to generate lasting and practical results. It is of the utmost importance that administrative arrangements are put in place to clear finally the way for the IDNDR Secretariat and to implement its mandate fully. We hope that the appointment by the Secretary-General of the Special High Level Council will contribute to achieving this goal.

Dealing with emergencies involves prevention, preparedness and mitigation. Prevention should include the recognition of the need to tackle root causes of emergencies. The activities of the United Nations system to mitigate the impact of disasters are important. Disaster preparedness through early warning in those areas that could provide indications of impending disasters is one important element. Another vital aspect is helping disaster-prone countries to set up their own disaster-mitigation programme. Though less spectacular than emergency relief, these measures can help reducing the loss of life and property dramatically.

In this context, the Office of the Disaster Relief Coordinator continues to play an important role. Any strengthening of the office must be considered in the light of the various proposals, including the ideas put forward by the EC and its Member States, for improving the coordination of humanitarian emergency assistance of the United Nations. We will discuss those ideas and proposals, the excellent summary of preliminary discussions on this issue in the ECOSOC Summer session, as well as the report of the Secretary-General on UNDRO under agenda item 143 in the Plenary Debate.

The role of UNDRO in the field of disaster mitigation, prevention and preparedness will remain of particular importance. Its capacity should be utilized fully in order to improve disaster management, both at headquarters level and in the field. Present mechanisms must be strengthened and bureaucratic obstacles overcome in order to ensure that victims of disasters are provided with much-needed relief assistance as quickly as possible.

The work of UNDRO in advising national authorities on improving their own disaster-mitigation and relief-management capacities is crucial and should be enhanced. In view of the linkages with the overall development process and UNDP's emergency relief coordination role in the field, close cooperation with UNDP is vital. The joint UNDP/UNDRO Disaster Management

Programme is an important element as a first step in a close relationship with national authorities in order better to integrate disaster mitigation into national development plans.

Mr Chairman, let me now turn to concrete emergency relief operations in the field in order to highlight the efforts made by the United Nations in disaster situations.

The Horn of Africa is one of the most troubled regions as far as humanitarian needs are concerned. The European Community and its Member States welcome the appointment of the special coordinator for the Horn of Africa, Mr Jonah, and his deputy Mr Priestley. They can certainly create the impetus needed for the already on-going relief operations to reach the affected people wherever they are. The first result of their efforts, the consolidated appeal for the Horn of Africa, has generated attention and financial resources to continue the relief efforts in a coordinated fashion. Their negotiating efforts have been instrumental in opening up new corridors of relief in the Horn of Africa, for example the barge operation in Southern Sudan and airlifts to Pakok and in Ethiopia.

The role of the United Nations has also been crucial in the case of Liberia, where millions of people have been suffering due to the civil unrest. Many have fled to the country or are internally displaced and lack all basic requirements. The United Nations has provided emergency relief both in Monrovia and in the rest of the country together with non-governmental organizations.

The plight of the people in Angola is still distressing but fortunately the situation has improved due to the recent agreements which have made possible positive developments in the delivery of humanitarian assistance. The United Nations has played a crucial role in providing relief to the people under circumstances which made an effective and timely organization of logistical arrangements almost impossible. The role of the United Nations will become even more important in coordinating international assistance for the economic rehabilitation of Angola in the near future. Positive developments have taken place also in Central America to which CIREFCA has contributed.

Other prolonged emergencies must be mentioned in this context as well, such as the situation in Cambodia, Mozambique and Pakistan. The refugees in Pakistan and Thailand are awaiting their final return to their home countries for which the prospects have improved.

The plight of the Iraqi population has not yet come to an end and there are still enormous needs to be met, both in the north and south. The United Nations has played a pivotal role in facilitating the return of the refugees from Iran and Turkey and the presence of almost 700 United Nations staff members in Iraq helps to create confidence and opportunities for relief and rehabilitation. Without the appointment of the Special Representative of the Secretary-General, Prince Sadruddin Aga Khan, it would hardly have been possible to put the UN presence in Iraq in place. In this respect the European Community and its Member States want the most recent dispositions made by the United Nations to allow Iraq to buy the humanitarian goods needed by the civil population to be implemented as soon as possible.

In all these emergency situations we see a need for the United Nations to stand ready to act and assist the people whose lives are threatened. The present situation offers both new opportunities and new challenges.

Thank you, Mr Chairman.

**91/334. Statement in the Third Committee of the UN General Assembly concerning the Report of the Economic and Social Council [agenda item 12]**

Date of issue: 31 October 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van der Heijden:* Mr Chairman, I have the honour to take the floor on behalf of the European Community and its twelve Member States on agenda item 12: Report of the Economic and Social Council.

1. In 1991, the Council took several significant and far-reaching decisions. I would like to focus on decision 91/219, entitled 'Report of the Committee of Non-Governmental Organizations', in which the Council took note of the report and in particular, the comments made by the Committee on its methods of work. Since the NGO Committee meets every two years, it appears worthwhile to maintain some sort of continuity by addressing the work of the Committee at the 46th UNGA. It is also the view of the European Community and its Member States that particular attention should be given to a Committee which performs a unique and important function defined in the Charter of the United Nations itself.

2. Today, almost a thousand organizations have received consultative status under article 71 of the Charter. They are allowed to attend public meetings of various UN bodies and, in accordance with the rules established by the Council in its Resolution 1296 (XLIV), to make oral statements and submit written documents. The opinions and information provided by these interventions, which cover a wide range of issues, are particularly useful. Due to their knowledge and expertise, NGOs are able to bring contributions of major interest in a large variety of fields, including the preparation of international instruments. They contribute also to draw the attention of governments, and the general public as well, to situations requiring the attention of the United Nations.

3. Outside the UN, NGOs participate in the international promotion of values and standards recognized by our organization. Some of them are even going further and are now developing new forms of cooperation with the secretariat, contributing to the implementation of plans and programmes of the United Nations. For governments, NGOs are today's full-fledged partner on the international scene and in many cases cannot be substituted either by governments or by the UN. The Twelve want to pay tribute here to the work accomplished by those organizations which, sometimes under severe conditions, contribute effectively to the realization of the ideals set forth by the Charter.

4. Within the United Nations framework, the Twelve wish to reiterate their support for active participation by NGOs in all appropriate fora. This participation, particularly by those organizations in consultative status, is essential for a number of bodies and standing Committees of the United Nations system, including in particular the Commission on Human Rights and the Sub-commission on Prevention of Discrimination and Protection of Minorities where the role of the NGOs is irreplaceable. In this regard, it seems useful to recall that 'the NGO Committee agreed that participation through written statements, made available in the quantity and languages by the NGOs concerned, was very valuable and should be facilitated'. The Twelve therefore welcome the efforts recently made by the Secretariat in order to establish, throughout the UN system and with due regard to the rules peculiar to each organ, uniform practices for the circulation of documents by NGOs. It is certainly by taking such steps that our organization may ensure a maximum benefit from the contribution of the NGOs and encourage these organizations to continue to stimulate our reflection.

5. The Twelve are strongly of the view that NGOs must play a key role in the preparation and the proceedings of international meetings such as the World Conference on Human Rights of 1993 and the World Conference on Women of 1995. In this regard, the Twelve have noted a tendency of inter-governmental organs, such as preparatory committees for international conferences, to deal with participation by NGOs without reference to existing consultative arrangements. This should therefore be an occasion to recall that NGOs in consultative status with ECOSOC are granted a certain number of rights and privileges which should be respected in the preparation of any inter-governmental meeting. It is also worthwhile to stress that these NGOs went through the

careful scrutiny of the NGO Committee. Finally, it is plain for all to see that these organizations are sufficiently numerous and diverse to be regarded as potential contributors to any conference organized by the UN. Hence, the Twelve consider that the NGOs in consultative status with ECOSOC should be enabled to participate on equal footing in all preparatory committees, without prejudice to the right of those NGOs which are not in consultative status to seek admittance to international conferences.

Mr Chairman,

6. At its last meeting, as reflected in document E/1191/20, the NGO Committee decided to establish an open-ended working group to draft guide-lines, of a technical nature, aimed at assisting the Committee, which is now faced with a growing number of applications for consultative status presented by NGOs, to fulfil its responsibilities in the most effective way. The principles agreed for the functioning of this working group seem worth to be recalled as they reflect, in the view of the Twelve, a realistic attempt to deal with organizational difficulties. On the one hand, the Committee decided, in accordance with its current practice, that the group should take its decisions on the basis of consensus, thus ensuring that its recommendations reflect the common views of all interested delegations. On the other hand, the Committee stressed that ECOSOC Resolution 1296 (XLIV) as it stands was and should remain the expression of its mandate and the one and only term of reference for the working group. Nevertheless, the Committee thought it would be useful to establish guide-lines which would facilitate the application of the criteria in an uniform manner, emphasizing that these objective criteria should not be superseded by subjective or political considerations.

It is the firm conviction of the Twelve that there is room for significant improvements of the practice of the Committee. The group already had two fruitful meetings and should meet again next year in order to be able to circulate no later than 1 June 1992 its recommendations to the members of the Committee. The Twelve will follow with a particular attention the outcome of this group.

7. The mandate of the working group is not only related to the work of the Committee. In accordance with document E/1991/20, the practical guide-lines to be established should also address the problems of the NGO Unit of the secretariat. During the last years, as the links between the NGO community and the secretariat tightened, the workload of the NGO Unit substantially increased. In 1946, there were 40 NGOs in status. In 1968, there were 377. In 1991, there are 930. Despite this dramatic increase the level of resources available remained the same. The unit is faced today with a number of NGOs in consultative status constantly growing, an ever-expanding volume of documentation and a constant increase in the number of application for consultative status.

By its decision 91/219, the Economic and Social Council took into account the views of the NGO Committee, strongly recommending an urgent review of the situation in respect of the staff resources of the NGO Unit. The Twelve, in their statement at the first regular session of ECOSOC of 1991, endorsed these views and encouraged a special effort in favour of the unit in the context of the preparation of the budget of the Organization for 1992-1993. They wish to reiterate on the occasion of the present session of the General Assembly their appreciation for the work accomplished by the Unit and express their hope that the issue of adequate staffing of the unit will receive due consideration in the debate of the Fifth Committee.

Mr Chairman,

8. The Twelve are fully convinced that the NGOs bring to the UN an invaluable contribution. Nevertheless, the NGO Unit is facing today a difficult situation. The consolidated session of ECOSOC in 1992 could certainly constitute an opportunity to discuss such matters, since other-

wise the debate would have to be postponed until 1993, after the next biennial meeting of the NGOs Committee. For this reason, the Twelve are ready to support an initiative aiming at the discussion at the next ECOSOC of the effective functioning of the NGO Unit. They hope that the General Assembly will take a decision in that regard.

**91/335. Statement concerning the agreement between the British, Hong Kong and Vietnamese Governments on repatriation**

Date of issue: 4 November 1991  
 Place of issue: Brussels, The Hague  
 Country of Presidency: The Netherlands  
 Status of document: Declaration

The Community and its Member States welcome the agreement of 29 October 1991 reached by the Governments of the United Kingdom, Hong Kong and Vietnam on the return to Vietnam under procedures agreed with the UN High Commissioner for Refugees of Vietnamese migrants in Hong Kong determined not to be refugees. As the agreement may be considered a major step forward in the full implementation of the comprehensive plan of action (CPA) for Indochinese refugees, the Community and its Member States express the hope that the Steering Committee of the CPA at its next meeting will welcome and confirm the main elements of this agreement.

Of particular importance in the agreement reached is the confirmation by the Vietnamese Government that no illegal immigrant who returns to Vietnam will face persecution and that the Government will continue to facilitate the monitoring of those who return by the United Nations High Commissioner for Refugees and others, to ensure that these guarantees are fully respected.

At the same time the Community and its Member States express the hope that the international community will support the EC initiative for the re-integration programme.

**91/336. Opening statement at the CSCE seminar on democratic institutions, held in Oslo**

Date of issue: 4 November 1991  
 Place of issue: Oslo  
 Country of Presidency: The Netherlands  
 Status of document: Statement in international forum

Mr Chairman,

1. Less than one year ago the Heads of State or Government of the states participating in the CSCE declared in Paris that 'ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms, prosperity through economic liberty and social justice, and equal security for all our countries.'

2. Today that hopeful declaration is even more true than could be envisaged one year ago: the strength and the dynamism of democracy and reform have been illustrated several times since the Summit in Paris, and more countries have firmly and irreversibly chosen the challenging path towards democracy, and have pledged to respect human rights, fundamental freedoms, democracy and the rule of law.

3. This progress has been reflected in the developments within CSCE itself: four more countries were welcomed as participants in CSCE, participating states have agreed on more new shared val-

ues and standards, implementation of those commitments was enhanced, and the CSCE process was enriched by a third role, namely practical cooperation in consolidating what has been agreed upon with the aim, to quote from the Charter of Paris, of making democratic gains irreversible and thus contributing to unity in Europe.

Mr Chairman, the European Community and its Member States, on whose behalf I have the honour to speak today, welcome these developments within CSCE. After making such progress in setting new standards to which a wider group of countries have subscribed, we do feel that more emphasis should be placed on practical cooperation and implementation.

4. This seminar of experts on democratic institutions is an immediate expression of this latest development within the CSCE, the practical cooperation in implementation and consolidation of what CSCE has come to stand for in the field of human rights, fundamental freedoms, democracy and the rule of law.

By a happy coincidence, the CSCE Seminar on Democratic Institutions takes place at a time when the 2500 years of Athenian democracy are being celebrated. It is indeed this year that Greece commemorates this event and honours the founding fathers of that illustrious democracy, Solon, Cleisthenes, Pericles.

5. Mr Chairman, when your government one year ago offered to host this seminar, this did not only reflect Norway's sincere commitment to the CSCE process and its warm hospitality, but also demonstrated vision and a great sense of timing. More than they maybe did one year ago, the delegations around this table will now agree with me that a seminar devoted to practical cooperation and exchange of information on democratic institutions could not have been convened at a better time.

6. The history of democratic development has taught us several important lessons:

The first lesson learned is that democracy does not come easy, it is a process that takes time, vision, support from the population and a genuine commitment of all levels of government to represent and facilitate the will of the people who elected them into power. How vulnerable this process is to powers which want to reverse it, has been demonstrated again recently by the *coup* attempt in the Soviet Union.

The second lesson learned is that there are many roads towards democracy and many different forms of government which can ensure pluralistic democracy and the rule of law. Even though the basic principles of democracy can be fairly clearly described, each country has and will develop the system which is best suited to its own particular historic and cultural background to comply with these principles.

The third lesson learned is that, as stated in the Charter of Paris, commitment to democracy based on human rights and fundamental freedoms is closely linked with prosperity through economic liberty and social justice and equal security for all.

While focussing on democratic institutions, we should keep in mind this wider perspective which will determine whether the creative ideas, which will no doubt emerge during this seminar, will be sustainable in real-life-democracy.

The fourth lesson learned is that throughout the years, notwithstanding set-backs all too well known in European history, democracy has taken deep roots in ever more European countries, and has now gathered enormous momentum not only in Europe, but also in other parts of the world. This momentum should be exploited to establish a just and democratic society in all our participating states now. Even though we are aware that the development of democracy is in the hands of those peoples themselves, we as partners and friends can offer ideas and experiences to assist those peoples to map out their own routes towards democracy.

A fifth and last important lesson learned is that so called established democracies with a long tradition of pluralistic democracy and the rule of law, including a developing European Community, cannot rest on their laurels either: new developments in their societies pose new challenges to their democratic institutions.

7. Mr Chairman, in that sense this seminar will be remembered as a starting point of mutual cooperation among CSCE participating States to implement fully and swiftly the commitments and values we all share. We also wish the seminar to set a trend for new modes of cooperation within CSCE.

8. Before turning to the substance of the Seminar on Democratic Institutions I would like to make two more remarks: as we are all aware, democratic institutions are not only created by governments, but also by individual citizens and by independent interest groups in which, in a real democracy, the government has no say. I am thinking in the first place of the NGO's active in all aspects of the human dimension, such as the NGO's present here in Oslo. We hope that these NGO's will make their information and experience available to this seminar, so that this information can be taken into consideration by all delegations if they so wish. But I am also thinking of other private organizations which organize large parts of the private market economy and of the welfare sector.

It is quite likely that a certain bias develops towards democratic institutions generated by governments, such as election-systems, the judiciary and the like. Although these institutions are crucial and interesting enough to fill a fruitful two weeks seminar, it should be kept in mind that the basis of democracy and the legitimacy of the governmental institutions are in the hands of the citizens. I hope due attention and time will be devoted to non-governmental democratic institutions and to the role of the media and the free press in the process of democratization.

The second remark I would like to make is that discussions about the central themes of the seminar as listed under study groups a, b and c should not be limited to a formal description of legislative systems, but should also include the political reality in which they function and come into being. A reality which is often not explicitly reflected in the legislation concerned.

9. For a discussion about subjects on the agenda for this seminar we can draw upon the results of the discussions about these issues during previous CSCE meetings. In the Copenhagen document a series of basic principles for democracy and rule of law has been laid down on which the Moscow document has further elaborated.

10. As mentioned before, the European Community and its Member States would like to encourage more emphasis on practical cooperation and implementation in CSCE meetings in general and in expert seminars in particular. Therefore we would like to suggest we give as much room as possible to informal discussions between our experts on democratic institutions. The European Community and its Member States feel very strongly about this point. They have therefore decided to ask me to make this opening statement on their behalf and will forgo the opportunity for their additional national statements.

11. The European Community and its Member States have invited a wide range of experts on democratic institutions to contribute to a practical exchange of information about the formal and the informal roles and functions of those institutions, and also in our written contribution we have tried, each from our own specific background, to focus on the pragmatic exchange of experiences. Several of our Member States have prepared documents about election systems, about decentralization of government, about the division of powers, and about the independence of the judiciary. Our experts are, of course, available to discuss these and other subjects within their competence which may be raised during the seminar.

In order to contribute to the structuring of our discussions it might be advisable to agree beforehand to specify subjects to be taken up in the study groups still further. I am thinking especially of the work in study Group a.

In this context we also look very much forward to the contributions of the Council of Europe and the 'commission for democracy through law', whose presence we warmly welcome. Their specific achievements and expertise will no doubt contribute to the success of the seminar.

12. We feel that the seminar should be concluded with a short and precise summary of proceedings of the seminar, reflecting the work done in the various groups, commenting on the structures of the seminar and possibly offering materials for future recommendations. This, in order to enable the Council of Ministers, having in mind also the results of the discussions in Prague and Moscow, to draw conclusions from the seminar for its deliberations on the further development of CSCE structures.

We would like to propose to the chairpersons of the day of the study groups to make a report of the discussions of that day, which could serve as a basis for a final report by the chairperson of the closing plenary meeting, who will then in consultation with the chairpersons and all delegations, be responsible for the closing document of the Seminar on Democratic Institutions.

13. Mr Chairman, my final words will be words of appreciation and gratitude to your government for hosting this seminar and for extending its warm hospitality to this CSCE community, thus providing optimal conditions for an open minded, frank, informative and effective exchange of experiences and ideas to consolidate and strengthen viable democratic institutions in all our countries.

14. Mr Chairman, we all look forward to such a fruitful discussion. The European Community and its Member States will contribute to this meeting in the same constructive spirit in which they have worked in the CSCE since its beginning.

Thank you, Mr Chairman.

**91/337. Statement at the Plenary Session of the UN General Assembly concerning the strengthening of the coordination of humanitarian emergency assistance of the United Nations [agenda item 143]**

Date of issue: 4 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, speaking on behalf of the European Community and its Member States I shall address the important issue of the role and the responsibility of the United Nations system in providing humanitarian assistance in response to emergencies. Several proposals designed to improve both the management and the effectiveness of the United Nations system's response to emergencies have been presented by the Secretary-General, ourselves and other delegations. These proposals have much in common in that they are all geared towards strengthening coordination and action in this area. Recognizing that what constitutes an emergency is not difficult in practical terms; those who are affected know perfectly well when and where an emergency has happened. But making a definition is much more difficult, and probably unnecessary. The sole purpose of this debate is to place the United Nations in a better position to provide a rapid and well-coordinated response to emergencies, to help the United Nations in saving the lives of people in desperate need as a result of natural disasters, man-made emergencies or a combination of the two.



Why has emergency assistance suddenly become such an important item on the agenda? Events of the past months have created and are still creating widespread public outcry and indignation; no one can remain untouched by pictures of starving children in the Horn of Africa, of the floods in Bangladesh, and of the flows of refugees in the Gulf region. The fact that human dignity was denied and suffering tolerated too long without effective and timely action being taken shows that there is an urgent need to deal with the problems and shortcomings in the delivery of emergency aid.

Most recent emergencies have occurred in developing countries which are particularly vulnerable to their effects; when an emergency occurs, either man-made or natural, its impact is aggravated by the limited capacity of these countries to cope with the effects. No two disasters are the same. But examples as varied as the recent earthquake in San Francisco and the cyclone in Bangladesh demonstrate two clear points: sustainable development makes the impact of disasters less severe and a better developed infrastructure makes them easier to cope with. Over the past years, disasters have become increasingly complicated and protracted in duration, which is another indication of the insufficient capacity of developing countries to cope with them. It is clear that emergency assistance alone will not suffice; the root causes of the emergencies, such as poverty, environmental degradation and situations of strife and conflicts, must also be addressed. Emergency assistance – important as it is – cannot replace development assistance. In fact it is a part of a continuum from emergency assistance via rehabilitation and reconstruction to development. The only ultimate insurance against the catastrophic impact of disasters and humanitarian crises is sustainable development.

Mr President, early warning is an important tool in preventing disasters from occurring, both as regards sudden natural disasters, drought and crop failure and situations of strife and conflict. Regular pooling and analysis of all available data should be carried out and made available to disaster prone countries. It is also crucial to strengthen the capacity of these countries' institutions to use this information effectively and to set up their own preparedness and mitigation programmes which can contribute to decreasing the toll of disasters dramatically. In this respect, the IDNDR has an important role to play.

The role of disaster-stricken countries themselves in providing relief on the ground after a disaster has taken place is often underestimated. Even in poor countries the concrete self-help contributions to disaster relief made by the people directly affected, by national governments and by local non-governmental organizations is often more significant and speedier than the contribution of external donors. It is therefore of crucial importance that this local disaster-management capacity be enhanced.

Emergency relief by and through the United Nations system supplements these local capacities – and this is important to stress – provides disaster-stricken countries with adequate safeguards as regards respect for national sovereignty. The Charter of the United Nations confirms this principle, which was recently reaffirmed in United Nations General Assembly Resolution 45/100. It recognizes the responsibility of each country first and foremost to take care of the victims of emergencies. At the same time, however, states have an equal responsibility to facilitate the effective delivery of emergency assistance to their people in dire need and to provide access to them. The work of organizations with a purely humanitarian mission should not be inhibited.

Comprehensive action with regard to sudden and complex emergencies requires the active involvement of the United Nations system, as well as of the disaster-stricken countries, donors and governmental and non-governmental organizations. All of them share a common goal: to save lives and alleviate the suffering of all affected people. The United Nations and its specialized agencies should be in a position to play a central role. The capacity of the Secretary-General to provide leadership in this respect should therefore be strengthened. This is true for disaster prevention, mitigation, preparedness and disaster management.

A first interesting discussion on this issue took place during the summer session of ECOSOC of which a comprehensive summary with concrete ideas was presented by the vice-president of ECOSOC, Ambassador Eliasson. In this connection, we also welcome the Secretary-General's full and concrete report on the Review of the capacity, experience and coordination arrangements in the United Nations system for humanitarian assistance. It contains many valuable recommendations and ideas which we share. The report gives a thorough analysis of all activities in the field of humanitarian assistance, it does not conceal shortcomings and overlapping and it is a clear expression of the generally felt necessity for improved coordination.

Mr President, disasters and emergencies always create chaos. Therefore, proper crisis management is the most important ingredient of effective disaster relief, both locally and internationally. Strong, experienced leadership and clear lines of authority are vital, to ensure the prompt and orderly response that is required. The United Nations system must play a crucial role at the national and international level. It should provide the authority required to mobilize the international community and relief agencies in providing a swift and effective response to all emergencies. The United Nations should be put in a better position to live up to these high but justified expectations, particularly as regards larger-scale, sometimes complex, and protracted emergencies, on which the response has too often been late and of an ad-hoc nature.

Therefore the Secretary-General and others propose strengthening the role of the United Nations system in order to make the delivery of emergency relief more effective and more rapid. The European Community itself has presented specific proposals to this end. A substantial package of measures is needed to make things work better, including readily available resources and improved coordination. Among the reforms needed is the appointment of a High Level Coordinator for emergency humanitarian aid with direct access in New York to the Secretary-General. This person's task would be to facilitate a prompt, orderly and coordinated response to both natural and man-made emergencies in close cooperation with UN agencies and organizations involved and in consultation with the disaster-stricken countries and the international donor community. With the confidence of all parties involved, he or she could also contribute to removing practical and political obstacles to relief activities.

Another important task of the coordinator will be to operate a coordination mechanism whereby the division of responsibilities in a given situation among executing agencies is clearly defined and tasks and responsibilities are allocated within their respective mandates. To this end the High Level Coordinator should chair in Geneva an Emergency Standing Committee consisting, on a permanent basis, of Heads of all agencies and organizations of the United Nations involved in relief assistance, with a standing invitation to the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies and the International Organization for Migration. The Committee should foster a 'culture of coordination' among all participants and provide a meeting point through a process of consultation for recipient countries, the donor community and non-governmental organizations. Practical arrangements between the High Level Coordinator and relevant agencies and organizations of the United Nations could be put in place in order to facilitate immediate action in the event of emergencies.

The Coordinator should combine the functions of the present UNDR0 coordinator and of the present Special or Personal Representative of the Secretary-General for particular emergencies and their staffs. Thus, he would be able to give the UNDR0 office, which will serve as the basis for his secretariat, greater authority and render it more effective in facilitating actual relief operations. The activities of UNDR0, covering the full disaster continuum, comprising early warning, prevention, preparedness and mitigation, should be strengthened under his leadership. Also the vast expertise and institutional memory which UNDR0 has acquired in the twenty years of its existence can be utilized to the maximum. We take note with appreciation of UNDR0's availability to support and serve a High Level Coordinator should he be appointed, as confirmed in the

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Chairman's summary record of the fourth meeting of officials in charge of national emergency relief services (NERS IV) which took place in Geneva on 1 and 2 October 1991.

The High Level Coordinator would put together consolidated appeals – as is already done in some cases – on the basis of tailor-made plans allowing for sub-headings in order to enable direct responses to the appeals to participating agencies.

The High Level Coordinator should have at his disposal, as the Secretary-General also proposes, a revolving emergency fund to be established through the provision of new and additional resources. This fund, which would consist of readily available money, would meet initial financial needs in emergency situations and would be allocated in consultation with the emergency standing committee. It should be replenished by agencies benefiting from the fund. Agencies should also be invited to participate in it with their own resources.

Several United Nations organizations and agencies have operational reserves or emergency funds of varying magnitude. In larger-scale emergencies where more agencies of the United Nations are involved the Standing Emergency Committee should discuss the use of these existing start-up funds in order to facilitate their effective utilization and that of the revolving fund, and prevent funding gaps or duplication.

Finally, the High Level Coordinator should keep an up-to-date register of human and material stand-by capacities in the system of the United Nations, states, inter-governmental and non-governmental organizations. These capacities should be available at short notice in different emergency situations and consist for example of quick-dispatch relief teams, emergency stockpiles, food supplies, logistical resources etc. All relevant agencies and organizations of the United Nations should be asked to update their existing rosters and put them at the High Level Coordinator's disposal. Standing arrangements with states and other interested parties for early dispatch of stand-by teams and material should be prepared. Recruitment and procurement procedures and contracts should be standardized as much as possible. We welcome initiatives taken by individual agencies in this respect, such as the recent agreement between UNHCR and the Norwegian and Danish refugee councils on secondment of staff at the request of UNHCR when an emergency occurs.

Mr President, effective coordination in the field is just as important as arrangements at headquarters level with which I have dealt so far. We underscore the principle that at the country level a single senior United Nations official should be in charge of coordinating the efforts of the United Nations. This official should be trained in disaster management and be able to liaise closely with the government and inter-governmental and non-governmental organizations, thereby facilitating relief operations and promoting the use of all locally available relief capacities. In view of the continuum of disaster relief, rehabilitation, reconstruction and development, the UNs resident coordinator system should be used. This would ensure a speedy transition from relief to development. The UNDP-UNDRO Training Programme deserves increased support.

The Coordinator should draw on the experience and capacity of non-governmental organizations. These non-governmental organizations have accumulated highly valuable expertise that could add to [the] capacity of the United Nations of quick and cost-effective response to emergencies. They cover the full spectrum of needs, from relief to rehabilitation and provide often assistance to the most disadvantaged and vulnerable groups. Their important role as operational partners to agencies of the United Nations and organizations cannot be over-emphasized. Full use should be made of the capacities of non-governmental organizations in the actual delivery of emergency assistance at the field level.

Mr President, the European Community and its Member States are looking forward to a further exchange of views on the urgent issue of improving the United Nations' emergency response ca-

capacity. We welcome this debate and the discussion of the various proposals which have been presented, in an informal workgroup. I am convinced that we will be able to merge the various ideas into concrete proposals for improvement of the emergency response capacity of the United Nations. In the interest of people whose lives are threatened by emergencies and whose human dignity is at stake, it is crucial for the United Nations to be prepared and to be able to act.

Thank you, Mr President.

**91/338. Statement in the Special Political Committee of the UN General Assembly concerning international cooperation in the peaceful uses of outer space [agenda item 71]**

Date of issue: 4 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, my delegation has the honour to speak on behalf of the European Community and its Member States on agenda item 71 concerning 'International Cooperation in the Peaceful Uses of Outer Space'.

The European Community and its Member States would like to make use of this opportunity to stress their continued attachment to the work of the Committee on the Peaceful Uses of Outer Space. They believe that it has an important role to play in promoting international cooperation in outer space for the benefit of all countries. The workings of the Committee have brought home to us over the years how real and important outer space can be to our present and future existence. International cooperation cannot but play an indispensable role in this respect.

Since the elaboration by COPUOS of the Outer Space Treaty of 1967, which is regarded as the basic 'charter' for space activities of all states, a number of international conventions and sets of principles have been produced within COPUOS. They now represent an impressive body of international rules and principles aimed at governing space activities and fostering international cooperation with respect to the scientific and technical aspects of such activities.

The European Community and its twelve Member States actively participate in its work. They underline their commitment to the proceedings not only by establishing and co-sponsoring an increasing number of technical and scientific programmes, but also by promoting multilateral, regional and bilateral activities in the field of outer space.

Mr Chairman, the primary importance of the deliberations on this agenda item is to enable us to draft a resolution which outlines the mandate for COPUOS. It is the hope of the European Community and its Member States that the General Assembly will adopt once again the resolution by consensus, as was the case in previous years.

Mr Chairman, fortunately the discussions regarding outer space also provide us with an opportunity to review the progress made by the United Nations in promoting international cooperation in outer space. Looking back at the work of this last year some modest achievements can be noted. The important progress made during the 27th session of the Scientific and Technical Sub-committee concerning Nuclear Power Sources in Outer Space has been consolidated during this year's session of the Committee. The discussion and finalization of various NPS-principles in the Legal Sub-committee and Main Committee are further proof of progress made.

Mr Chairman, during the 45th General Assembly the European Community and its Member States expressed the hope that further agreement would be within reach on the remaining draft NPS-principles still under discussion in the Scientific and Technical Sub-committee and the Legal

Sub-committee of COPUOS. Alas, Mr Chairman, this was not to be. Consequently the European Community and its Member States would like to express some disappointment at the inconclusive outcome of the workings of both Committees last year with respect to the finalization of the remaining NPS-principles. Agreement needs to be reached among the various delegations on the outstanding questions, if the international community is to build on the important progress achieved thus far and is to avoid losing all by failing to agree on part of the issue. The European Community and its Member States hope that on the basis of the willingness to cooperate shown by delegations in the past, a positive solution to the remaining problems in the field of NPS will be found in 1992.

Mr Chairman, gone are the days when outer space belonged to the world of science fiction writers or pseudo-scientists attempting to realize the fictional world of Jules Verne. It is with satisfaction that the European Community and its Member States note the increasing attention being paid by the public to outer space. This does not seem to be a mere 'whim' on the part of an audience in search of new thrills, but a genuine sign of the growing realization that outer space is of vital importance to 'Mother Earth'.

In this context the European Community and its Member States are pleased to note General Assembly Resolution 44/46 which endorsed the initiative of international scientific organizations in designating 1992 as International Space Year. The organization of such a year in 1992, which *inter alia* will mark the 25th anniversary of the Outer Space Treaty, cannot but play an extremely useful role in educating both the public and governments about the space and earth environment and about the way they interrelate. With this in mind, the European Community and its Member States welcome the recommendation of the Committee on the Peaceful Uses of Outer Space that the International Space Year should be regarded as an opportunity to enhance international cooperation for the benefit and in the interest of all countries, taking into particular account the needs of developing countries. They contribute actively to the success of the initiative.

The Member States of the European Community which are members of the European Space Agency (ESA) are amongst those organizing a conference in Munich in April next year based on the theme 'Space in the Service of the Changing Earth'. This conference will address such topics as the practical use of space-based information for monitoring and protection of the environments and other purposes, the possibilities of international scientific cooperation in space research and application and the promotion of education and training in space applications. In addition the European Community and its Member States will be organizing national activities in order to make a further contribution to the success of the International Space Year.

Mr Chairman, the focus of the International Space Year activities planned thus far is on the uses of space technology for both studying and monitoring the environment. This focus is not coincidental but reflects the world-wide relevance of remote sensing and its applications to both the developed and the developing world alike. For the latter however the applications are quite often of vital importance as they can provide developing countries with new techniques for finding solutions to crucial problems such as soil erosion and pollution. In view of the importance of remote sensing the European Community and its Member States would like to stress their agreement with the issue being treated as a priority item on the agenda of the Scientific and Technical Sub-committee.

The International Community should make sure that useful exploration and utilization of outer space is not jeopardized by pollution. On various occasions individual Member States of the European Community have stated their increasing concern at the problem of space debris. Space debris is, and will increasingly become, a source of concern to all nations. The thought of the consequences in human terms, Mr Chairman, of a collision between a manned spacecraft and a mere fragment of space debris, is awful enough to realize that concerted action needs to be taken. Although, Mr Chairman, the sheer image of 'waste in space' might be difficult to grasp and too far

off to be a source of present concern, prevention will in this case certainly be better than cure. Hence the European Community and its Member States note with satisfaction that awareness of the sheer scope of the problem has been growing and that discussion on the problem in hand is taking place within the framework of the scientific and technical Sub-committee of COPUOS. Some Member States of the European Community have in the past submitted proposals suggesting that a better scientific understanding of the problem, as well as its technical implications, should become a matter of utmost concern. We welcome the invitation to provide technical information and data to the scientific and technical Sub-committee.

Mr Chairman, the European Community and its Member States share the belief of the international community that outer space must be used for peaceful purposes and for the well-being of mankind. The method followed in pursuing this objective has been to entrust COPUOS with studying the best ways and means of promoting international cooperation, while it is for other organs of the United Nations to examine the question of the prevention of an arms race in outer space. The European Community and its Member States will continue to cooperate actively to that end with the competent organs, within their respective mandates.

Mr Chairman, I would like to conclude this intervention by stating the satisfaction of the delegations on whose behalf I have the honour to speak, at the visible improvement of the climate which surrounds the work of the Outer Space Committee as well as at the willingness shown by all delegations during its deliberations. The European Community and its Member States will, needless to say, continue to contribute actively to this process.

Thank you, Mr Chairman.

**91/339. Statement in the Second Committee of the UN General Assembly concerning international cooperation for the eradication of poverty in developing countries [agenda item 80]**

Date of issue: 4 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, speaking on behalf of the European Community and its Member States I would like to make some comments on the important subject 'International cooperation for the eradication of poverty in developing countries'. Mr Chairman, at the outset we would like to thank the Secretary-General for the report he presented to us under this agenda item. This report forms a valuable basis for our discussions on this important issue, and we can subscribe to most of its analytic elements. We also found that the specificity of the examples given in the report gave it a refreshing character.

Mr Chairman, the international community is committed to the eradication of poverty, and especially of absolute poverty, for a number of reasons. Poverty should firstly be eliminated for moral reasons. It is a disgrace to humanity that so many people, more than one billion, still have to live in absolute poverty, that an estimated 800 million people have to go hungry every day, that about 150 million children under the age of five years are malnourished. Secondly, there is a demographic reason. Population growth continues to be one of the main reasons for the persistence of the poverty problem. Slowing down population growth will in most cases have a beneficial effect on development and poverty alleviation. Thirdly, concern for the environment is an additional important reason. The interactions between poverty and environmental problems are complex. It is clear that these interactions can result in a dangerous spiral. Poverty often leads to an overburdening of the environment; the resulting ecological damage ultimately engenders further impoverishment. Here, too, a delicate balance must be struck. Concern for the environment should not be at the expense of the poor. But at the same time, the alleviation of poverty should not be pursued at

the expense of the environment. Fourthly, there are political reasons for alleviating poverty. For the past few years the prospects for world peace have improved considerably. Yet poverty has remained a considerable threat to stability, nationally as well as internationally. Last but not least, there are economic reasons for combating poverty. In the end poverty is in several respects an inadmissible waste of human potential.

Development is the most pressing of all the challenges that confront the human race. This is also the central message of this year's 'World Development Report' of the World Bank. Roughly a fifth of the world population has been unable to benefit from the development process. Yet the opportunity to alleviate poverty has never been greater than today. The potential is there. This is the central and crucial message of the second 'Human Development Report' of the United Nations Development Programme. The obstacles to human development, the obstacles to the alleviation of poverty do not lie mainly in a lack of resources or in insuperable technical problems, but in a lack of political commitment, a lack of a sufficiently equitable distribution of land and of the fruits of development. In essence, poverty is a social and a political problem.

Mr Chairman, the debate on poverty has greatly benefited from the World Bank's 1990 World Development Report on poverty and the first Human Development Report, which was also published last year. Both reports in fact reflect a growing consensus on the relationship between poverty alleviation and economic development. It has become increasingly clear that economic growth is a necessary but not a sufficient condition for the alleviation of poverty. Even more important, economic growth and poverty alleviation are now seen as processes that can be made to reinforce each other. But coordinated national and international policies will be needed to further this process of mutual reinforcement. In order to achieve this, economic growth has to be broad-based and labour intensive. The crucial issue is to convert this asset – the poor's labour – into a more productive one by investing in human development. Eventually, investments in people, in human capital, create the necessary foundation for economic development. Investments in basic social services, such as primary health care, education and training in our view enhance the productivity of labour, and thereby stimulate economic growth. This is increasingly reflected in Structural Adjustment Programmes. These Programmes now often include social components. It is more and more recognized that adequate attention has to be paid to their social consequences.

Mr Chairman, more than two-third of the world's absolute poor live in Asia, and one sixth in sub-Saharan Africa. While it is expected that the number of poor people may decline in the next few years in Asia, a considerable increase in poverty is expected in Africa. The poor are still concentrated in the rural areas, although urban poverty is increasing rapidly. Women, and especially those that are heading a household, often belong to the poorest of the poor. Of particular concern is the large number of children among the poor. The poverty of children often seriously impairs their potential for development into healthy and productive adults. In other words, child poverty tends to be strongly self-perpetuating.

How to solve the poverty problem? We do not believe that poverty can be alleviated by economic means alone. Indeed, poverty has many faces. In social terms, poverty is reflected in insufficient access to basic social services such as health care and education. In political terms, poverty can be translated in a lack of access and participation in decision-making processes.

What to do about poverty in all its aspects? In order to solve the problem of poverty, first and foremost, the governments of the developing countries themselves have to accord priority attention to poverty alleviation. Demographic policies are of the utmost importance in this respect. It has also been amply demonstrated that the provision of basic social services to all citizens is essential for combating poverty. As illustrated in the second Human Development Report of UNDP, published this year, much can be realized in this context within existing government budgets by prioritizing and reallocating expenditures. Good governance requires that the scarce resources available are allocated in a rational manner. Income should be distributed equitably, and an effi-

cient and realistic fiscal, monetary and taxation system should be set up. Excessive military expenditure does not further development, but social investments do. Resources spent on unproductive or prestigious public investment programmes and projects could be put to better use. Subsidy programmes should be carefully and realistically targeted. Of the utmost importance are sensible macro-economic policies: in our opinion, a careful balance has to be struck between the public and the private sector. Only when governments of developing countries commit themselves to the alleviation of poverty can international cooperation make a serious contribution to solving this problem.

Another important condition for the successful alleviation of poverty is the termination and prevention of armed conflicts, which still disrupt development in many areas of the world. Directly and indirectly they are the cause of much human misery and impoverishment. In the past decade famines, for example, have particularly occurred in those areas that have been ravaged by war and civil strife.

As I have already said, poverty is not just a matter of lacking the material means to be able to lead a life worthy of a human being. Often it is also a matter of not being heard. A third important condition for the eradication of absolute poverty, therefore, is to give the poor a say in society, to enable them to participate in the processes of political decision-making. Democracy is now accepted as a key element for sustainable development. It is instrumental in giving people a say in determining their destiny and it furthers the development of human potential.

The European Community and its Member States consider that broad-based economic growth is essential to combat economic poverty. This growth should be based on the productive use of the labour of the poor. In that context large-scale and capital-intensive industries are not the best solution in all circumstances. Certainly in rural areas small-scale enterprises have often been the foundation of processes of genuine and solid economic development.

Mr Chairman, there is a need for more systematic knowledge on poverty, especially regarding the numbers, distribution, characteristics and conditions of the poor, including their access to resources such as credit and land, and to services. In this context, particular attention should be given to the situation of poor households headed by women. Policy should be based on sound information and analysis. The current evidence on poverty is still rather superficial and too fragile for sound comparative analysis. Important work is being done in programs like the 'Social Dimensions of Adjustment' project in sub-Saharan Africa, and the World Bank's 'Living Standards Measurement Study'. This is not enough, however. Too few resources are being invested in the institutional capacity of developing countries themselves to gather and analyse data on socio-economic problems, in particular poverty. Active support should be provided to such capacity building by bilateral donors and the multilateral agencies. We will continue to increase our support in this area. We also welcome the substantial attention given by multilateral institutions, such as the World Bank and UNDP, to collecting evidence on poverty and to research into the interrelationships between poverty and development. We call on these institutions to continue and strengthen this important work, in close cooperation with bilateral donors.

To promote broad-based economic growth, and to assist developing countries in their policies aimed at combating poverty, favourable external economic conditions are essential. These include, among others, open trade systems, debt-relief measures and the availability of aid on appropriate terms. Intolerable debt burdens will have to be alleviated further, especially those of the lowest-income countries. We reaffirm our commitment to work in order to attain the accepted United Nations target of devoting 0.7% of our GNP to ODA. Moreover, the Community as a whole already gives 0.13% of its GNP to the Least Developed Countries, and its on-going efforts should allow it to allocate more than 0.15% before the end of the decade. We will continue to improve the quality of the aid we provide, and in particular its relevance for the goal of the eradication of absolute poverty. In order to achieve this goal it is crucial that international cooperation and national policies reinforce each other. NGO's have also an important role to play in this respect. The



European Community and its Member States are committed to enhancing their development cooperation and to focussing it increasingly in support of developing countries with policies and programmes aimed at the reduction of poverty.

Thank you, Mr Chairman.

#### **91/340. Statement concerning Zambia**

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Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States warmly welcome the fact that the recent elections in Zambia have been conducted in an exemplary democratic way, for which all those who have contributed are to be commended.

The Community and its Member States convey their sincere congratulations to Mr Frederick Chiluba on his election as President of the Republic of Zambia and extend their best wishes for continued success for the Government and prosperity for the people of Zambia.

#### **91/341. Statement in the First Committee of the UN General Assembly concerning regional disarmament [agenda item 60(L), 60(N), and 61(A)]**

Date of issue: 5 November 1991  
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Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, on behalf of the Twelve Member States of the European Community, I would like to make some comments on the issue of conventional disarmament.

Para 81 of the Final Document of the Tenth Special Session of the General Assembly states:

Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament.

Without doubt nuclear disarmament has received a tremendous boost by the INF and START Treaties. Conventional disarmament too has seen major progress through the signing of the CFE Treaty in Paris in November 1990. The process of conventional arms control and disarmament in Europe is continuing. Questions like the reduction of manpower levels and stabilizing measures are being considered. After the 1992 CSCE Follow-up Meeting, new negotiations on disarmament and confidence and security building are to begin between all CSCE participating states.

Mr Chairman, the increasing attention for conventional disarmament is to be welcomed. Conventional weapons have – since the Second World War – caused an enormous amount of casualties. But it is not simply a matter of the high number of casualties which should induce states to embark on a process of conventional disarmament. More than anything else, the Gulf war has shown that the international community does not accept the use of armed aggression to solve disputes. Acquiring vast arsenals of conventional weapons in quantities which clearly go beyond the needs for defence and exerting efforts to acquire weapons of mass destruction simply does not pay and will eventually lead to disaster. States should base their defence policies on military capability sufficient for individual or collective self-defence. They should not resort to the threat or use of

force to settle differences. The principle of peaceful settlement of disputes should be upheld and reconfirmed.

Mr Chairman, the Twelve have on a number of occasions in the past elaborated on the necessity to embark on conventional disarmament. The European model is not one for all other regions to follow in all its aspects. But it is precisely because the Twelve are only too aware of the difficulties on embarking on a process of conventional disarmament that they cannot but urge others to begin without delay. Last year's General Assembly was positive in that sense too in so far as Resolution 45/58 G, which was adopted by consensus, stated that it would welcome if the Conference on Disarmament were to address the issue of conventional disarmament when practicable. It is noted that the CD has not yet included conventional disarmament in its operative agenda.

Mr Chairman, the European example shows that conventional disarmament cannot be seen in isolation. Breakthroughs and progress occur when political circumstances allow for such potential developments. States should therefore strive to reduce the risks of conflict. The political will to settle disputes peacefully and the adoption of confidence building measures can be conducive to disarmament measures. Openness and transparency should be the first priority and an essential step to create a climate of confidence. States should concentrate their efforts first on establishing stability by eliminating in particular the capabilities to launch surprise attacks and large-scale offensive operations. The objective of conventional disarmament measures should be increased security at the lowest possible level of armaments and military forces.

In the future conventional disarmament will certainly get a tremendous boost from increased transparency of international arms transactions, if this body indeed agrees on the establishment of an international arms transfers register under the auspices of the United Nations. It should, of course, be clear that weapons and equipment that are subject of a conventional forces reductions agreement should not be transferred, directly or indirectly, to states not party to the agreement in question. The principal method of dealing with such reductions should be destruction. The clearer insight in each others military capabilities will help states to embark on disarmament efforts focused on systems which are perceived to be particularly threatening and, by that nature, destabilizing.

The subject of conventional arms control and disarmament should be kept at the forefront of the multilateral debate on disarmament. Further consideration should be given to the subject of conventional disarmament in the agenda of the Conference on Disarmament. The Twelve stand ready to provide any assistance and expertise which they have gained.

Thank you, Mr Chairman.

**91/342. Statement in the First Committee of the UN General Assembly concerning transparency in armaments [agenda item 60(B)]**

Date of issue: 5 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, on behalf of the European Community and its Member States, I would like to introduce draft resolution A/L.1/46/L.22 entitled 'Confidence- and Security-building Measures and Conventional Disarmament in Europe'. This draft has been submitted jointly by the Twelve, and co-sponsored by all the Member States of the United Nations which are taking part in the Conference on Security and Cooperation in Europe, as well as by Belarus and the Ukraine.

This text, which follows on Resolution 43/75 of 1988, 44/116 I of 1989 and 45/58 I of 1990, concerns the results to date and the continuation of the Vienna negotiations taking place in the

framework of the CSCE: one set of negotiations relating to conventional armed forces in Europe and the other concerning confidence- and security-building measures in Europe. Last year the General Assembly welcomed the signing, on 19 November 1990 in Paris, of the Treaty on Conventional Forces in Europe, and the adoption of the Vienna document on Confidence- and Security-Building Measures in Europe at the CSCE Paris summit on 21 November 1990.

The Twelve are pleased that it has been possible to remove the obstacles which had arisen on the way to ratification of the Treaty on Conventional Forces in Europe; this should lead to the rapid and complete implementation of this important treaty. The Twelve are convinced that the implementation, both of the Treaty and of the confidence- and security-building measures agreed upon by the States which are participating in the CSCE will contribute to the reinforcement, not only of security and stability on the European continent, but also of peace and security world-wide.

The decision taken by the states involved, first to continue the current negotiations and second to prepare for the negotiations which are to follow the Helsinki summit in 1992, constitutes a further step in establishing a new security order in Europe. This new security order must continue to be based in the CSCE process which, more than ever, constitutes an important element of stability at a time when the continent is going through considerable, but positive, upheavals; sometimes unfortunately involving conflict.

The Twelve hope that, as in the past, the draft resolution which they are tabling, will be adopted by consensus.

Thank you, Mr Chairman.

**91/343. Statement in the First Committee of the UN General Assembly concerning conventional disarmament [agenda item 60(G)]**

Date of issue: 6 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, 'the Twelve believe that the adoption of regional arms control and disarmament measures is one of the most effective ways for States to contribute to the general arms control and disarmament process.' This was said by the representative of the European Community and its Member States a year ago in this forum.

At that time a very serious crisis in the Gulf region caused grave concern, but also led to the international community to give appropriate responses through the United Nations. The consequences of that crisis can still be felt, of course through the great loss of life and immense material and environmental damage inflicted on Kuwait, also through the continuous suffering of the Iraqi people under a brutal dictatorship, and last but not least through the necessity that the international community needs to be reassured that Iraq will not resort to such aggression in the future again.

The recent events in the Gulf region have underlined the importance of regional disarmament and justified the search for a balanced and comprehensive control of armaments in the region, notably through a dialogue among the states of that region. In this context the work of the Special Commission under Security Council Resolution 687 has particular importance. When it has been fully carried out, this resolution should promote the conclusion of regional disarmament arrangements, especially by contributing to the objective of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery. In addition, the implementation of this resolution will contribute to the objective of a global ban on chemical weapons.

Mr Chairman, on behalf of the Twelve, I would like to confirm that the events of the past year have not diminished our conviction that it is through regional initiatives and efforts that tangible

security benefits can become a reality to the area concerned. The Twelve are conscious of the fact that the various regions in the world have their own particular characteristics. Individual states have security interest of their own, quite often geared towards the prevailing circumstances in their region. This is certainly not new and the Twelve have expressed such convictions before.

The adoption by consensus of Resolution 45/58 M on Regional Disarmament during the 45th UNGA also illustrates the general resolve to stress the importance and to expand international awareness of regional disarmament. By the introduction, this year again, of a common draft resolution, the Twelve want to reaffirm their commitment to this cause. The current session of the First Committee is thus demonstrating even greater awareness of the importance of a regional approach to disarmament.

Whenever possible, the Twelve will continue to stimulate and support initiatives that lead to increased security in a region. They are convinced that the search for regional stability must be pursued in order to enhance security at the lowest possible level of military forces, curbing proliferation of weapons of mass destruction and promoting economic and social progress.

As they stated in the General Debate, the Twelve consider the Middle East certainly as an area where regional arms control and disarmament measures must be instituted as a matter of priority. The Twelve recall the proposals to this end put forward by President Mubarak, and welcome the timely arms control initiative which President Bush proposed for this region. They welcome the convening of an international peace conference on the Middle East. It is an example of interaction of global and regional efforts to assure security in a particular region. The Twelve recognize that the issue of regional disarmament is gaining support. In this context they recall the initiative taken by one of their partners aimed at regional disarmament in a Balkan area. They also recall the respective recent initiatives taken in Latin America, Africa and Asia. One of the partners was a sponsor of and party to the Estoril agreements which established a peace process in Angola.

There is a long history of members of the Twelve taking initiatives on arms control and disarmament at both the global and regional level. In this respect the Twelve recall earlier initiatives by Foreign Ministers Andreotti and Genscher concerning international arms transfer. The Twelve welcome the global arms control initiatives this year such as President Mitterrand's global disarmament initiative, the related proposal on conventional arms transfers made by Prime Minister Major, the declaration on conventional arms transfers and NBC-non-proliferation of the London Economic Summit of July 1991, as well as the joint declaration of the five permanent members of the United Nations Security Council of 18 October 1991, on arms transfers and non-proliferation. They also recall the declaration on non-proliferation and arms exports adopted by the European Council on 29 June 1991.<sup>1</sup> All these global initiatives will have an impact on and favourably contribute to efforts in the field of regional disarmament.

Mr Chairman, Europe has moved from cold war to cooperation in the framework of the CSCE and to applied security through a conventional disarmament treaty, adoption of confidence and security-building measures and a Charter for a New Europe. But the example of Europe, encouraging as it may be to other regions, is not of course the only model. The Twelve clearly recognized this during the debates in the UNDC this year when they concluded that:

Initiatives should take into account particular characteristics of each region and should lead to stability and security for all the participating States. The States in the region should themselves define appropriate and specific conditions for the security of their region, as well as conditions for ensuring their security in conformity with the Charter of the United Nations and generally recognized principles of international law.

Mr Chairman, armed aggression is not the means to solve disputes between states. That is the most important message from [the] Gulf War. More than ever in the last four decades the international climate is propitious to find solutions to regional conflicts. Regional disarmament is a vital part of such solutions. Concrete and specific steps are called for, coming from regions themselves, but

stimulated from outside the region if appropriate. The Twelve would like to pay tribute to the increasing role which the United Nations is playing in this regard. No one from outside nor from inside a region should – of course – try to impose a solution on others. The only result of that would be a short-lived solution, followed by more instability and conflict.

Mr Chairman, regional disarmament is essential if progress towards global security is to be achieved. They reinforce each other. On the contrary, regional disarmament is an essential and very practical contribution to the global process. It is at the regional level that the issues of antagonism which lead to tensions and/or hostilities between states can be addressed. Security perceptions are usually felt much more keenly at a regional level. In the final analysis, it is through regional tensions that the arms race is fueled.

It was with this in mind that during this year's session of the United Nations Disarmament Commission the Twelve proposed a set of guide-lines and principles, elements for a regional approach to arms control and disarmament within the context of global security. They were meant as a working tool in the shape of a matrix, from which States in various regions could, after careful analysis, freely draw to their own perceived advantage when they wished to embark on a process towards security and stability in their own region.

Regional disarmament efforts cannot stand on their own. There must be also a serious political engagement to address underlying issues which produce tension and dispute. It is in this context significant that East-West tensions have almost disappeared. As a result regional disarmament and regional security issues are gradually, but unmistakably acquiring different dimensions.

For gradual disappearance of East-West tensions is, in essence, also taking away the possibility – so endemic in the past – to hide regional strife behind superpower rivalry. The added advantage of this disappearance is however that the real causes of regional disputes emerge more clearly. The international community thus has a good opportunity to stimulate states in a region to address the real issues that divide them and that cause tension between them.

As stated the Twelve believe that this year's common draft resolution on regional disarmament including confidence-building measures, is a useful contribution to the afore mentioned goal. Taking into account the specific characteristics of each region, the Twelve's draft text stresses that initiatives to improve regional security should come from states within a region and should be supported by all states concerned. One of the means to ensure the success of such a process is the full application of confidence-building measures in the fields of political, economic and military cooperation.

The Twelve's draft resolution encourages all states to envisage the creation of regional centres for the prevention and the peaceful settlement of conflicts wherever needed. Such fora for dialogue and possibly negotiation would facilitate the establishment of a regional disarmament regime. The Twelve recommend the draft resolution in document L.17 for consideration and support.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/196.

**91/344. Statement in the First Committee of the UN General Assembly concerning conventional disarmament on a regional scale [agenda item 60(N)]**

Date of issue: 6 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, on behalf of the European Community and its Member States, I would like to make some comments on draft resolution L.18 'Transparency in Armaments', which is jointly sponsored by the Twelve and Japan and which is introduced under agenda item 60(B) 'International Arms Transfers'.

First, Mr Chairman, let me briefly mention some premises which should guide us in our thinking on this subject. States have the inherent right of individual or collective self-defence, if an armed attack occurs against them. This right is universally recognized and enshrined in Article 51 of the Charter of the United Nations. The international community regards arms transfers in accordance with this right to be legitimate. On the other hand Member States of the United Nations have undertaken to promote the establishment and maintenance of international peace and security with the least diversion of their human and economic resources for armaments. Undiminished security for all States at the lowest possible level of armaments is the fundamental principle which lies at the root of those premises.

Mr Chairman, the accumulation of arms becomes an issue of concern to neighbouring countries, to a region or to the world community as a whole, whenever the number and/or the quality of arms accumulated result in a threat to peace. Many arms transfers are carried out in secrecy. Thus, the total amount of weapons acquired by one country may become generally known only too late. Should these weapons be used, the consequences would be borne not only by the states directly involved, but also by the international community as a whole. The absence of openness and transparency can lead to misperceptions and miscalculations and thus to a climate of tensions or to an unfounded arms race. The example of the Gulf War should remain with us: in areas of tension especially, no single country should strive for levels of armaments which no longer bear any relationship with its need for self-defence. Unfortunately, this is still the case in a number of regions, especially in the Middle East.

Arms transfers are an integral component of arms procurement by states. It is often almost the only way through which states, which do not maintain research, development and production across the whole range of weapons required for their armed forces, can procure arms.

The international community emphasized the aspect of arms transfers in its Resolution 43/75 I of 7th December 1988, which recognized amongst others the potential effects of arms transfers in areas where tension and regional conflict threaten international peace and security. The urgency of taking action is now recognized by the international community.

The Twelve recognize that the problem of accumulation of armaments has many aspects including procurement, holdings and transfers. All of these aspects need to be addressed if a comprehensive approach is to be followed. The primary objective in all cases should be increased openness and transparency. The Twelve believe that it is necessary to deter destabilizing accumulations of conventional arms by non-discriminatory measures. Transparency and openness can also promote restraint in arms transfers, as is clearly pointed out in the excellent report of the Secretary-General 'Study on Ways and Means of Promoting Transparency in International Transfers of Conventional Arms' (document A/46/301). The Twelve would like to use this opportunity to congratulate wholeheartedly the Secretary-General and the members of his study group for their efforts which so clearly show us how to proceed further.

The Twelve feel there is a window of opportunity today which the international community should not miss. They are encouraged by the widespread and growing acceptance of confidence-building measures as an important means to ease tensions and to facilitate disarmament agreements.

The Twelve recognize that the United Nations is especially suited to coordinating and streamlining global efforts to increase transparency in military matters. The United Nations has already established a voluntary standardized reporting system on military expenditures. Information on

arms transfers would be a major complement to this effort to promote greater transparency in military affairs. It would constitute a valuable contribution to the role, effectiveness and ability of the United Nations to maintain international peace and security.

The Twelve therefore fully endorse the conclusions and recommendations in the report of the Secretary-General, notably that:

A universal and non-discriminatory arms transfer register under the auspices of the United Nations should be established as soon as possible.

The report also recommends that:

The register should be so designed as to permit its prompt implementation.

Another specific recommendation is:

The register set up should have a potential to expand to more comprehensive coverage, if required.

The Twelve, Mr Chairman, have been inspired by these recommendations.

On behalf of the European Community and its Member States and on behalf of Japan, I have the honour to introduce draft resolution A/C.1/46/L.18 entitled 'Transparency in Armaments'.

The basic elements underlying the proposals in document L.18 are:

1. The clear responsibility of the international community to deal with the excessive and destabilizing accumulation of conventional arms;
2. The recognition that there are different, interrelated aspects of the problem: arms transfers, the illicit arms trade, military holdings and procurements;
3. The commitment of the international community to increase transparency in all aspects of the question;
4. The fact that the issue of international arms transfers is ready for immediate action;

These elements have led us to propose a twin-track approach:

- A. The establishment of a universal and non-discriminatory Register of International Conventional Arms Transfers now as a first step. This Register should be capable of prompt implementation and would then be a real contribution to transparency in conventional arms transfers;
- B. The initiation of further steps to deal with measures of transparency in the other interrelated aspects namely military holdings, procurements, military doctrines and the illicit arms trade.

Document L.18 contains many changes compared to the informal draft circulated by the Twelve and Japan on 15 October 1991. Most of these changes are the result of intensive consultations that the Twelve and Japan carried out with members of the First Committee. In our view the draft now contains a fair and balanced approach to the issue of transparency in armaments.

In the course of the past few weeks, we received overwhelming support for the objective of our initiative, namely promoting transparency in armaments. I dare say, Mr Chairman, that on the objective, there is a consensus within this room. Not a single delegation has spoken out against greater transparency in armaments.

The Twelve and Japan felt that the time was ripe to come forward with the draft resolution but this does not preclude that the dialogue should continue. By tabling document L.18, all delegations can see for themselves that the Twelve and Japan have come a long way to meet the concerns expressed in the First Committee.

As I said, Mr Chairman, we believe the result reflected in document L.18 is fair and balanced. More so than before, the draft focuses on the interrelated aspects of transparency in armaments.

Consequently the title of draft resolution L.18 now reads 'transparency in armaments' instead of 'international arms transfers'. Greater transparency in transfers is one element – an important one – but there are broader aspects of the subject of transparency in armaments. Document L.18 explicitly acknowledges this fact.

The current draft resolution is action-oriented and deals comprehensively with the issue of the broader context of transparency in armaments. It calls for the establishment by the 46th General Assembly of a register of international arms transfers. In addition, it decides to identify and examine universal and non-discriminatory practical means to increase openness and transparency in the other interrelated aspects of the question of the excessive and destabilizing accumulation of arms, in particular military procurements and holdings. The Twelve and Japan propose that the Conference on Disarmament be mandated to address this question.

The establishment of a Register on Conventional Arms Transfers would be a major political feature to help with multilateral arms control and disarmament efforts. The Twelve therefore venture to express the hope that the draft resolution to be tabled will meet broad support! We therefore hope that many delegations will co-sponsor document L.18.

Thank you, Mr Chairman.

**91/345. Statement in the Third Committee of the UN General Assembly concerning narcotic drugs [agenda item 96]**

Date of issue: 6 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr de Marchant et d'Ansembourg:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States on item 96, entitled 'Narcotic Drugs'.

Drug abuse and the related illicit production and trafficking in drugs are a problem that keeps attracting serious concern world-wide. In its most blatant form, as organized crime geared to illicit production and trafficking, it is capable of distorting economic development and destabilizing governments. At the national level drug abuse threatens individuals and families, if not the fabric of society itself.

The problems caused by drug abuse, production and trafficking are certainly not new. Governments have had drug control programmes in place for years. The first Conventions relating to drug abuse date back to the beginning of this century. Over the last decades, however, the drug issue has dramatically increased in scope and intensity. It cannot be attributed to a sheer twist of fate that this period coincides with considerable social and economic changes on a world scale, including the expansion of global trade, the revolutionary development of communications and the increased mobility of people, social problems in industrialized countries and the problem of economic development in developing countries. We should not close our eyes to the fact that, as with every human undertaking, this development has also brought about negative side effects. One of these is the unprecedented expansion of the drug problem across the globe during the past decades. Developments teach us that the drug problem is complex and ever-changing. We cannot afford the luxury of fighting drug abuse from just one perspective. The complexity of drug abuse requires an integrated approach, whether we are dealing with industrialized or with developing countries. We have already progressed considerably by giving equal priority to law enforcement, prevention and demand-reduction policies.

There may be scope for even more pragmatic policies in the near future. Countries have gained considerable expertise in new policies concerning reduction in demand. Their approach is based



on the view that drug abuse is not primarily a problem for police and the courts, but rather a matter of public health and social well-being. These policies – while of course not excluding penal action against drug-related crime, illicit drug production and trafficking, and even drug users – are based on a pragmatic approach towards drug users aiming at containment of the spread of substance abuse and the related spread of AIDS, and at deglamorizing the use of drugs.

The global nature of the drug problem requires a response which extends beyond purely national measures. If the international community is to deal effectively with this scourge, the necessary national efforts of governments must be complemented by effective concerted action both at the international and the regional level. The European Community and its Member States consider that all countries, whether they are producer, transit or consuming countries, have a shared responsibility in combating the drug problem.

At the international level, the European Community and its Member States consider the UN to be the focal point for international cooperation and coordination in the fight against drug abuse and the related illicit production and trafficking in drugs. Through the UN three important Conventions have been adopted in the field. The most recent convention, the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances represented a further significant addition to the existing international legal framework. The Convention's innovative provisions in such areas as confiscation of assets and monitoring of international trade in precursor chemicals used for illicit manufacturing of drugs, are carefully designed to impede and disrupt drug trafficking operations to the maximum possible extent. Equally, the provision laying down the legal basis for mutual legal assistance on a world-wide scale is of great importance. The European Community and all its Member States have signed this Convention and have already ratified it, or are in the process of doing so as soon as possible. We urge all states to do likewise and, pending its entry into force for each of them, to provisionally apply the norms contained in the Convention.

In connection with its important work in the legal area, the United Nations has set out integrated strategies in order to deal with the drugs problem effectively. Important political declarations were adopted at the Vienna Conferences of 1987 and 1988 on ICDAIT and on the Convention and, last year, at the Seventeenth Special Session of the General Assembly, which adopted the Global Plan of Action and the Political Declaration. In this connection we also recall that a significant contribution to the fight against drug abuse was made by the Comprehensive Multidisciplinary Outline of 1987. A further impetus to international cooperation came from the London Declaration approved last year by the World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat. The European Community and its Member States are pleased to note that since last year's General Assembly considerable progress has been made toward the implementation of the above-mentioned plans and strategies.

Mr Chairman, with regard to the enhancement of the United Nations structure for drug abuse control the European Community and its Member States regret that the necessary information related to this issue was not available at an earlier stage. Full information in one report should have been available well in advance of the debate in this Committee. The European Community and its Member States appreciate the measures already adopted by the Secretary-General and the Executive Director of UNDCP integrating the structures of the Division on Narcotic Drugs, the Secretariat of the INCB and UNFDAC. They would like to express their full support for the work of the Executive Director and for his strategic directions. The European Community and its Member States are of the view that UNDCP should commence its new programme activities as soon as possible, thus finalizing a two year period of preparation. In this respect it is necessary that adequate resources be made available to the programme. The Community and its Member States will continue to provide financial support to UNDCP and invite all states to strengthen the financial capacity of the programme through an increase in their voluntary contributions and emphasize the importance of the programme receiving an adequate share of funds from the regular

budget. They support the establishment of a Fund of the United Nations International Drug Control Programme, as a result of which UNFDAC will cease to exist. Finally we would sincerely hope that due consideration be given to the administrative and financial arrangements regarding the United Nations Drug Control Programme in the debate in the Fifth Committee.

Equally, the 34th session of the Commission for Narcotic Drugs (CND) has made considerable progress on improving the functioning of the Commission as a policy making body, in line with General Assembly resolution 45/179 of 21 December 1990, against the backdrop of the establishment of the new United Nations Drug Control Programme. CND gives policy guidance to UNDCP and has contributed to the integration of the existing UN drugs structures through recommendations to that effect. It has also defined its priorities and terms of reference on the basis of the Global Plan of Action. It should be reiterated that the process of informal consultations in Vienna that preceded this year's session of CND has greatly contributed towards this substantial progress. This year's ECOSOC session did not endorse the resolution of the CND on the expansion of the membership of this Commission by 10 members, although the resolution had received the largest possible majority in the CND. The amended resolution was adopted by ECOSOC without a vote. The effective and successful work of CND can only continue if member States work in a spirit of cooperation and consensus. The Twelve have not opposed the amended resolution. They hope that as a result of this adoption without a vote the CND will continue to work effectively and constructively. We are pleased that the other proposals submitted by CND to ECOSOC were equally adopted without a vote.

The European Community and its Member States fully acknowledge the importance of regional and subregional approaches to the drug problem. The meetings of Heads of National Law Enforcement Agencies have proved to be a valuable contribution to coordination and cooperation at a regional level. In this respect the Twelve look forward to the report by the Executive Director of UNDCP concerning regional coordination and cooperation, including the demand-reduction aspect. We hope that the conclusions of this report will enable reinforcement of the regional cooperation aiming at the demand reduction aspect in particular by ensuring that existing regional organizations and meetings effectively take the demand reduction aspect into account, where necessary by encouraging the development of regional cooperation, especially HONLEA. Regional meetings dealing with demand reduction should take place in the framework of the HONLEA meetings. Existing mechanisms must be strengthened and cooperation between already existing regional meetings must be improved. However, in view of the unbridled growth of conferences, meetings and organizations in the field of drugs – a concern rightfully expressed by Mr Giacomelli on earlier occasions – the report could also contribute towards effective channelling of resources while avoiding unnecessary duplication. UNDCP must have at its disposal, in the framework of the existing regular budget, the financial, technical and human resources necessary for its activities.

Convinced that action at the international level must be supplemented by effective regional measures, the European Community and its Member States have taken a number of steps to intensify their own cooperation. They have established a High-Level Inter-governmental Group of Coordinators (CELAD) with a mandate to ensure the maximum cohesion within the Community and the Twelve and, therefore, the most effective contribution of the Community to the fight against drugs. In controlling drug abuse our countries attach special importance to a reduction in demand. Last year CELAD presented a comprehensive European Plan for combating drug abuse. In this plan demand reduction in relation to social and health aspects of drug abuse including AIDS has a prominent place. Further to the recommendations formulated in the European Plan it has been decided to establish a European Drugs Monitoring Centre that would be geared to monitoring, from a European perspective, information related to the social and health aspects and also other aspects of the drug problem. Moreover, mention should be made of the important public health activities in the framework of the Toxicomania Group. A further indication of our commit-

ment is the establishment, within the structure of European political cooperation, of a working group which covers international aspects of the drug problem.

The European Community and its Member States attach special importance to cooperation with other European states through the Pompidou Group, which has collected valuable expertise in the field of drugs in a Pan-European context. With this in mind, the Twelve contributed substantially to the Pan-European Ministerial Conference in Oslo in May of this year, in which Central and Eastern European States also participated.

I will now turn to the question of illicit trade related to narcotic drugs in the perspective of the single European market of 1993. The European Community and its Member States are giving particular attention to the strengthening of controls at their external borders: to that end, they have intensified their cooperation in customs related matters and are preparing common external regulations. They are also taking steps to ensure the most effective implementation of existing legislation. Within the Twelve, the fight against drug-related crime will continue to be pursued through the Trevi Group composed of the Ministers of Justice and of the Interior and through the Mutual Assistance Group linking Customs Authorities. This year the TREVI Ministers agreed to establish a European Drugs Intelligence Unit within two years. In this connection the European Council in Luxembourg agreed upon a proposal to establish Europol by treaty commitment as an investigation office to fight illicit drug trafficking and organized crime.

The European Community and its Member States are fully committed to a policy of cooperation with developing countries in combating drug abuse and the illicit trafficking and production of drugs. They recognize the importance of an integrated approach that takes into account the social and economic dimension of the drug problem. Within this approach, assistance is provided through integrated rural development programmes, crop substitution projects, assistance in the field of law enforcement, treatment and prevention. Since drug production tends to be concentrated in certain areas that cross national borders, a subregional approach is to be recommended in order to avoid shifting of drugs-related activities from one area to the other. Each year the Community and its Member States allocate substantial amounts of money in the framework of bilateral cooperation with developing countries geared to drugs related projects. In this respect the Community's integrated programme for cooperation with Colombia represents at the same time both an economic aid instrument and a mark of political solidarity. In the same context the Community decided, in the light of their fight against drugs, to support the efforts of some ANDEAN countries to restructure their economies. This decision, limited to a four year duration, enables Bolivia, Colombia, Ecuador and Peru to benefit from the system of generalised preferences in the same way as least developed countries do.

The complexity and diversity of the drug problem is aptly demonstrated by the problem of diversion of chemicals used for drug manufacturing and the complex question of money laundering. These problems solicit undiminished attention and appropriate evaluation. On this subject the Council of Ministers has adopted a Regulation concerning the control of external trade with third countries. A similar mechanism is currently being discussed for the intra European Trade. The Community and its Member States support the action taken by the Chemical Action Task Force.

It is important to underscore that all governments, including those of the producer countries, should ensure that neither traffickers nor financial institutions benefit from the illicit trade in drugs. This should be done by introducing legislation outlawing money laundering and concluding cooperation agreements to trace, freeze and confiscate the proceeds of trafficking. As regards money laundering, the Community has developed rules pertaining to controls on money connected with illegal drug-related activities, as inspired by the recommendations of the Financial Action Task Force.

Mr Chairman, it is clear to all of us that a great deal of activity is taking place in the fight against drug abuse, which is a priority of the UN. Reaching beyond what was said on behalf of the

Community and its Member States at the 45th General Assembly, we have now entered a period of concerted action to work out carefully defined strategies. It is the view of the Community and the twelve Member States that the fight against drug abuse should be considered as a complex and everchanging process, based on pragmatism, and devoid of ideology. Our objective is to create societies where drug abuse will be eliminated as a health and social problem and, in the short term, where the negative effects on individuals and society can be minimized.

Thank you, Mr Chairman.

**91/346. Statement at the Plenary Session of the UN General Assembly concerning the critical economic situation in Africa [agenda item 21]**

Date of issue: 7 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, a few weeks ago the ad-hoc Committee of the Whole entrusted with the final review of the United Nations Programme of Action for African Economic Recovery and Development concluded its work with the adoption, by consensus, of the 'Assessment of the Implementation of UNPAAERD 1986-1990' and the 'United Nations New Agenda for the Development of Africa in the 1990s'. The New Agenda contains commitments by the African countries and by the international community to undertake concrete action to improve the development prospects of the African continent. We are asked during this session of the General Assembly to adopt this agenda and the review mechanism proposed by the ad-hoc Committee of the Whole for monitoring the implementation of the Agenda. But before making some comments on this issue, let me point out that the statement we delivered during the general debate in the ad-hoc Committee of the Whole gave proof of the commitment of the European Community and its Member States to Africa, as well as of our willingness to participate constructively in international efforts to improve the development perspectives for Africa.

The review of UNPAAERD took place against the background of a number of important changes within Africa and in the external environment in which Africa is operating. We have witnessed during the last few years a growing realization in Africa that people should be at the heart of any development process, and that development should be carried out by and for the people. This realization formed the basis of the Arusha Conference in February 1990. The Charter adopted by this Conference became a catalyst for political reform in Africa. Indignation regarding the waste of scarce resources on military expenditure, civil strife and civil war has grown. Attitudes towards responsible leadership, democracy and participation, human rights, accountability and the rule of law has become more positive. Africa now accepts that it bears the primary responsibility for its own development.

Within Africa, there was a growing awareness at the end of the 1980s that economic policy concepts were often ill-founded and impractical. The resulting unsustainable economic situation was dealt with by measures to foster internal structural adjustment, curtailing unsustainable budget and external deficits, and by improving resource allocations. Most African countries are accepting that structural adjustment is important and needs to be pursued, that development and growth can only be sustainable if environmental concerns are taken into account, and that there is an urgent need to reduce population growth. There is also a growing recognition of the positive benefits to be derived from regional cooperation.

Turning now to the international environment, fundamental changes took place in Central and Eastern Europe during the UNPAAERD period, changes which not only substantially altered the political landscape in the northern hemisphere, but will also have an impact beyond the geograph-

ical boundaries of this hemisphere. As far as the general economic situation of African countries is concerned, the external debt problems of many of them increased substantially during the UNPAAERD period, thereby seriously threatening their long-term development prospects. Commodity export earnings, on which many African economies still largely depend, decreased substantially over the review period.

On the development strategy for Africa a broad consensus emerged: that it should be placed in a long-term perspective; that it should be people-centered; that sound macro-economic policies remain necessary; and that due attention should be paid to human resources. Increasingly, African countries and their development partners agreed on the fact that human development requires economic growth, and that in order to be sustainable, this economic growth will have to give priority attention to human development. Furthermore, it is generally recognized that the alleviation of poverty should be given priority attention.

Mr President, after having sketched the background against which we started the review and evaluation of UNPAAERD, let me briefly indicate what the main elements were, and still are, of the approach of the European Community and its Member States to the problems of Africa in general and the review of UNPAAERD in particular. First, we acknowledge that UNPAAERD did not entirely fulfil the expectation that it would function as a catalyst for positive changes in Africa, partly due to its broad, general character. We participated in the course of September in the drafting of an Agenda for Action, in order to give a firmer common basis to efforts to be undertaken by the African countries and the international community to achieve an improvement of the prospects for Africa.

With regard to developments in the countries of Central and Eastern Europe, let me stress that our official assistance directed to these countries is additional to, and does not reduce or divert, official development assistance to developing countries. Moreover, the transition in Central and Eastern Europe also offers opportunities to and challenges for developing countries, particularly in the longer term.

A successful conclusion of the Uruguay Round would stimulate world economic development and thus demand for African exports, and would also give clear signals as to what products to diversify into, both horizontally and vertically.

Further thinking is called for in the area of stabilization of commodity export earnings. The European Community and its Member States have put considerable efforts in this area. We have realized that stabilization through loans that ultimately have to be reimbursed does not suffice. This is why we have reformed STABEX and SYSMIN, and made them work fully on a grant basis. It is important that other developed countries undertake comparable efforts in the commodities field.

However, in order to make the commodity sector in Africa more of an engine for sustainable growth, further processing of commodities should be undertaken by the producing countries themselves, recognizing that open and transparent markets are essential for this endeavour to be successful. The competitiveness of African commodities should be enhanced through good domestic policies.

Mr President, African countries will have to strengthen internal policies aimed at restoring budget and external financial imbalances and increasing local savings. And in order to encourage more private flows to Africa, there is a need for sound economic policies and efficient accountable public institutions. As far as the contribution of the international community in this area is concerned, we support efforts aiming at increasing the flow of resources to Africa, decreasing the debt burden, enhancing the quality of official development assistance, taking into account the internationally agreed targets for ODA, and assisting Africa in increasing its export earnings. On the ODA issue, let me reiterate that the Community as a whole already gives 0.13 per cent of its GNP to the Least Developed Countries, and its on-going efforts should allow it to allocate more than

0.15 per cent before the end of the decade. Some Member States have already exceeded this 0.15 per cent and shall continue to do so and increase their efforts. As regards the debt problems of African countries, additional debt relief measures going well beyond the relief granted under the Toronto Terms should now receive the utmost priority in the Paris Club, resulting in substantial debt relief measures at an early date for the poorest, most indebted countries. The improvements in the consolidation terms may prove to be insufficient for some of the lower middle income countries. The London Economic Summit agreed that the Paris Club would continue to examine the special situation of some lower-middle income countries on a case by case basis. We also note the proposals for a general framework for concessional treatment of the debt of lower-middle income countries who have initiated economic reform programmes.

Now the moment has come to give a final judgement in this session of the General Assembly on the outcome of the review, embodied in the two documents that we have before us – the Assessment of the Implementation of UNPAAERD 1986 – 1990' and the 'United Nations New Agenda for the Development of Africa in the 1990s'. Let me stress at the outset that we welcome the fact that it was possible to agree these documents by consensus. Whereas the Agenda could prove to be a useful tool in guiding, firstly the efforts of the African countries to foster their development and secondly, the support given by the international community and the United Nations system to these efforts, the assessment contains valuable lessons for the future. In this respect, apart from the importance of issues such as debt, financial resources and commodities, other important lessons are the need for sustained economic reform, which has only be pursued by two-thirds of the African countries, and the need for this reform to be underpinned by good governance, with accountable institutions and governments as well as respect for human rights.

While implementing the Agenda, it will be essential to keep in view other important mechanisms such as the Second Programme of Action for the Least Developed Countries and the Global Coalition for Africa. Close cooperation at both the inter-governmental and the Secretariat level are called for. Mr President, the New Agenda represents a careful and fragile balance between the points of view of the different participants in the discussion. We do not believe that we should try to improve further this New Agenda in this session of the General Assembly. We can also accept the proposed monitoring and evaluation arrangements, that will allow us to address the problems the African continent has to cope with at regular intervals in the United Nations system.

Mr President, in the preamble of the New Agenda, it is stated that 'Africa's development is primarily the responsibility of Africans. The international community accepts the principle of shared responsibility and full partnership with Africa and therefore commits itself to giving full and tangible support to the African efforts'. Let me conclude this statement, Mr President, by reassuring you that the European Community and its Member States will do their utmost to live up to the commitments we undertook a few weeks ago.

Thank you, Mr President.

**91/347. Statement in the First Committee of the UN General Assembly concerning chemical and bacteriological (biological) weapons [agenda item 59]**

Date of issue: 7 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* Mr Chairman, on behalf of the European Community and its Member States I wish to go on record concerning item 59 of our agenda on Chemical and Bacteriological (Biological) Weapons.

The negotiations on a multilateral convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction in the Conference on Disarmament in Geneva have witnessed substantial progress this year. The year started with some difficult political issues to solve. After a major policy change by the United States following the Gulf conflict, a clear-cut commitment never to use chemical weapons, without any reservation, could be included in the draft Convention. Less than a year ago Member States of the international community were faced with a situation where a serious threat of use of chemical weapons existed. The experience of the Gulf war has demonstrated once again, however, that there is simply no place any more for these repugnant weapons.

The Twelve note with great satisfaction that the draft treaty now provides for the destruction of all chemical weapons and all chemical weapons production facilities within ten years. Agreement has been reached *inter alia* on the provision of assistance in the event of use or threat of use of chemical weapons, the imposition of sanctions in the event of violation of the convention and economic and technological cooperation. Articles were also included to grant assistance in case of use or threat of use of chemical weapons, to impose sanctions in the case of violation of the convention, on economic and technological cooperation as well as on some other subjects.

A few major complicated issues remain to be solved. Paramount among these is the question of verification. Substantial discussions have taken place on challenge inspections and on the verification of non-production of chemical weapons in the chemical industry. The Twelve want an effectively verifiable convention and will continue to work in a constructive and positive way to achieve that goal. To this end they support an effective system of routine inspections of chemical plants which are capable of producing chemical weapons and their precursors. They also strongly support provisions concerning the right of intrusive challenge inspections as the final deterrent against violations. Other complex issues that remain to be solved include: how to ensure universality of membership for the future Chemical Weapons Convention, the composition of the Executive Council of the future Organization for the implementation of the Chemical Weapons Convention, and the handling of old and/or abandoned chemical weapons.

Mr Chairman, many problems have been solved. A few difficult ones remain. The negotiators in Geneva are totally engaged in an attempt to achieve a final agreement on the Convention by 1992. A vigorous collective effort and the resolute determination of all participants in the negotiations will be required if that deadline of – say mid 1992 – is to be met. It can be done!

Recent events in the Gulf, where the threat to use chemical weapons was a serious one, have underscored the vital importance of upholding the 1925 Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare.

The Twelve have repeatedly reaffirmed the validity and importance of the 1925 Geneva Protocol, in particular at the Paris Conference in 1989 and again at the Third Review Conference of the Biological and Toxin Weapons Convention, where they pointed to the close relation between that Convention and the Protocol. Mr Chairman, universal adherence to both the future Chemical Weapons Convention and to the Biological and Toxin Weapons Convention will be vital for the effectiveness of these treaties. The Twelve express the hope that states will make their commitment to the future Chemical Weapons Convention unambiguously clear. It is important that those weapons be banned everywhere and forever. The Twelve have already stated their intention to be among the original signatories to the Convention and appeal to all States to ensure its early entry into force. They also call on all states to declare their intention to become original states parties to the Convention so as to assure its early entry into force, its effective implementation and its universal character.

During the recent Third Review Conference of the Biological and Toxin Weapons Convention the states parties reaffirmed their conviction that universal adherence would enhance international peace and security. The Twelve call upon states that have not yet done so to accede to the

Convention without delay. The Conference made further important advances in the fields of confidence-building measures and of verification. The Twelve believe that the implementation of the new confidence-building measure regime will enhance the effectiveness of the convention and call upon all states parties to provide the information required under the new regime on an annual basis.

The Twelve further welcome the establishment of an Ad Hoc Group of Governmental Experts to identify and examine potential verification measures from a scientific and technical standpoint. They express the hope that as a result of that study implementation of the Convention becomes more effective and secure.

Thank you, Mr Chairman.

**91/348. Statement in the Third Committee of the UN General Assembly concerning the report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons, and humanitarian questions [agenda item 97]**

Date of issue: 7 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van der Heijden:* Mr Chairman, it is my honour to speak on behalf of the European Community and its Member States on agenda item 97, Report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons and humanitarian questions.

Mr Chairman, 1991 is a special year for the Office of the High Commissioner for Refugees. This General Assembly decided to establish the Office forty years ago, and that important decision was followed only a few months later by the convention relating to the status of refugees. What was at that time perceived as a finite problem, essentially restricted to post-war Europe, has become a phenomenon of unprecedented dimensions in our times. According to UNHCR statistics, there are approximately 17 million refugees in the world, people seeking international protection outside their country of origin. A comparable number of displaced persons – people who have left their homes, often for similar reasons, not necessarily crossing national borders – remains outside current protection regimes. Massive outflows of people are a pressing reality of our times. Refugee and migratory flows get increasingly entangled. Most migrants cannot claim refugee status on the basis of the 1951 Geneva Convention. Notwithstanding dramatic changes in the current refugee population and the resulting strains on the institution of asylum, the Twelve still consider the 1951 Convention, with the 1967 Protocol, to be the principal instrument offering international protection to refugees. The Twelve wish to take this opportunity to renew their commitment to these instruments and at the same time to appeal to states to accede to both instruments without geographical reservation.

In addition, more structural attention needs to be paid to the protection and physical well-being of ‘internally’ and ‘externally’ displaced persons as well as to the social and economic root causes of massive outflows, and the effects of migratory movements on countries of origin and recipient countries.

The changed structure and size of the Office of the High Commissioner offers a good reflection of the changed dimension of the refugee problem today. This year the Office’s budgetary requirements rose to a record level of almost one billion US dollars, mainly due to the large outflows of people in the Persian Gulf area and in the Horn of Africa. We are pleased to note that these un-



precedented financial requirements have met with equal support from the international community. The European Community and its Member States have always given huge financial support to UNHCR. Together they constitute the organization's largest donor. Their financial support to UNHCR from January to September 1991 amounts to 283 [million] dollars. The Twelve wish to reaffirm their continued financial support of the Office.

Mr Chairman, it is a bleak picture, 17 million uprooted people forced to live in exile, often under dismal conditions. There are, however, some encouraging signs as well. Firstly, most of the nearly 1.5 million Iraqi refugees have returned to their home country. Although their situation remains of concern, the return in such a limited period of time is in itself of significance. Secondly, the High Commissioner signed an agreement with the Government of South Africa on the repatriation of South African exiles. The Twelve are pleased to see that UNHCR has been able to establish its presence in South Africa and that the actual repatriation is expected to start in the near future. The prospect of the Cambodian repatriation scheme for voluntary return with UNHCR as the designated lead agency, to be implemented after the political agreement was signed on 23 October, is another significant step forward in finding durable solutions for large scale refugee situations.

The overall refugee situation is not a static one. Some situations cease to exist, new ones spring up. In addition, refugee flows become more and more mixed with migratory flows, persons fleeing from under-development, extreme poverty or ecological degradation, seeking a better life elsewhere. As far as refugees are concerned, this requires an office, capable of reacting quickly to emerging refugee situations and to rapidly changing circumstances and moreover an office prepared to make choices and set priorities on the basis of assessed humanitarian needs of the world's refugee population, sometimes assuming the role of principal actor and sometimes relying on co-ordination with other relevant agencies, acting more as a catalyst. In her opening statement to the 42nd session of the Executive Committee, the High Commissioner gave clear proof of her recognition of the changed dimension of the refugee problem which the world is facing today. She outlined a forward-looking strategy addressing the totality of the refugee problem. We share and welcome her analysis and we wish to base our intervention before this Committee on the three major objectives which she outlined. Firstly, the strengthening of the Office's emergency preparedness and response mechanisms, secondly the promotion of voluntary repatriation and thirdly the promotion of durable solutions through preventive measures.

In 1991 the number of emergencies increased dramatically, leading to unprecedented loss of life, devastation and massive uprooting. The corresponding burden on recipient countries, international organizations and the donor community pointed to a need for strengthening the emergency response capacity of the United Nations. The Twelve introduced proposals earlier on at this session of the General Assembly which, in broad outline, underscore the need for effective central leadership, an improved coordination mechanism, an emergency fund to enable immediate response as well as the need for an inventory of all human and material resources available within the United Nations framework, states and inter-governmental and non-governmental organizations. The Secretary-General's report on the strengthening of the UN's emergency response capacity, together with these and other proposals are currently being debated in Plenary. It is not our intention to have a parallel discussion in this Committee. We wish, however, to welcome the proposals presented by the High Commissioner with a view to strengthening the Office's own emergency response capacity and also at improving the quality of UNHCR's contribution to UN system-wide response to emergency situations. We wish to underline in this forum the importance we attach to improved inter-agency cooperation and system-wide coordination. UNHCR should be prepared to put its emergency response capacity at the disposal of the Secretary-General – or his designated coordinator – if so required. We urge the High Commissioner therefore to make information on her emergency management capacity easily accessible, preferably including it in the proposed inventory of human and material resources in order to achieve a full exchange of information and to avoid duplication. We urge other agencies to do likewise.

The second objective of the High Commissioner's strategy is to pursue every opportunity for voluntary repatriation as the preferred durable solution. 1992 should be the year of voluntary repatriation. We fully agree. To achieve this, several conditions should be met. First, there is the important question of state responsibility. Voluntary repatriation can only succeed if the country of origin accepts the responsibility it bears for its own citizens, by allowing them to return to their homeland to reintegrate fully and safely in their own society. Secondly, there have to be effective counselling efforts directed at providing returnees with proper information on repatriation and reintegration possibilities. Furthermore, large scale voluntary repatriation operations can only succeed if they are well planned and executed. These programmes often extend beyond the capacity and the mandate of the High Commissioner and are dealt with on a case-by-case basis. Cooperation with development agencies in particular is therefore crucial. Furthermore increased involvement of development agencies is also of the utmost importance. The European Communities' initiative regarding the reintegration programme for Vietnamese returnees in the broader framework of the Comprehensive Plan of Action for Indochinese Refugees is an example where the notion of returnee aid is combined with development assistance for effective reintegration. CIREFCA is another example of a true comprehensive approach, which the Community is supporting.

The Twelve wish to affirm their support of UNHCR in pursuing the search for durable solutions, and acting as a catalyst where opportunities for voluntary repatriation come up. The international community should stand ready to assist countries to which refugees are returning. It is high time that more than just lip-service is paid to the implementation of this durable solution. It was pointed out that only 13,5% of UNHCR's total expenditure on assistance was spent on voluntary repatriation programmes, compared to almost 60% for care and maintenance. In today's rapidly changing world new prospects for durable solutions and for voluntary return in particular, are appearing. We cannot afford to miss opportunities because of a lack of preparedness or the unavailability of timely funding. We welcome the decision by the Executive Committee to explore the range of options for addressing this problem.

Related to the question of repatriation is the return to their countries of origin of those who are found not to be refugees or not to have another basis of stay, but who nevertheless do not opt for voluntary repatriation. We recognize that the removal of rejected applicants remains a matter of discretion for individual states in accordance with their national laws. The Twelve welcome UNHCR's endeavours in particular circumstances to assist this process by seeking guarantees from countries of origin for the return in safety and dignity of those who have been classified as not being refugees. Countries of origin on their part should take the responsibility vested in them and should in no way prevent the re-entry and re-integration of their nationals.

The High Commissioner identified the promotion of solutions through preventive measures as her third objective. Prevention means taking away the root causes that lie at the basis of refugee flows, taking away the reason why people feel forced to flee from their homes and to seek protection elsewhere. Causes and possible cures are related; in other words, we need a clear understanding of why people have fled their homes if we want to tackle the root causes that lie at the basis of the outflow. Refugee flows are by nature of a different character from migrator flows. Refugee flows are the result of human rights violations, foreign invasions and internal conflicts. Refugees flee out of fear of individual persecution or to avoid getting caught in situations of armed struggle or political conflict. Migrants tend to flee their homes to seek a better life elsewhere. To address the causes that lie at the basis of the various outflows of people goes far beyond the mandate of the High Commissioner. It touches on the one hand on the resolution of conflicts and the protection of human rights and on the other on economic development. UNHCR's role may be that of a catalyst or an 'antenna', if you like, performing its early warning function.

There are, however, some areas where both UNHCR and individual countries could take preventive measures. The High Commissioner mentioned several tools, such as cooperation with hu-

man rights bodies, mass information campaigns and development of a 'country of origin' data base. The Twelve welcome these proposals and are committed to working together with UNHCR on the further development and implementation of these tools.

At its 42nd session the Executive Committee adopted a number of conclusions on international protection, which are related to the problem of ever increasing numbers of individual requests for asylum by persons who cannot be described as refugees according to the Geneva Convention. As numbers of applications for asylum grow, it is increasingly important to develop fair and effective filtering mechanisms to ensure that each manifestly unfounded application is rejected swiftly. We commend the High Commissioner for creatively searching for new ways to serve the Convention's basic principle of protection, we fully support the use and implementation of the instruments provided for in the 1951 Convention, for example its cessation clause, and the already existing EXCOM Conclusions on manifestly unfounded claims, accelerated procedures and irregular movements.

The Twelve welcome the opportunity of having a more frequent exchange of views with UNHCR on protection-related issues through more regular inter-sessional meetings of the Subcommittee on International Protection. We hope that these inter-sessional meetings will also provide an opportunity for continuing the fruitful discussions which took place in the EXCOM's Working Group on International Protection and Durable Solutions.

Thank you, Mr Chairman.

#### **91/349. Declaration by an extraordinary EPC Ministerial Meeting on Yugoslavia**

Date of issue: 8 November 1991  
Place of issue: Brussels, Rome, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States held an extraordinary Ministerial meeting in Rome today, 8 November 1991, to assess the Yugoslav crisis. They took note of the evaluation presented by Lord Carrington of the 8th plenary session of the Yugoslav Conference which took place in The Hague on 5 November.

They were deeply concerned at the fact that the fighting and indiscriminate bloodshed continued in spite of repeated cease-fire commitments. In this respect, they drew attention to the unacceptable threats and use of force against the population of Dubrovnik. Moreover, commitments for deblocking of barracks and withdrawal of JNA forces, to which parties subscribed on 18 October in The Hague and which were reaffirmed on 5 November, have not been complied with. They reiterate that the use of force and a policy of *fait accompli* to achieve changes of borders are illusory and will never be recognized by the Community and its Member States.

The Community and its Member States also noted with great concern that the basic elements of the proposals on behalf of the Twelve put forward by Lord Carrington, aimed at a comprehensive political solution, have not been supported by all the parties. As a consequence, the negotiating process has been put in jeopardy.

In the light of the seriousness of the situation, the Community and its Member States have decided to take the following measures:

- immediate suspension of the application of the trade and cooperation agreement with Yugoslavia and a decision to terminate the same agreement;
- restoration of the quantitative limits for textiles;

– removal of Yugoslavia from the list of beneficiaries of the General System of Preferences;  
– formal suspension of benefits under the PHARE programme. Yugoslavia has not been invited to take part in the next ministerial meeting of G-24 on 11 November 1991.

Furthermore the Community and its Member States asked those Member States which are also members of the Security Council of the United [Nations] to invite the Security Council to reach agreement on additional measures to enhance the effectiveness of the arms embargo.

They have also decided to invite, in the same way, the UN Security Council to take the necessary steps towards imposing an oil embargo.

Additional economic and political measures are being considered for implementation when and wherever necessary.

The Community and its Member States decided that positive compensatory measures will be applied *vis-à-vis* parties which do cooperate in a peaceful way towards a comprehensive political solution on the basis of the EC proposals.

The Community and its Member States remain firmly committed to such a comprehensive political arrangement. They stress that the only way out of the crisis is through negotiations in good faith without the use of force.

In this respect they recall that the prospect of recognition of the independence of those republics wishing it, can only be envisaged in the framework of an overall settlement, that includes adequate guarantees for the protection of human rights and rights of national or ethnic groups. They urge parties concerned to prepare forthwith legal provisions to this end.

The Community and its Member States are also extremely concerned about the humanitarian aspects of the crisis and insist that all parties involved allow emergency aid to reach the communities in need and the many persons displaced by the fighting. All involved should be reminded of their personal responsibility in complying with the basic humanitarian standards set out in the Geneva Conventions.

Despite the continuous violations of the cease-fire, the conference is the only place where talks on peaceful solution can continue among all parties.

In the light of the above, the Community and its Member States launch an urgent appeal to the parties concerned to create the necessary conditions for an early continuation of the conference. They urge other countries to support their positions.

#### *Annex to the Declaration*

If the economy of a Member State is seriously affected by Yugoslav counter-measures, then the Community and its Member States will show their solidarity by taking effective and concrete corrective measures towards the Member State concerned.

#### **91/350. Statement concerning Cambodia**

Date of issue: 8 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States welcome the signing of the Comprehensive Political Settlement of the Cambodia conflict by all parties which participated in the Paris Conference on Cambodia on 23 October 1991 under the co-chairmanship of France and Indonesia. The settlement means a new start for Cambodia. The European Community and its Member States express once again their support for the important role that has been assigned to the United Nations in the implementation of the settlement.

Self-determination for the Cambodian people through free, fair and internationally supervised elections and full respect for human rights are the fundamental principles for peace in Cambodia. The European Community and its Member States welcome the fact that effective guarantees to this effect have been incorporated in the provisions of the settlement, so as to exclude any return to the policies and practices of the past.

The Community and its Member States consider it essential at this crucial moment for Cambodia that the international community make all necessary efforts to help the peace process in Cambodia through economic and financial assistance, both for the repatriation and rehabilitation programmes and later for the reconstruction of the country. They state their readiness to make available contributions to achieve these goals. As regard the Community, the Council of Ministers of the European Community has asked the Commission to examine the possibilities for Community assistance and take the necessary measures for the implementation.

The EC Member States intend to accede to the Agreement on a Comprehensive Political Settlement of the Cambodia conflict and to the Agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia, in so far as they have not yet done so. Moreover, the European Community and its Member States will seek accreditation to the Supreme National Council of Cambodia.

**91/351. Statement in the Fifth Committee of the UN General Assembly concerning the proposed Programme Budget 1992-1993, section 28: Human rights and humanitarian affairs [agenda item 107]**

Date of issue: 8 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, the Netherlands delegation has the honour to take the floor on behalf of the twelve Member States of the European Community on section 28 of the Proposed Programme Budget 1992-1993: Human Rights and Humanitarian Affairs.

In the general debate on this agenda item the Twelve have referred to the fact that human rights are becoming a dominant concern to the world community. The Secretary-General, in his Report on the work of the organization (A/46/1) proposes to focus on the protection of human rights as one of the major tasks of the organization.

The Twelve have carefully studied the proposals of the Secretary-General in Section 28 as well as the recommendations of the Committee for Programme and Coordination and the ACABQ. The CPC recommended approval by the General Assembly of the programme narrative of Section 28. We believe that the proposals by the Secretary-General are a step in the right direction. However, we question whether the proposals address the structural problem of adequate staffing of the Centre for Human Rights.

We note that the Secretary-General has submitted a report (A/46/603) concerning the developments relating to the activities of the Centre for Human Rights. The Secretary-General in this report points out that the workload of the Centre by reasons of decisions of inter-governmental and expert bodies has continued to increase, since the 45th session of the General Assembly in response to strongly felt international concerns. We believe that longer-term solutions are urgently required in view of the significant increase in the workload of the centre. The increasing workload is the result of the demands by the member States, through the adoption of new human rights instruments and the establishment of new supervisory mandates to be serviced by the Centre for Human Rights. The Twelve note that the Secretary-General confirms that new mandates have been established subsequent to the completion of the budget proposals for 1992-1993. In this con-

nection the Twelve should be grateful to receive clarification from the Secretariat with regard to paragraph 28.5 of the ACABQ report.

The actual staffing resources situation of the Centre for Human Rights is a matter of great concern to the Member States of the European Community. Certain sections of the Centre still face shortages in staffing resources which are not reflected in section 28 of the Proposed Programme Budget 1992-1993. In this context we should like to refer to paragraph 7 of the report of the Secretary-General. The existing treaty bodies have been facing constraints for a long time. The rapid increase of the number of state parties to the Convention on the Rights of the Child surely a development to be welcomed, is posing imminent problems to the newly established committee which now has to deal with a larger workload than originally envisaged. Within less than two years after this international treaty was adopted, no less than 98 countries have formally undertaken to respect its provisions. Another 40 countries have made clear they also intend to ratify. One of the results of this is the significant increase in the reports submitted by governments, as governments submit their first reports within two years after they have ratified the convention. It is clear that the committee will have to deal adequately with these reports. We should like to point out that both the speed with which the convention has been ratified as well as the reports that are required under this convention clearly point to an urgent need for adequate resources.

We question whether the need for additional human resources for the handling of complaints under the Optional Protocol and other existing treaty based procedures has been addressed in the proposals. As the Secretary-General explains in paragraph 12 of the report the budget proposal does not take into account the additional workload which emanated from the new mandates of 4 Special Rapporteurs and one working group which were adopted at the 47th session of the Commission on Human Rights. The resource requirements for these newly created special procedures, based on the programme budget implication papers which were included in the report of the Commission on Human Rights to the Economic and Social Council, should be taken into account in the budget proposal for 1992 and 1993. Again, we should be grateful to receive further information from the Secretariat on this statement in relation to the statement in paragraph 28.5 of the ACABQ report.

The Commission on Human Rights at its last session also decided to amplify the mandates relating to thematic procedures and mechanisms, stressing the need for dialogue and follow-up. An increased number of missions (from 5, six years ago to 23 now) which are planned to specific countries by the Special Rapporteurs and the Working Group require an adequate number of qualified staff. The Proposed Programme Budget 1992-1993 does not appear to reflect the present needs of the Centre for Human Rights with regard to the Special Procedures Section.

Other activities which are related to Prevention of Discrimination and Protection of Minorities as well as of vulnerable groups, such as children, women and victims of contemporary forms of slavery show understaffing problems as well. For example the activities related to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination were added to the workload of the Centre in Resolution 42/47 but this was not accompanied by any increase in regular resources.

The increase of the workload of the Centre with respect to advisory services and technical assistance also requires additional human and financial resources in order to meet new requests for advisory services. We also point out that the workload with regard to the urgent action letters has increased from 1 per week to 5 per day. Special procedures have gone from 6 to 16.

We wish to point out that, while the proposals by the Secretary-General in Section 28 show a growth rate of 10% over the revised estimates for 1990-1991, in real money terms the growth is considerably less impressive, as this growth is realised over a fairly small resource base. The Twelve draw the attention of the Committee to the fact that this growth includes the four posts that were agreed on by the General Assembly during its 45th session and that are mentioned in paragraph 28.10 of the ACABQ report. The Twelve are of the opinion that the present proposals

should be supplemented as a matter of urgency by proposals that address the short term as well as the longer-term problems of adequate resources for the Centre.

At the same time, we can agree with some of the recommendations of the ACABQ, namely the ones concerning certain reductions in costs relating to the date of entry into force of the international convention of the protection of the rights of all migrant workers. These recommendations by the ACABQ do not affect the work that needs to be done in connection with this convention, as the Advisory Committee does not object to the resource requirements as such, but rather to the time-schedule relating to these requirements. This means that adequate resources will be available in 1993. In addition we are confident that in due course, resource requirements will be approved that are commensurate with the workload resulting from the implementation of the convention.

According to the Twelve, the ACABQ has made a conscientious effort at close scrutiny of the proposals of the Secretary-General in keeping with its mandate. We question whether it is appropriate for section 28 to be included in the ACABQ recommendations concerning the share of Section 28 in the general reductions (paragraphs 22, 27, 28 and 58 of the ACABQ report) totalling USD 145,300, if other sections of the budget are exempted from these reductions. The Twelve cannot accept the proposed reduction in general temporary assistance (paragraph 28.15, totalling USD 188,100[]).

As far as the proposed reduction in general temporary assistance is concerned, the Twelve wish to point out that the Advisory Committee fails to provide any justification in paragraph 28.15. We believe that this reduction is unwarranted. We should like to point out that the provision for general temporary assistance in this section is less than the provisions in other sections, both in percentage and absolute terms. The entire provision for general temporary assistance is needed to undertake programmed activities and it would of course be quite inconceivable to undertake these activities without providing the means to implement them.

The Twelve wish to stress that the amounts involved are actually relatively small. Particularly when viewed over a longer timeframe the resources of the Centre have hardly increased. To put the requirements proposed for the next biennium in a broader historical perspective, I should like to point out that in the 1990-1991 biennium there were fewer posts under the regular budget (76) than in the 1978-1979 biennium (77). Nevertheless, it would appear that the effectiveness of the Centre would be seriously hampered if these reductions would be endorsed by this committee.

The Twelve note that a provision has been made under this section for resources for the World Conference on Human Rights. We will refer to this issue when the Secretariat has provided the additional information on the resources required for this conference.

The Twelve are prepared to enter into informal consultations on this issue and to work constructively with other delegations in order to reach a satisfactory solution.

Thank you, Mr Chairman.

#### **91/352. EC/US statement concerning peaceful and democratic transformation in the East**

Date of issue: 9 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

We, the European Community and its Member States and the United States support the citizens of the new democracies of Central and Eastern Europe and the Soviet Union and its republics in their struggle to rebuild their societies and their economies on a democratic basis after decades of dictatorship and decay. We reaffirm our willingness to assist them as they confront the challenges they must overcome on the path to democracy and free-market economies.

One of the greatest of those challenges is dealing with ethnic diversity and the rights of persons belonging to national minorities. Ethnic diversity had enriched immensely the Member States of the European Community and the United States. In Central and Eastern Europe and the Soviet Union and its republics, however, communism suppressed the legitimate concerns of those who sought to express and exercise their human rights and fundamental freedoms. Many states of the region now face the re-emergence of inter-ethnic tensions, which can lead to ethnic intolerance and aggressive nationalism and other dangers. The problem is currently most acute, and most dangerous, in Yugoslavia where the full benefits of democratic reform have not yet been realized. It also exists elsewhere and threatens to undermine progress toward democracy and prosperity in all the countries of the region.

The potential for inter-ethnic tensions and aggressive nationalism to destabilize the emerging democracies of the region can best be addressed through adherence to the principles and commitments enunciated through the CSCE process, including as reaffirmed at the recent Geneva meeting of experts on national minorities.<sup>1</sup> Failure to observe these can, as we have seen in Yugoslavia, lead only to tragedy and human suffering.

We specifically want to underline that political freedom is not the cause of such problems but is the necessary precondition for achieving durable solutions in the spirit of compromise and mutual tolerance.

We call on the government[s] and citizens of the region to join them in openly and publicly confirming their support for CSCE norms, including, specifically:

- The resolution of disputes consistent with democratic values, principles and practices.
- Reliance on dialogue and negotiation rather than the use of force to settle political differences. The use of force in such matters is absolutely unacceptable and will result in the international isolation of those who resort to it.
- Respect for all existing borders, both internal and external, and agreement to change them only through peaceful means and by the agreement of the parties concerned.
- Rebuilding their societies based on democracy and the rule of law, including in particular democratic practices such as free and fair elections, due process of law, free media and fostering tolerance and cross-cultural understanding. Democracy is based not only on the principle of majority rule, but also on the protection of the fundamental human rights of those in the minority.
- Safeguarding of human rights, with full respect for the individual, including fair and equal treatment of members of national minorities.
- Respect for international law and obligations, as well as the values, principles and commitments enunciated through the CSCE process, especially those contained in the Helsinki Final Act, the Charter of Paris, and the Copenhagen, Geneva and Moscow Documents.

We note that the full observance and implementation of all CSCE principles and commitments and the respect for the diversity of minorities in a spirit of tolerance are essential to the development of close, cooperative and mutually beneficial relations in the new Europe.

As the CSCE proclaimed categorically and irrevocably in Moscow, respect for fundamental human rights in any CSCE State is a legitimate concern of the CSCE community. Indeed, they are among the primary obligations of responsible government. The citizens and governments of Central and Eastern Europe and the Soviet Union and its republics should understand that the respect for these principles will be fundamental to the development of our relations.

<sup>1</sup> *EPC Bulletin*, Doc. 91/200.



**91/353. EC/US statement concerning UN conventional arms transfer register**

Date of issue: 9 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Joint Declaration

We agree to work closely together to establish an arms transfer registry under UN auspices as proposed in the EC/Japan initiative. Greater transparency in the transfer of arms can help to build international confidence and stability and reduce regional tensions. We urge world-wide support for the current resolution and for other efforts that seek to enhance the transparency of conventional arms transfers.

**91/354. Statement concerning Yugoslavia**

Date of issue: 12 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States condemn the further escalation of attacks upon Vukovar, Dubrovnik and other towns in Croatia.

They have noted that for the first time both the rump Presidency, which consists of representatives of Serbia and Montenegro, and the Government of Croatia have called for the deployment of international peace-keeping forces in the crisis areas. In response, the Community and its Member States have invited Lord Carrington to leave for Yugoslavia without delay in order to explore whether an agreement on such deployment can indeed be reached.

Lord Carrington has been asked to explain to the parties concerned that any deployment of peace-keeping forces will be contingent on the prior establishment of an effective cease-fire.

Member States which are members of the United Nations Security Council have undertaken to accelerate work on additional measures to enhance the effectiveness of the arms embargo and on necessary steps towards imposing an oil embargo. In addition, they will ask the Security Council to consider urgently the implications of the recent proposals from the Yugoslav parties.

**91/355. Statement in the First Committee of the UN General Assembly concerning the establishment of a nuclear-weapon-free zone in the region of the Middle East [agenda item 54]**

Date of issue: 12 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, under item 54 of the agenda of this General Assembly, the First Committee deals with the issue of the establishment of a nuclear-weapon-free zone in the region of the Middle East. Indeed, the Twelve note that Egypt has called for the establishment of such a zone in resolutions since 1974. These resolutions have been adopted by consensus in the General Assembly for more than ten years.

The Twelve are particularly happy that this year too the delegation of Egypt has tabled a draft resolution (A/C. 1146/35/Rev. 1) which hopefully will attract consensus. It is a well balanced text which deals with an issue which has had a prominent place in our political agenda, especially this year.

Mr Chairman, in 1990 President Mubarak of Egypt suggested expanding the scope of a nuclear-weapon-free zone in the Middle East. He proposed that the Middle East should be declared a region free of all weapons of mass destruction, because the threats to the region had continued to grow as a result of the accumulation of arms in the region. This proposal was well received by the international community.

The Twelve believe that the early establishment of a zone free of weapons of mass destruction in the Middle East would constitute an effective measure of non-proliferation and arms control. If a zone free of weapons of mass destruction would be established, this would be a major contribution towards, *inter alia*, the objective of a global ban on chemical weapons. In the longer term such a zone, to be real and effective, would have to be freely negotiated and agreed to by all parties in the region.

The Gulf crisis demonstrated to what extent excessive accumulation of arms, as well as proliferation of nuclear, chemical and biological weapons and missiles capable of delivering those weapons, could endanger peace and security. Security Council Resolution 687 recalled the objective of the establishment of a nuclear-weapons-free zone of the region in the Middle East. It also pointed to the threat that all weapons of mass destruction pose to peace and security in the area as well as to the need to work towards the establishment in the Middle East of a zone free of such weapons.

The Twelve take note of the letter dated 21 July, 1991 of the Minister for Foreign Affairs of Egypt addressed to the Secretary-General of the United Nations concerning the recent proposals on arms limitation and disarmament in the Middle East. One could also mention the declarations of the representatives of the five states permanent members of the United Nations Security Council concerning arms transfers and non-proliferation of July 1991 and October 1991. 1991 is indeed a year in which quite a few initiatives with implication for or concerning the Middle East were taken.

A very important step would be for all States in the region to formalize their commitments to non-proliferation, e.g. by acceding to the Non-Proliferation Treaty and the Biological and Toxin Weapons Convention. Joining the NPT and accepting full scope safeguards could certainly diminish suspicions concerning nuclear programmes. It would thus also have a confidence building effect. Full compliance with international obligations is necessary. There should be no fear of hidden nuclear arsenals or programs. In this context the Twelve commend the efforts undertaken by the Director-General of the IAEA.

The validity and normative value of the Biological and Toxin Weapons Convention was reaffirmed in the Final Declaration adopted on 27 September 1991 by the Third Review Conference of the Parties to the Biological and Toxin Weapons Convention. This declaration clearly stated the determination of states parties to exclude completely the possibility of the use of bacteriological (biological) agents and toxins as weapons. States parties also expressed their belief that universal adherence to the Convention would enhance international peace and security. The Twelve would like to take this opportunity to call on all states in the region of the Middle East to become party to the Biological and Toxin Weapons Convention. As a biological weapons capability was clearly a possibility in the Middle East, witness the recent events in the Gulf, it appears to the Twelve that all States in the region should have a particularly keen interest in full adherence to the Convention.

The Third Review Conference of the Biological and Toxin Weapons Convention took the initiative to investigate the possibility and means of verification of the Convention. The Twelve

welcome the establishment of an Ad Hoc Group of Governmental Experts, open to all states parties, to identify and examine potential verification measures from a scientific and technical standpoint.

Mr Chairman, the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction are progressing steadily in the Conference on Disarmament in Geneva. Indeed, part of the negotiator's mandate is that they should strive to achieve a final agreement on the convention in 1992. The Twelve fervently hope that all states in the Middle East will actively contribute to the negotiations and will, in the end, join the convention. Universal adherence will be an important element for the convention. Adherence by all States in the Middle East, an area where chemical weapons have been used on several occasions in the recent past, would contribute to the security of the region and the world as a whole.

In conclusion, Mr Chairman, the call to make the Middle East a zone free of weapons of mass destruction merits full support from the international community. The Twelve are pleased that such a call is now also reflected in draft resolution L.35 Rev.1, in its preambular para 8. This para goes even further as, through its reference to general and complete disarmament, it involves conventional weapons too. The Twelve, in conclusion, express the hope that the Middle East will embark on the road of arms control and disarmament. The Conference of Madrid showed that all the parties involved in the Arab-Israeli conflict can sit together at the conference table. Let us here in this room do our share too!

Thank you, Mr Chairman.

**91/356. Explanation of vote in the First Committee of the UN General Assembly concerning the prevention of an arms race in outer space [agenda item 57]**

Date of issue: 12 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

On behalf of the European Community and its Member States I would like to make an explanation of vote on draft resolution A/C1/46/L.25 on the 'Prevention of an Arms Race in Outer Space'.

The Twelve note that again the combined efforts of various delegations made it possible to draft a resolution which could be supported by all twelve Member States of the European Community. This confirms last year's good pattern; a break with the practice of the past when traditionally three regional groups and one state each presented their own draft. In view of the efforts to rationalize the work of the First Committee, this is a positive development.

In the opinion of the Twelve this new pattern reflects the importance of the issue of preventing an arms race in outer space and constitutes an encouraging sign for the continuation of the work at the Geneva Conference on this subject. Indeed, this year's work in the CD under the able chairmanship of Ambassador Garcia Moritan of Argentina has resulted in a spirited and in-depth discussion of a great number of items. Together with the more constructive approach by delegations, this proved to be the best way to move forward on this highly complex subject, which incorporates a multitude of technical issues.

The Twelve note that operative paragraph 9, as it stands, did not command consensus.

This is for reasons which relate to differences of view on the constitutional aspect of the relationship between the United Nations and the Conference on Disarmament, including on how the

Conference on Disarmament should conduct its work. The Twelve would have preferred if a formulation could have been found for this paragraph which would have commanded consensus.

Thank you, Mr Chairman.

**91/357. Statement in the Third Committee of the UN General Assembly concerning the implementation of human rights instruments [agenda item 98(A)]**

Date of issue: 12 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr de Marchant et d'Ansembourg:* Mr Chairman, the European Community and its Member States have on many occasions expressed their firm commitment to furthering the cause of human rights as well as the importance they attach to the role of the United Nations in this respect. It is therefore an honour to speak on behalf of the European Community and its Member States on agenda item 98(A): Implementation of Human Rights Instruments.

The promotion and protection of human rights is one of the highest priorities of the United Nations. This priority can only be fully achieved when states abide by their international obligations and effectively implement the human rights instruments to which they have adhered. In this respect, the European Community and its Member States note with satisfaction the increasing number of ratifications or accessions to the International Covenant on Civil and Political Rights and its Optional Protocols, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. We call on all states who have not already done so to ratify, or to accede to, the international human rights instruments. We believe that, in future particular attention must be given to securing universal adherence to, and monitoring compliance with, these existing instruments. A new development is the International Convention on the Protection of the Rights of all Migrant Workers and Their Families which was adopted last year by consensus.

In order to avoid a proliferation of standards and a possible weakening of the universal principles on which human rights are based we would prefer to restrict future standard-setting activities to those situations where the need to draft new instruments commands a broad consensus on the part of the international community. Where the drafting of new instruments is being considered, the Guide-lines approved by the General Assembly at its forty-first session, in its Resolution 41/120 on setting international standards in the field of human rights, must be applied.

Implementation of human rights instruments is in the first place the responsibility of individual governments. However, all governments are accountable to the international community and cannot use the argument that supervision of the implementation of these instruments constitutes interference in their internal affairs. By adhering to the human rights instruments they have committed themselves to being supervised by international Treaty Bodies. The role of the Treaty bodies in this respect is of the utmost importance for making compliance with human rights standards a day to day reality for the citizens of individual countries. The European Community and its Member States therefore wish to underline that a proper and effective functioning of the Human Rights Treaty Bodies is a key to the enhancement of human rights and to the creation of fuller awareness on the part of individual governments. In this connection they note the role which the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted under the auspices of the Council of Europe, has played and is playing in the European context.

The General Assembly reaffirmed last year that it is responsible for a proper functioning of the Human Rights Treaty Bodies. It also reaffirmed in this connection the importance of ensuring the

effective functioning of systems of periodic reporting by states parties to the human rights instruments, and the importance of securing sufficient financial resources. The European Community and its Member States welcome the idea of further meetings of Persons Chairing the Human Rights Treaty Bodies and underline the importance of promoting greater interaction between the various Human Rights Treaty Bodies as well as between the supervisory committees and other United Nations bodies dealing with human rights. We therefore welcome the report of the 1990 meeting which gives a clear overview of the difficulties and of possible remedial action. Another interesting recommendation focussed on the appointment of rapporteurs from each Treaty Body to report on the work of other Treaty Bodies. We welcome the fact that the Treaty bodies have put this recommendation into practice in the meantime. We also welcome other arrangements for innovative mutual exchanges of information, extending these to other relevant UN agencies and institutions as well.

In the view of the European Community and its Member States the meeting of Persons Chairing the Human Rights Treaty Bodies also has an important task in making recommendations to the World Conference on Human Rights on those issues relevant to a proper and effective functioning of the Treaty Bodies. The UN World Conference on Human Rights, to be held in Berlin in 1993, could greatly enhance international respect for human rights by concentrating in particular on improvement of the implementation of existing norms and standards.

The General Assembly should continue to emphasize the importance of adequate and timely reporting by all states parties to the various treaties. The European Community and its Member States are well aware of the bureaucratic difficulties which drafting of country reports entails. Nevertheless we are concerned about the very large number of reports that were not submitted in time or did not comply with the guide-lines issued by the supervisory treaty bodies. We are very pleased that the Manual on Human Rights Reporting drawn up by UNITAR in cooperation with the Centre for Human Rights was published last spring and we wish to compliment the authors on its quality and the handiness of its format. Next to the existing training programmes on reporting procedures it is a highly useful instrument to assist governments in acquitting themselves of this important task.

The European Community and its Member States also attach great importance to the individual complaints procedures laid down in the First Optional Protocol to the Covenant on Civil and Political Rights and in Article 14 of the Convention on the Elimination of all forms of Racial Discrimination as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms. It is an encouraging sign that more individuals who claim to be victims of violations of human rights find the way to the relevant Treaty Bodies. A proper and timely handling of individual complaints is in our view essential for maintaining a high standard of bringing justice to victims of human rights violations.

It is imperative that the Centre for Human Rights has sufficient staff to service the Treaty Bodies effectively. The workload resulting from the operations of the Treaty Bodies has increased significantly during the past years. Not only have new bodies been established but changes in their working methods have also entailed further demands for more staff. Processing an ever increasing number of complaints under the First Optional Protocol also justifies additional staffing. These matters received urgent attention last year when, by its Resolution 45/85 the GA reiterated its request that the Secretary General review the need for adequate staffing resources as regards the various Treaty Bodies, and requested him to report on this question at this session. We note from the report on Effective implementation of international instruments on human rights (document A/46/503) which is before us that the information requested is included in the relevant report under item 98(B). The European Community and its Member States will address this issue again under agenda item 98(B).<sup>1</sup> On the basis of the Secretary-General's report we will be in a better position to judge whether the necessary provisions for adequate staffing have been made not only for the various sections but also for the Centre as a whole.

The European Community and its Member States express their concern about the financial difficulties which some of the Treaty Bodies are facing. We urge those states parties who are in arrears to pay their financial contributions and to face the responsibilities to which they have committed themselves. The non-payment of financial contributions endangers the conference schedule of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. It is necessary that measures be taken which both in the short and the long term will enable these committees to fulfil their mandates. The Twelve recognize that the United Nations and its member States carry a common responsibility for the effective functioning of the Treaty Bodies. The Meeting of Persons Chairing the Treaty Bodies has made recommendations to that effect. In operative paragraph 14 of Resolution 1991/20 the Commission on Human Rights requested the Secretary-General to submit to this General Assembly a report examining the financial, legal and other implications of providing full funding for the operation of all Human Rights Treaty Bodies. During this session of the General Assembly, and during the coming meetings of states parties of both Conventions, important measures aimed at short term and long term solutions should be taken in order to remedy this worrisome situation.

Mr Chairman, I would like to turn to the reports of the Supervisory Treaty Bodies. The Human Rights Committee examined several reports of states parties in its usual very thorough manner. The European Community and its Member States congratulate the Committee on this excellent performance. It proved to be alert to the specific case of Iraq, which only complied with the obligation to submit its third periodic report after a specific decision to that effect by the Human Rights Committee.

The report which Iraq finally submitted, however, avoided the relevant issue, namely compliance with the Covenant. During the discussion of the report by the Human Rights Committee, the Iraqi delegation questioned the mandate of the Human Rights Committee to enquire into the implementation of the right to life, because the Security Council already dealt with the issue. This argument is an unacceptable one, because the Human Rights Committee has a clear and autonomous mandate to verify compliance with all obligations laid down in the Covenant.

The Human Rights Committee continued its practice of drafting general comments on specific Articles of the Covenant. This practice is a very useful one as, among other things it provides an outline for reporting on the implementation of the Articles of the Covenant. The Committee started updating the general comments on Articles 7 and 10 which both deal basically with the inherent dignity of the human person. As members of the Committee indicated, it is important to clarify the difference between those Articles. Article 7 deals with very grave violations of the inherent dignity of the human person, irrespective of whether the person in question is deprived of his or her liberty or not, while Article 10 is only applicable within the context of the deprivation of liberty and lays down more specific requirements. It is important to underline the supplementary aspect of Article 10. The European Community and its Member States welcome the initiative of the Committee in starting preparatory work on general comments on Articles 18 on the right to freedom of thought, conscience and religion; 25 on the right to take part in the conduct of public affairs, to vote and to be elected at genuine periodic elections and to have access to public service; and 27 on minorities; they express the hope that the results will be as valuable as most earlier comments.

The Committee on Economic, Social and Cultural Rights is in its sixth year of existence and has shown a creative and dynamic approach towards its supervisory task. Its method of work has evolved during the years, as a result of which a pre-sessional working group is to prepare for the actual consideration of the reports. Last year's session excepted, the Committee has found time, to have a general one-day discussion on specific Articles or aspects of the Covenant. This year the Committee will focus on economic and social indicators which could measure progress in the implementation of the Covenant. It will be interesting to learn the Committee's views, among other

things, on the report on Economic, Social and Cultural Rights by Professor Türk, the Sub-commission's Special Rapporteur. One of Mr Türk's preliminary conclusions is that indicators can assist in determining violations of economic, social and cultural rights. According to his conclusions, this is especially true with regard to the non-discrimination clauses of the Covenant and the obligation to achieve economic, social and cultural rights progressively. In this respect, the European Community and its Member States have learnt with satisfaction that the Committee will also take up the preparation of a general comment on Article 2, paragraph 2 regarding the non-discrimination clause.

In the view of the European Community and its Member States the Committee's dynamic approach is also manifest in its general comments on Article 22, in which some guide-lines are given for the role that UN development agencies and programmes can play with regard to the progressive implementation of human rights. Utilization of the mechanism which was established in Article 22 should be encouraged. The relevant UN agencies should take greater interest in the Committee's work and the Committee itself should formulate recommendations either of a general policy nature or relating to specific situations for progressive implementation of the Covenant. The general comment on the nature of the obligations of states parties (Article 2, paragraph 1) is a valuable contribution to a better understanding of the duties of states parties to implement the Covenant, especially with regard to the term 'progressive realization' as used in the Covenant. It is no doubt very useful to remind states parties that this concept should not be misinterpreted as depriving the obligations of the Covenant of all meaningful content. In this context the European Community and its Member States would like to underline the importance of Article 23 of the Covenant on the provision of technical assistance, as well as the international obligation of states to cooperate in the field of development as laid down in Articles 55 and 56 of the Charter of the United Nations and as further specified in Article 4 of the Declaration on the Right to Development.

In re-examining some of the principles incorporated in the Declaration on the Right to Development, adopted by the General Assembly in 1986, it is possible to see elements of the relationship between economic development and respect for human rights. The integration of human rights concepts into economic development, as emerges occasionally from the Declaration, tends to place the individual human being at the centre of the development process and to put him in charge of it. This interpretation of the logical structure of the Declaration certainly goes hand in hand with the central message of the 1990 Human Development Report and reflects a general trend in the same direction which emerges with increasing frequency within the United Nations. The European Community and its Member States welcome the fact that there is increasing recognition of the vital relationship between democracy, human rights and sustainable development in the international development debate. Respect for human rights, the rule of law and political institutions which are effective, accountable and enjoy democratic legitimacy constitute in our view essential requirements for dynamic economic development and equitable distribution. The European Community and its Member States certainly support a view of development where the individual is at the centre of the process and is its main actor and beneficiary, and are looking forward to a further elaboration of this perspective.

We will address this issue again under agenda item 98(B) and (C).

The excellent report by the Committee against Racial Discrimination needs to be mentioned here as well, as this Committee was one of the early successes in the United Nations' human rights system. The Committee took the important decision that its members can make use, as independent experts, of all available sources of information, governmental as well as non-governmental. We welcome this decision as it will deepen the examination of state reports. In the same context we would like to commend other new procedures in the work of the Committee, such as the introduction of country rapporteurs, and of concluding remarks as well as of the examination of earlier

state reports where a country has failed to submit a new report as requested by the Commission. We also refer to our intervention under agenda items 92 and 93 with respect to the financial problems of the Committee against Racial Discrimination.<sup>2</sup>

The Committee against Torture is establishing itself as an authoritative supervisory body which scrutinizes reports by states parties in a critical but constructive manner. It has made a laudable effort in developing an efficient method of work by taking advantage of the experience of other Treaty Bodies. With respect to our views on the financial situation of the Committee we refer to the remarks we made earlier in this intervention. It is of course of the utmost importance that governments cooperate with the Committee. To illustrate this we would like to mention one example. In one case, in view of the number of questions which had remained unanswered during consideration of its initial report, the Committee made a specific decision to request the Government of China to submit an additional report by 31 December 1990. This request, however, has remained without an answer. The European Community and its Member States feel that states parties should abide fully by their obligations to cooperate with the Committee.

The Committee might also take up the practice of making general comments on specific Articles of the Convention, based on the experience it has built up during the consideration of reports.

The Convention against Torture clearly forbids, besides torture, also cruel, inhuman or degrading treatment or punishment. The European Community and its Member States note with concern that, despite some positive developments, the report of the Special Rapporteur on Torture to the Commission on Human Rights again reflected a horrifying picture of the use of torture in the world today. The number of communications on alleged cases of torture or severe maltreatment as well as for urgent appeals has increased again. It is encouraging to note that more governments provide information and cooperate with the Special Rapporteur although on the other hand we would welcome more invitations by governments to the Special Rapporteur to visit their countries. Moreover, we favour close contacts and exchanges of information between the Special Rapporteur on Torture and the Committee against Torture. We support his recommendations, particularly those which contribute to the prevention of torture as well as those which deal with the provision of advisory services, so as to assist certain governments in their efforts to remedy existing situations. The European Community and its Member States also express their great concern that in some cases persons belonging to the medical profession are involved – directly or indirectly – in the practice of torture. We consider that the ethical standards for the medical profession approved by the General Assembly in 1982, through the adoption of Resolution 37/194, should be strictly observed by all.

The European Community and its Twelve Member States welcome the entry into force last year of the Convention [on] the Rights [of] the Child, which established a framework of norms and a supervisory mechanism to protect those who personify the future of humanity and who are the most vulnerable among us. The speed with which states became parties to the Convention on the Rights of the Child must be an encouragement to the Committee, which is now facing the task of reminding states of their obligations. The newly elected Committee on the Rights of the Child held its first session this year. The Committee adopted its provisional rules of procedure and general guide-lines regarding the form and content of initial reports to be submitted by states parties. It also designated several members to follow the work of the other Treaty Bodies and made arrangements for cooperation with other relevant organizations. The European Community and its Member States are confident that the Committee will play an important role in enhancing the protection of the most vulnerable group. Nevertheless, from its Interim Report to the General Assembly it becomes clear that the Committee will soon face an unprecedented workload in examining state reports, for which it has only one session per year. This is a matter which needs to be looked into during this session of the General Assembly.



The European Community and its Member States are pleased that the Second Optional Protocol on the Abolition of the Death penalty, which was adopted in 1989, entered into force on 11 July this year. This is a major step forward in the field of human rights. They, therefore encourage those states which can do so to become parties to the Second Optional Protocol. States which have not formally abolished the death penalty should consider refraining from implementing this severest form of penal sanction.

As regards the setting of new standards the European Community and its Member States will welcome the adoption by the General Assembly, during this session, of the Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder. They regard it as an important step in the protection of the rights of mentally ill patients. The drafting of this body of principles has a long history and originated in concern that psychiatric knowledge and skills were being abused for political purposes. We welcome the fact that guarantees have been worked out to protect individuals from possible future abuse of their fundamental rights if they are detained for reasons of mental illness. The Twelve commend both the working group of the Subcommission on Prevention of Discrimination and Protection of Minorities as well as the working group of the Commission on Human Rights for their efforts to achieve this result.

In concluding, Mr Chairman, let me reaffirm that the European Community and its Member States are deeply convinced that protecting human rights is a fundamental principle of the United Nations and that the General Assembly has the important task of safeguarding the UN's supervisory machinery, as well as of seizing new opportunities, in the present state of the world, of promoting the cause of human rights.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/368.

<sup>2</sup> *EPC Bulletin*, Doc. 91/297.

### **91/358. Statement by an informal meeting of Ministers of Foreign Affairs concerning East Timor**

Date of issue: 13 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States are gravely concerned at reports that on 12 November members of the Indonesian armed forces in Dili opened fire on a group of demonstrators, killing and wounding a considerable number.

The European Community and its Member States vehemently condemn such violence which is in clear contravention of the most fundamental human rights.

The European Community and its Member States will obtain further information about the circumstances surrounding this incident at the earliest possible opportunity, if possible from independent sources.

The European Community and its Member States urge the Indonesian Government to ensure that members of the Indonesian armed forces and police in East Timor refrain immediately from using violence and that the members of the armed forces and police who were responsible for the tragic outcome of this incident are brought to trial.

**91/359. Statement by an informal meeting of Ministers of Foreign Affairs concerning humanitarian action in Yugoslavia**

Date of issue: 13 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States agreed to conduct joint operations with UNICEF in order to establish humanitarian peace and security corridors to allow for assistance and possible evacuation of Yugoslav children in the framework of balanced operations.

**91/360. Explanation of vote in the Third Committee of the UN General Assembly before the vote on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination [agenda item 93]**

Date of issue: 13 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, I have asked for the floor to make an explanation of vote on behalf of the Member States of the European Community on Draft Resolution L.13 rev 1 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination, which is now before the Committee.

We noted that the Special Rapporteur in his preliminary report, transmitted by the Secretary-General to the General Assembly, adopted a much broader subject range than the agenda-item would ask for.

The Twelve condemn unequivocally the recruitment, use or financing of mercenaries and well understand the concerns which led to the presentation of this proposal. We are nevertheless unable to support the text for reasons both of substance and principle.

The Draft Resolution welcomes the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and urges all states to accede to it, but in doing so the proponents of this Draft have again introduced in the text controversial political considerations, extraneous to the Convention itself and to the Resolution dealing with the same subject adopted by consensus by the Sixth Committee at the 44th session of the General Assembly.

We note with regret that endeavours to change the text were not successful. At the most recent sessions of the Commission on Human Rights and ECOSOC a pattern of change of the resolutions on this issue had been established. We hoped that this pattern of adopting procedural resolutions could be continued at this session of the General Assembly and made an effort to that effect.

We wish also to reiterate our long standing objections to the framework in which the questions of mercenaries are being discussed. As far as the European Community and its Member States are concerned, they are matters concerning relations between states, rather than a human rights issue.

**91/361. Explanation of vote in the Third Committee of the UN General Assembly on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid [agenda item 92]**

Date of issue: 13 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, I have asked [for] the floor to make an explanation of vote on behalf of the Twelve Member States of the European Community on draft resolution L.11 concerning the Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which is now before the Committee.

We would like to stress first of all that our votes on this resolution have no connection with our views on apartheid, which were clearly expressed in the statement of the Twelve before this Committee.<sup>1</sup> Not only have we repeatedly condemned the abhorrent system of apartheid, and have called for it to be abolished, but we have also taken practical measures against it.

We have noted that some controversial phrases from the resolution of previous years have been deleted. Even though we support the stated aim of the Convention, we would stress that the twelve Member States are not parties to the Convention, that we continue to have serious reservations concerning the means envisaged in the Convention and that therefore we are not engaged to language used in certain paragraphs nor to the formulation of certain remaining paragraphs of the draft resolution on which in previous years a separate vote was cast.

The Twelve have noticed with concern that the resolution before us does not adequately take into account the practical and political efforts deployed by the international community, including the European Community and its Member States, to contribute to the abolition of apartheid. Nor does it reflect the significant changes which have taken place in South Africa which, in our view, have to lead to the establishment of a democratic, non-racial and united country.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/297.

**91/362. Explanation of vote in the Third Committee of the UN General Assembly after the vote on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights [agenda item 93]**

Date of issue: 13 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

I have asked for the floor to make an explanation of vote on behalf of the Member States of the European Community on Draft Resolution L.10 rev 1, on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.

The Twelve firmly support the right to self-determination in accordance with the Charter and the International Covenants on Human Rights and they actively work for its universal application. But, as in previous years, we were not able to support the Draft Resolution under consideration. While acknowledging a relative improvement in certain parts of it, we wish to point out that there are still several elements which raise substantial difficulties.

In this very lengthy resolution, to a large extent devoted to the situation in the Southern African region, some paragraphs have been inserted in relation to the significant changes that took place over the last year. However, the text does not sufficiently take into full account the events in that country, including important measures adopted which, in our view, contribute to the ultimate goal which is the establishment of a democratic, non-racial and united South Africa, with the full

recognition of human rights and fundamental freedoms for all. We regret that the resolution does not reflect the rapidly evolving situation in South Africa.

Mr Chairman, although operative paragraph 2 has been changed compared to last year's text, the reference to the struggle in all its forms in this paragraph, still causes us problems. We wish to reiterate our view that the United Nations should above all encourage peaceful solutions to international problems in accordance with the principles of the Charter. We wish also to emphasize once again that we do not accept the assertion that the maintenance of relations with a state necessarily implies encouragement or approval of that state's policies.

As regards the Middle East, the European Community and its Member States have repeatedly deplored Israel's repressive measures in the Occupied Territories which make a peaceful settlement harder to find. Lasting peace can only be achieved if the rights of all states in the area – including Israel – to exist within secure, recognized and guaranteed borders is confirmed and if the right of Palestinian people to self-determination, with all that implies, is also fully recognized. The peace conference leading to negotiations between the parties, offers real prospects for peace in the region.

With respect to other questions dealt with in the draft, the position of the Twelve is explained in detail in the statement of the Minister of Foreign Affairs of the Netherlands in the General Debate on 24 September 1991 and in the Memorandum annexed to it.<sup>1</sup>

Mr Chairman, the Twelve established at an early stage contacts with the cosponsors of this resolution also with particular reference to this resolution. Our intention was to try to bring this text as well as other relevant draft resolutions tabled under the first cluster of items more in line with recent developments *inter alia* in South Africa, as reflected in the report of the Secretary-General on the progress of implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa. This Declaration adopted by consensus as well as the Harare Commonwealth Declaration of 20 October 1991 constitute a sound basis on which a constructive work could have been done to reach a common ground on the assessment, from the specific perspective of the Third Committee, of political developments in the region.

Unfortunately our endeavour was not successful. We hope that in the future the dialogue with the authors of these resolutions will be deepened so that consensus can be reached. We will make every effort to this end.

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<sup>1</sup> *EPC Bulletin*, Docs 91/285 and 91/286.

**91/363. Statement in the Sixth Committee of the UN General Assembly concerning the United Nations decade of international law [agenda item 127]**

Date of issue: 13 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

First of all I would like to thank the distinguished Legal Counsel for his introduction of this item, which is of great importance to all of us. The Twelve also want to express their gratitude to the Legal Office for the thorough analytical presentation of the replies received from States and International Organizations. Our special thanks also go to the distinguished Representative of

Pakistan, Judge Aftab Farrukh, for the way he chaired the Working Group on the Decade this year and for his report on the results of this year's discussions.

The Member States of the European Community would like to reiterate their endorsement of Resolution 45/40, which they co-sponsored. They remain convinced, as the distinguished representative of Italy stated on behalf of the Twelve last year, that

the time is ripe for coordinated initiatives, whose overall impact will be the strengthening of international law in various fields: from questions concerning increasing the number of parties to important multilateral treaties and improving their application; to assistance to developing countries in the treaty-making process; to the maintenance of international peace and security; to the strengthening of the International Court of Justice and of procedures for the peaceful settlement of disputes; to taking stock of the achievements obtained and of work still to be done as regards the codification and progressive development of international law; to initiatives for the teaching, study, dissemination and wider appreciation of international law.

The programme of activities to be commenced during the first biennium of the United Nations Decade of International Law, which was annexed as an integral part of Resolution 45/40, has been, as appears from the contributions summarized in the analytical presentation, a valuable incentive for international and national efforts to strengthen the role of international law. In this context we wish to express our appreciation to the states and to the many international and inter-governmental organizations and NGOs that have sent replies. The Twelve look forward to a more complete analytical presentation in the 47th General Assembly at the end of the first biennium of the Decade. It is expected that at that stage it will be possible to paint a more comprehensive picture of the activities undertaken.

Now that this programme has provided the necessary guidance as to the concrete elements that should be worked out during the Decade, it is our sincere hope that the implementation of these activities will be undertaken without delay. In this connection we should also reflect upon the role of the Sixth Committee in the Decade. We have carefully noted the various and valuable contributions of other organs within the United Nations system to the goals of the Decade. While the analytical presentation contains several paragraphs on the role of the Sixth Committee in the progressive development of international law and its codification, it remains silent on the further task of our Committee in the Decade. The Sixth Committee should in the first place continue to coordinate and stimulate the efforts of other contributors. We should however also ask ourselves what contribution the Sixth Committee itself can make in order that we can truly state in 1999 that the involvement of the Sixth Committee made a difference to the enhancement of international law. The time for repeating good intentions has passed and our future deliberations should be aimed at producing concrete proposals. In this connection, Mr Chairman, please allow me to highlight the following matters.

As regards the promotion of means and methods for the peaceful settlement of disputes between States, the Twelve would like to reiterate the need to examine the possibility of a wider resort to third party intervention in the settlement of disputes and of further enhancing the role of the International Court of Justice as the principal judicial organ of the United Nations. The Twelve, moreover, are convinced that in addition to mechanisms for the settlement of disputes on a universal level, mechanisms of a regional level can play an important role as well and should receive more attention during the Decade.

The Twelve remain convinced, as has been stated in the reply by Ireland on their behalf, contained in the Report of the Secretary-General (document A/45/430), that a general priority should be given to the use, or if necessary, the increased use, of international norms and instruments already existing, rather than to the setting up of new bodies and the development of new international legal instruments. Perhaps an exception in this respect should be made for international legal regulation of questions related to the environment and the protection thereof.

In this connection the Twelve hope that in addition to other initiatives aimed at the protection of the environment, the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 will contribute to the strengthening of international environmental law.

Mr Chairman, the encouragement of the teaching, study, dissemination and wider appreciation of international law remains one of the main purposes of the Decade. The Twelve wish to underline their particular commitment to this goal. In this connection the emphasis that the Commission of the European Communities put on the encouragement of teaching in its reply to the Secretary-General should be noted. This reply stated that the acceleration of the process of European integration and the establishment of the expanded internal market in 1993 has prompted universities to pay particular attention to the teaching of European Community-related subjects, particularly in the field of law. An important tool for the development of these studies in international and community law has been the European inter-university cooperation. Under the so-called Erasmus programme, institutions of higher education within the European Community can receive support from the European Commission for the establishment of inter-university cooperation programmes, transnational studies that foster mobility of students and teachers and the joint development of teaching programmes and intensive courses. It should be noted that international law has been particularly well represented among these programmes, especially in intensive courses of relatively short duration, which have allowed institutions to pool their expertise in new and highly specialized fields.

Mr Chairman, the Twelve Member States of the European Community encourage the International Law Commission to continue its constructive work. With regard to the Decade, the ILC's primary task is to further contribute to the codification of international law and its progressive development. The Twelve took note with appreciation of the fact that, according to the report of the ILC Working Group on long-term programme of work, there were several ways in which a substantive contribution by the International Law Commission to the objectives of the United Nations Decade of International Law could be achieved. The first one, according to the Working Group, was finalization of the work on the topics presently on its agenda.

Mr Chairman, the Twelve remain prepared to participate actively in working out initiatives in the framework of the Decade. We are confident that the atmosphere of cooperation which was evident in this year's working group, as well as the practice of decision-making on Decade items by general agreement, will prevail in future sessions.

Thank you Mr Chairman.

#### **91/364. Statement concerning the situation in Iraq**

Date of issue: 15 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States remain deeply concerned about the situation in Iraq and about reports of the continued repression of its civilian population by Iraqi government troops.

The situation in Northern Iraq has been worsened by continued military action and the imposition of a blockade by the Iraqi authorities on the area. The Community and its Member States have noted the reported agreement between the Iraqi authorities and the Kurds on the lifting of these measures. They expect the Iraqi authorities to respect their undertakings and demand an end to Iraqi attempts to disrupt economic life in the North. They are disturbed by reports of continued military action and other repressive measures against the Shia communities in Southern Iraq. These actions must cease.

The Community and its Member States reiterate their appeal to the Iraqi authorities to comply fully with the provisions of Security Council Resolution 688, which demand an end to the repression of the Iraqi civilian population throughout the country, and insist that Iraq support and cooperate with the humanitarian relief efforts of the United Nations. In this context, they once more underline the importance they attach to full respect of the human and political rights of all Iraqi citizens.

The Iraqi regime carries the responsibility for the deterioration of the humanitarian situation in Iraq. In this respect, the Community and its Member States stress the need for an early and effective implementation of UN Security Council Resolutions 706 and 712, which would contribute to improving the living conditions of the civilian population concerned.

**91/365. Explanation of vote in the First Committee of the UN General Assembly concerning Israeli nuclear disarmament [agenda item 63]**

Date of issue: 15 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr Wagenmakers:* On behalf of the European Community and its Member States, I wish to explain the vote on draft resolution A/C.1/46/L.24/Rev.1 on 'Israeli Nuclear Armament'.

Mr Chairman, the Twelve have collectively abstained on this draft resolution. They agree with the call contained in the draft that Israel should put all its nuclear facilities under IAEA safeguards. But they disagree that such call should be focused exclusively on Israel, whilst there are also other States that have not yet placed their facilities under IAEA safeguards. The Twelve have stated this repeatedly.

This year, the opening of the International Peace Conference on the Middle East offers interested Parties the possibility of a direct dialogue which is also an appropriate matter to further disarmament in the Middle East. All States should appreciate the delicacy of this process. One should refrain from throwing accusations at each other. There should be a call for cooperation and the necessary political will to discuss all items of mutual interest to each other.

The Twelve support efforts to make progress in nuclear disarmament in the Middle East. To this end they call on [...] all states in the region to adhere to the Non-proliferation Treaty and to place all of their nuclear facilities under IAEA safeguards. In this context the Twelve recall their support for the initiative of President Mubarak to make the Middle East a zone free of weapons of mass destruction.

That, Mr Chairman, should have been the message in draft resolution L.24/Rev.1.

Thank you, Mr Chairman.

**91/366. Statement in the Special Political Committee of the UN General Assembly concerning UNRWA [agenda item 72]**

Date of issue: 15 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its Member States and wish to congratulate Mr Turkmen on his appointment to the demanding

post of Commissioner-General of UNRWA. The Community and its Member States appreciate the report for the General Assembly which constitutes a very useful basis for our debate.

From the moment that UNRWA was created in 1949 the political and economic surroundings in which it operates have undergone a number of drastic changes. In these difficult circumstances UNRWA, and foremost its staff, have continued to provide shelter, food and education for the refugees. UNRWA, as a lifeline to more than 2 million refugees, illustrates the vital role the United Nations has played in the region by helping to provide a minimum of stability to the shaken lives and communities of the Palestinians. For many reasons a lifeline can only be temporary and hope and expectation have grown that the recent Middle East Peace Conference in Madrid will lead to a comprehensive political settlement of the Arab-Israeli conflict and the Palestinian problem and finally set the proper conditions to normalize the daily lives of the Palestinians.

But for the time being, with the exception of Lebanon, developments have not improved the economic and humanitarian situation in the fields of operation of UNRWA, giving the agency the difficult task of continuing its programmes at a minimum level of essential services and needs.

In the period under review the tension in the Occupied Territories mounted to a tragic crisis on 8 October 1990 in Jerusalem. In the aftermath of these events the use of violence in the West Bank and particularly the Gaza Strip has continued. The Israeli authorities, which under the Fourth Geneva Convention are responsible for the situation in the Occupied Territories, have continued to apply repressive measures out of proportion to the nature of some Palestinian demonstrations and attacks, which overall resulted in numerous casualties. Many Palestinian victims suffering from beatings, tear-gas inhalations and live ammunition wounds had to receive emergency treatment in hospitals and the agency's clinics.

Unfortunately, in the general atmosphere of tension in the Occupied Territories UNRWA staff has increasingly been affected by violence as well. Since 1987 seven UNRWA staff members have been killed; three of the attacks took place on UNRWA premises, one instance being the killing on 24 April 1991 of an agency teacher in full view of pupils. The Community and its Member States deplore these acts of terror. The harassment of agency staff and agency vehicles carrying international and area staff make it extremely difficult for the UNRWA to carry out its task in an effective manner.

Mr Chairman, following the occupation of Kuwait large flows of refugees, including a large number of Palestinians, came to Jordan and, having left their property in Kuwait, many of them had to turn to the UNRWA Health Centres and schools in Jordan for medical care and education. As a result of the invasion of Kuwait, the remittance of payments to Palestinians in Jordan and in the Occupied Territories from Palestinians in Kuwait gradually came to a halt and the economic conditions of the Palestinian refugees became more difficult. Moreover, the UNRWA schools in Jordan had to accommodate some 3500 additional children during this period. Yet UNRWA succeeded in responding to these sudden changes in a pragmatic way, shifting its aid programmes more to emergency aid and allowing non-registered refugees, in these critical circumstances, to benefit as well.

The Community and its Member States commend the organization and its staff for the way they managed these unforeseen problems.

The Gulf Crisis also affected the situation in Israel and the Occupied Territories. Curfews and other security measures taken by the Israeli authorities affected economic life in the Occupied Territories and the functioning of schools and universities. During the academic year 1990-1991 more than 45% of the scheduled school-days were lost for all the pupils and students at UNRWA educational institutions on the West Bank due to general or local curfews. In the Gaza strip, too, over the same period the agency's elementary schools and vocational training centres had to be closed for almost half of all the scheduled school-days, which in fact paralyzed the larger part of



UNRWA aid programmes consisting of educational programmes, to which more than 60% of the regular UNRWA budget is devoted.

The Community and its Member States do recognize that special circumstances prevailed following the occupation of Kuwait but are of the opinion that the measures taken by the occupation authorities disturbed education programmes in a disproportionate manner. They regret that the planned opening of two universities on the West Bank and one in Gaza was eventually revoked during the last months of 1990. However, they welcome the recent decision of the Israeli Government to allow all educational institutions, except one university, to resume courses for the 1991-1992 academic year and thus create favourable conditions for a more stable and normal way of life. They hope that the Bir Zeit University, the closure of which was recently renewed, could also be authorized to reopen as soon as possible.

Other reasons for grave concern to the Community and its Member States have been the continual disregard by Israeli authorities of privileges of UNRWA staff and immunities of UNRWA-premises, thus hampering an effective discharge of its work. Throughout the period from 1 July 1990 until the end of June this year infringements were committed by Israeli authorities in schools, health centres and clinics and other agency installations in Gaza and on the West Bank including almost permanent occupations of parts of two agency schools in the West Bank territory. Entry by Israeli military personnel into the agency's clinics to question Palestinian patients is an unacceptable infringement of UN privileges and immunities, not to mention a violation of the Fourth Geneva Convention. Moreover, the agency's work is still encountering frequent administrative obstacles on the part of the Israeli authorities in the form of red tape and time consuming clearance procedures for activities that used to be carried out within the agency's authority.

Improving conditions in Lebanon have enabled the agency to restore much of its capacity to provide aid in that country. The Community and its Member States appreciate the persistent work of UNRWA staff to maintain or redeploy many programmes such as special medical aid to Palestinians who were physically disabled by fighting, establishment of income-generating schemes, restoration of educational facilities and vocational training courses for women. The extension by UNRWA of its emergency aid to refugees in Lebanon not normally eligible for such services is welcomed by the Community and its Member States as a valuable contribution to help the sorely afflicted Lebanese population to improve its living conditions. Nevertheless, many problems persist for example in South Lebanon where progress towards normalization is still hampered by conflict and hazardous conditions for the agency's staff and its work.

Mr Chairman, the Community and its Member States remain concerned about the permanent insufficiency of financial resources for all the above-mentioned UNRWA activities. Most essential programmes, such as the emergency programmes, extraordinary measures for hardship cases and the so-called expanded programme for assistance that covers shelter rehabilitation, sanitation and water supplies, should not be allowed to suffer from lack of resources. In this respect the Community and its Member States welcome the increasing attention the agency is giving in its programmes to income-generating projects.

Although the regular budget of UNRWA can count on a respectable but relatively restricted group of donors the total budget of UNRWA leaves little room for any extra efforts in cases of new emergencies which may occur. As long as the Palestinian problem is unresolved and continues to cause the largest and most persistent refugee problem in the Middle East, funds for the emergency programmes will be needed. In this context the Twelve support the proposal of the working group on the financing of the UNRWA that consideration be given to holding an International Information Day on UNRWA to make the Agency better known throughout the international community with the aim of broadening the base of financial support.

As stated last year on this occasion, the Community contribution to UNRWA is based on a convention signed between the Community and UNRWA covering the three consecutive years

1990, 1991 and 1992, amounting for 1991 to 44 million European Currency Units (ECU) (which is equivalent to 53 million US dollars) for the educational, health and food programmes of UNRWA. The Community contribution, including the sums provided by individual Member States, amounts to about 132 million ECU (USD 158 million) for the period 1990-1992. In February this year, during the Gulf crisis, the Community responded swiftly with food aid worth 7.9 million ECU (USD 10 million) to a special appeal by UNRWA for contributions to alleviate food shortages faced by the Palestinian population in the Occupied Territories as a consequence of the Gulf War. The donation of some 18,000 tonnes of food aid provided the basis for a one-time emergency food distribution to some 295,000 refugees and non-refugee families on the West Bank and Gaza strip.

This special contribution came in addition to an earlier donation of foodstuffs worth some 5.6 million ECU (USD 7 million) for emergency distribution to refugees in the Occupied Territories. The Community has also pledged about 1.2 million ECU (USD 1.5 million) this year towards a USD 35 million project to build a hospital in Gaza. The overall Community aid to UNRWA in 1991 amounted to 60 million ECU (USD 72 million).

Mr Chairman, after four decades the Middle East is still struggling with the persistent problem of the Palestinian refugees and we have come to know UNRWA as playing a vital role in containing their economic and social hardship within more or less acceptable limits. But the situation of the refugees is still alarming and should not be allowed to continue. The Community and its Member States welcome the Middle East Peace Conference in Madrid and strongly support the negotiating process which has started and in which they participate, represented by the Presidency, alongside the co-sponsors. The Twelve strongly hope that this process will lead to a comprehensive political settlement consistent with the principles reaffirmed in their statement in Madrid on 31 October 1991. Before that point is reached, UNRWA can provide the care and experience to alleviate the plight of the refugees. But the lifeline provided by the UN, and more specifically by UNRWA, cannot derive its strength from only a restricted group of countries. The Community and its Member States strongly call upon all the Member States of the United Nations to support the Palestinian refugees not only with political statements, but also with substantial financial assistance towards their daily needs, their education, their children and their future.

Thank you Mr Chairman.

**91/367. Statement in the Second Committee of the UN General Assembly concerning the United Nations Conference on Environment and Development, and protection of global climate for present and future generations of mankind [agenda items 78 and 79]**

Date of issue: 18 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, I have the honour to speak on behalf of the European Community and its Member States on agenda item 78, the United Nations Conference on Environment and Development and agenda item 79, the Protection of global climate for present and future generations of mankind.

Mr Chairman, in the general debate at the start of this session of the Second Committee, the Netherlands Minister for Development Cooperation reaffirmed on behalf of the European Community and its Member States, that we consider UNCED crucial.<sup>1</sup> It is a unique opportunity to focus world-wide efforts to halt and reverse environmental degradation and to pave the way towards a real and full integration of environment and development. Such integration, we all realize, is one of the conditions for sustainable development, the others being poverty alleviation and

equitable international economic relations. We regard these as ambitious goals, but they must be met if we want this earth to survive.

During the last year, in which the preparatory process for UNCED has reached full momentum, the European Community and its Member States have made great efforts in bringing environmental requirements and development imperatives together. As outlined during the Third Meeting of the Preparatory Committee of the basic attitude in our approach consists of three elements.

First: As industrialized countries, recognizing our global responsibility, we have to considerably increase our commitment to limit the burden we impose on the carrying capacity of the planet's ecosystem to our legitimate share.

Secondly: There must be equal partnership with developing countries, based on mutual trust and equity in negotiations and decision-making in the field of environment and development.

Thirdly: We must substantially increase our support to developing countries, as well as economies in transition, in their efforts to achieve sustainable development, recognizing both their sovereignty and responsibilities.

It should be stressed that both poverty and affluence have led until now to environmental deterioration, to running down natural capital stocks. The rich, who are mainly but not exclusively to be found in industrial countries, utilize a disproportionate share of the world's renewable and non-renewable resources and discharge their waste into the environment in quantities that exceed the ecosystem's absorption capacity. The poor who are mainly but not exclusively to be found in developing countries are forced to over-exploit their resource base. The question of how to use efficiently the scarce natural and financial resources, lies at the heart of the negotiations within UNCED.

Before this forty-sixth meeting of the General Assembly are the reports as agreed by the Preparatory Committee for the United Nations Conference on Environment and Development on its second and third meetings. We expect this Assembly to endorse these reports and to issue a strong appeal to all parties concerned, to fully commit themselves and pave the way towards consensus during the Fourth Meeting of the Preparatory Committee next year in March. With only one session remaining to overcome the many fundamental differences, a strong political impetus is needed.

In this regard it is desirable that during the Fourth Meeting of the Preparatory Committee delegations participate at a decision-making level in order to enable this last meeting of the Preparatory Committee to reach agreement and successfully complete the work entrusted to it.

In line with the decisions taken at the Third Meeting of the Preparatory Committee we hope and expect that the fourth session will be an effective negotiating session, focusing on concrete proposals and on negotiation texts. We underline our appreciation for the input provided by non-governmental organizations in our deliberations and look forward to their continued effective participation in the Fourth Meeting of the Preparatory Committee and in the conference itself. We also welcome the active participation of indigenous peoples in the work of the Preparatory Committee. They have an important responsibility to the safeguarding of the environment and, as was recognized in a decision at the third Preparatory Committee, full account should be taken of their knowledge, resource management and conservation practices.

We welcome the fact that the Preparatory Committee has now designated human settlements as a distinct programme under Agenda 21 and we urge that adequate time will be allocated to substantive negotiations on this issue. We welcome the International Experts Workshop on Environmental Protection and Cities to be held in February 1992 in Berlin.

The European Community and its Member States are fully committed to working towards a concrete and action-oriented outcome of the RIO Conference. In this context we wish to underline our appreciations for the input provided by non-governmental organizations in our deliberations.

We expect from the Conference the following specific results:

- the adoption of an ‘Earth Charter’ containing key principles and general rights and obligations in the field of environment and development;
- the adoption of Agenda 21 in the form of a global programme of action with specific objectives, targets and timetables. Agenda 21 should be a binding agenda for the UN as a whole. It should reflect the political commitment of Member States to vigorously pursuing its objectives and actions, both nationally and regionally and through international organizations. It should be operational and start a new dynamic process;
- the signing of conventions during the Earth Summit on biological diversity as well as climate change and its related protocols and a global consensus on forests, that should form the basis for a convention on forests;
- clear and well-defined recommendations for the strengthening and further development of institutional arrangements in the field of environment and development; and on financing and technology cooperation.

I will not waste the time of this important body with the basic positions taken by the European Community and its Member States on the many important subject areas under consideration by UNCED. A compilation of the speeches and position papers put before the Third Meeting of the Preparatory Committee is available to delegations at the back of this room. On the basis of the discussions and decisions of the Preparatory Committee at its latest meeting, the European Community and its Member States are in the process of developing and further advancing their common position on the issues under consideration, both amongst themselves and in consultation with others with a view to full participation in the conference and its outcome.

Major steps in that process will have to be made by the OECD ministerial meeting on Environment and Development, at the beginning of December as well as at EC Council meetings in the 3 months to come. We believe the evolving GEF should play the leading role in helping developing countries tackle global environmental problems. We look forward in this context to the forthcoming meeting of the participants to the GEF.

In addition we will actively participate in various expert meetings and sectoral meetings. The Dublin Conference on Water and the Environment is in our view one of the most important meetings in this respect. Through these meetings we will make every effort to assist in making it possible in the Fourth Meeting of the Preparatory Committee to bridge the gaps that still exist between the interests and priorities of various countries and groups of countries. We would urge other countries and groups of countries to undertake similar efforts. Time is short and there is a lot of work left to do. We have to make full use of each and every opportunity for dialogue if we want the Conference to have the impact which we all believe it should have.

Mr Chairman, allow me to say a few words on a specific decision that was adopted by the Third Meeting of the Preparatory Committee on ‘women in environment and development’. The European Community and its Member States have stated earlier that sustainable development is not possible without the active participation of women. Agenda 21 should include in its elements, specific sectoral and cross-sectoral recommendations to further strengthen the role and participation of women in development and environment.

Women have been largely ignored as regards the environment and, too often, policies and plans have neglected the essential role women play in primary environmental management and care. Even before the 1985 United Nations Women’s World Conference in Nairobi, the nature of the relation between women and environment was beginning to be explored. Women in developing countries are major environmental managers. Sustainable natural systems are fundamental for the survival of their families and livelihoods. In all their many roles, as caretakers and producers, as providers of food, fuel, water and shelter, women are concerned to use natural resources wisely. They are knowledgeable and experienced environmental managers, who are able to adapt to changing circumstances.

Mr Chairman, in less than seven month's from now a framework Convention on climate change should be ready for signing, leaving us little time for delay. The work already accomplished is encouraging and we are convinced that further progress can be made to build on the constructive atmosphere of the third session of the Negotiating Committee. We would once again like to stress the importance of an effective convention in combating dangerous human interference with climate and the responsibility of all countries to establish such a convention and related protocols on *inter alia* forests and greenhouse gases.

The European Community and its Member States are of the opinion that countries have a common but differentiated responsibility in addressing climate change. We believe that a crucial part of the package to be agreed on the way to RIO 1992 is the stabilization of CO<sub>2</sub> emissions by the year 2000 in general at 1990 levels by industrialized countries individually or jointly. The European Community and its Member States reconfirm their commitment to this target and is looking into the possibility of energy/CO<sub>2</sub> taxes as one of the options for reaching this goal and other industrialized countries will hopefully consider similar instruments. Simultaneously, developing countries should, as appropriate, adopt measures on energy efficiency and land use practices among other things and could take as a guide-line for their national strategies that they will keep future greenhouse gas emissions to the lowest possible level compatible with their development aims and capabilities.

The implementation of commitments by developing countries, however, are to a large extent related to the outcome of our discussions on financial resources and technology cooperation. We are of the opinion that developed countries should strengthen their cooperation with developing countries so as to enable them to address climate change fully, without hindering their development goals, through the provision of financial resources and the development and appropriate transfer of environmentally-sound technologies. In this respect the European Community and its Member States stand by their previous statements on additionality.

These resources should be made available, in accordance with criteria to be established, to those beneficiary countries which are signatories to the convention and its related protocols and which have entered themselves into commitments.

The Climate Convention will involve complex issues that have no simple solutions. The European Community and its Member States are committed to discussing them in an open and constructive manner.

Mr Chairman, the meeting of the Inter-governmental Negotiating Committee for a Convention on Biological Diversity showed a spirit of cooperation, but progress in the negotiations on a draft convention was very limited.

We recognize that developing countries need special support in addressing the issue of conservation of biological diversity, both in devising and in implementing national strategies and measures. The European Community and its Member States are committed to discussing the complex issues involved in an open and constructive manner.

On the other hand, however, we would like to see a strong commitment on the part of all countries to the issue of the conservation of biological diversity for all mankind, and to its importance.

We are convinced that substantial progress can be made provided that all partners in the negotiating process are ready to cooperate in the most real sense of the word, working together in a way which recognizes and takes fully into account the capabilities and problems of the partners involved, thereby displaying a clear willingness to identify and to remove constraints, on the path of our common objective which is sustainable development.

Furthermore, the European Community and its Member States feel – as often stressed before – that all efforts should be made to ensure that measures to conserve biological diversity are inte-

grated into present and future development strategies and are designed to reinforce the development policies and programmes of developing countries.

Mr Chairman, lastly, there is a recent, new development within GATT which is worth mentioning. The European Community and its Member States consider that the recent decision to convene the GATT Working Party on Trade and the Environment is of great importance. A preliminary agenda for the Working Party has been agreed upon. One of the topics on the agenda will be the relationship between trade principles in existing multilateral environmental conventions and the principles and provisions of the GATT. It is important that a discussion on this subject should take place.

Our objective must be to link the best possible environmental protection with the promotion of a dynamic and open multilateral trade system. The GATT must be made 'environmentally fit'. For the GATT that means that the existing approaches in the Uruguay Round must be further developed into a coherent and comprehensive concept.

In this connection we would like to draw special attention to OECD's pioneering work in ensuring that trade and environment policies are mutually supportive. The European Community and its Member States will undertake to implement the work programme which is intended to result in the drawing up of guide-lines on ways to protect the environment and to preserve the open multilateral system.

We welcome UNCTAD's contribution, within its mandate, to sustainable development including the integration of trade and environment. We will actively participate in the preliminary work which has to be done in order to discuss the theme in its full range at UNCTAD VIII.

Finally, allow me to call on all parties participating in the various negotiating processes to make optimal use of the meetings that are scheduled before the RIO Conference in order to help UNCED to achieve the best thinkable results. We owe this to our planet and the future of mankind.

The Earth Summit will be a testcase not only of the will of governments, both developed and developing, to address the all-embracing urgent problems of environment and development, but also of the capacity of the United Nations to address effectively vital issues of global concern.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/291.

**91/368. Statement in the Third Committee of the UN General Assembly concerning human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, and concerning human rights situations and reports of special rapporteurs and representatives [agenda items 98(B) and (C)]**

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*Mr van Schaik:* Mr Chairman, on behalf of the European Community and its Member States I have the honour of addressing the Third Committee of the General Assembly on items 98(B) and 98(C) of the agenda, concerning human rights questions and human rights situations.

The UN has been very successful in defining a catalogue of human rights and in laying down standards for government behaviour. A whole body of norms has been developed which now guides the policies of the UN and individual states. It has proved to be a source of encouragement for the oppressed; it is also a yardstick for measuring the performance of governments. And to implement all these norms, elaborate machinery has been constructed which testifies to the political will to protect human rights, but further action is still called for, in accordance with the pledges of all UN members States under the Charter.

The inherent dignity of all men and women is the firm foundation of the universality of human rights. The Universal Declaration of Human Rights, adopted in 1948 after intense deliberation, has gained in weight over the years and constitutes an obligation for the members of the international community. We recall that this obligation was also stated in the Proclamation of Teheran in 1968.

The binding character of the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, which interpret the Universal Declaration, is based on the free consent of the states parties. We wish to recall, however, that many of the principles enshrined in the Covenants already have binding force in themselves, representing as they do rules of customary international law. Some governments find it hard to reconcile some of the obligations emanating from the relevant provisions of international law with their domestic laws and cultural or religious convictions. However, the primacy of international law cannot be called into question.

As the Secretary-General pointed out in his report on the work of the organization 'it is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of states cannot be regarded as a protective barrier behind which human rights can be massively or systematically violated with impunity'. Human rights are not a mere internal matter but a legitimate subject of international concern. It is the legitimate and permanent duty of the world community, and of all States acting jointly or separately, to remain vigilant with regard to violations of human rights wherever they occur. To quote the Secretary-General once more: 'the fact that, in diverse situations, the United Nations has not been able to prevent atrocities cannot be cited as an argument, legal or moral, against the necessary corrective action, especially where peace is also threatened'.

Last June, the European Council of Heads of States and Governments of the European Community adopted a Declaration on Human Rights<sup>1</sup> in which the European Community and its Member States solemnly reaffirmed that the respect and safeguarding of human rights is an essential part of international relations and one of the corner-stones of European cooperation as well as of relations between the European Community and other countries. This Declaration has been circulated as UN document A/46/290.

Aware of the necessity of reinforcing the protection of human rights in our own societies, specifically in the areas of intolerance and discrimination, the Twelve participate in regional mechanisms. Indeed, both national and international courts have found human rights obligations among members of the European Community and its Member States that have not been met. In particular they wish to underline the positive results achieved by the European Court of Human Rights, the rulings of which are binding in the framework of the Council of Europe with its 25 Member States. Experience has shown that our national human rights policies have to be improved, and we are constantly working on this.

Furthermore the process of the Conference on Security and Cooperation in Europe (CSCE) has made a major contribution to the promotion and protection of human rights in Europe. Following the signing of the Helsinki Final Act on 1 August 1975, it is to the Document of the Copenhagen Meeting of the Conference on the Human Dimension (June 1990) and the Charter of Paris for a New Europe (November 1990) which particular reference must be made because they contain the commitment by the participating states to human rights, democracy and the rule of law. At the recent Moscow Meeting of the Conference on the Human Dimension, a rigorous procedure for the

sending of missions of rapporteurs or experts whom states would have to grant access, was put in place as part of a well defined mechanism for the protection of human rights. Also, guarantees against abuse of the proclamation of the state of emergency have been agreed upon and principles for full implementation of the rule of law have received in-depth consideration. We all know that we have come a long way, after many set-backs. But even in the dark days of the cold war the Helsinki Final Act (like the norms laid down by the UN) proved to be of support to the oppressed and those who were struggling to defend the cause of human rights. Both official and unofficial contacts between the nations involved have contributed to the heartening upturn that followed in 1989 in Central and Eastern Europe.

The European Community and its Member States welcome the fact that the trend towards democratization can be observed in other regions too. We welcome the growing recognition in the international development debate of the vital relationship between democracy, human rights and sustainable development. Respect for human rights, the rule of law, and political institutions which are effective, accountable and enjoy democratic legitimacy, in our view constitute indispensable prerequisites for dynamic economic development and the equitable distribution of resources. The European Community and its Member States are still engaging their partners in development in a constructive dialogue on these issues and stand ready to provide concrete assistance. In the event of grave and persistent violations of human rights or serious interruption of democratic processes, their development cooperation could be reconsidered. We believe that development centered on the individual is essential for the promotion of democracy and in this regard cooperation and technical assistance programmes should take into account human rights concerns.

The concept of human rights gradually is being applied throughout the UN system in a more coordinated manner, including through the use of quantitative criteria. The 1991 Human Development Report prepared by UNDP contains a Human Freedom Index for the first time. We believe that further work is needed to refine the methodological base of that index so that a substantial improvement of the research on this matter be pursued. We welcome the dedication of the international development organizations, including UNDP, to elaborate further on the relationship between human rights and the development of the individual.

Universal respect for human rights will receive a boost from the World Conference on Human Rights to be convened in 1993 in Berlin, whose most recent history symbolizes the triumph of people in a peaceful struggle for human rights and democracy. The European Community and its Member States attach great importance to this meeting which, among other things, will review general compliance with human rights standards and examine ways and means of protecting and promoting human rights still further including an enhancement of the existing mechanisms of the UN and the strengthening of regional and national institutions for the protection and promotion of human rights. The European Community and its Member States will continue to make an active contribution to the preparatory process and to the conference itself.

We support the recommendations drawn up by the PrepCom. We will emphasize the need for input from experts and NGO's throughout the process. Consensus should be maintained. A realistic and adequate budget should be drawn up.

Mr Chairman, questions relating to minorities are high on the political agenda again. At the Commission on Human Rights a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities is being drafted. In the CSCE framework too, attention is being paid to the issue of national minorities. Chapter IV of the Copenhagen document emphasizes the principal of non-discrimination and the need for a democratic political framework and sets out an impressive list of rights of persons belonging to national minorities. The Paris Charter calls for greater cooperation and for an improvement of protection for national minorities. The report of the expert meeting held from 1 to 19 July in Geneva<sup>2</sup> concludes that issues concerning national mi-



norities are matters of legitimate concern, upholds the principle of non-discrimination and notes a number of democratic approaches to the situation which have had positive results. In several cases oppressed minorities have demanded freedom. Claims for freedom should not be inspired by intolerance from either side. In the modern, often pluralistic State, citizens of different ethnic, cultural, social or religious origin have to respect each other in order to be able to live side by side. The authorities have an important part to play here in preventing people from being oppressed, neglected or discriminated against. Here, too, we see that respect for the human rights of all citizens is an essential element in creating the basis of sound development. We believe that the potential for friction and conflict can be greatly reduced and controlled if persons belonging to national minorities are [in] a position to be fully involved in economic, social and cultural development. There is therefore all the more reason for the United Nations to step up its activities on human rights and the protection of minorities.

Reports have once again reminded us of the need for giving special attention to violation of human rights suffered by women. We hope that the Special Rapporteurs on Torture and on country specific situations, as well as the Working Group on Involuntary or Enforced Disappearances and the Working Group on Detention, will regularly continue to address the issue of human rights violations suffered by women in their reports. We wish to mention violations of the human rights of particularly vulnerable persons, such as women and children. A Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities, addresses contemporary forms of slavery, including trafficking in persons. In order to allow representatives of non-governmental organizations from different regions, dealing with contemporary forms of slavery, to participate in the deliberations of the Working Group and to provide aid to victims of slavery, a proposal lies before this committee to establish a United Nations Voluntary Trust Fund for that purpose.

The focus on children in a separate UN Convention for the Rights of the Child is an appropriate one. Every day we are confronted with the terrible fate of scores of children dying from malnutrition [or] who are being exploited, or, who are victims of war and violence. It is estimated that some 80 million children live on the streets, sleep in cardboard boxes and have to work, beg or steal in order to survive. Street children are neglected and rejected and in some cases are even killed. Of all the weak on earth, children are probably the most vulnerable category. We have the obligation to work for the safety, prosperity and happiness of all children on this globe. The European Community and its Member States intend to implement an effective follow-up of last year's Summit through specific action for the survival, protection and development of children.

The European Community and its Member States reiterate their position that they regard human rights programmes not only as a major priority of this committee, but also as one of the main purposes of the organization as a whole. In his Report on the work of the Organization (A/46/1) the Secretary-General proposes focussing on the protection of human rights as one of the major tasks of the organization. If the UN is to fulfil its important responsibilities in this vital area, the Center for Human Rights should be strengthened and given the resources to perform its functions properly. In this connection we would like to refer to our intervention in the Fifth Committee on agenda item 107: section 28, Human Rights.<sup>3</sup>

We thank the Secretary-General for the submission of the report on developments relating to the activities of the Centre for Human Rights, pursuant to Commission on Human Rights Resolution 91/23, ECOSOC Resolution 1991/36 and General Assembly Resolution 45/180, which had many co-sponsors from all regional groups (document A/46/603). The Secretary-General points out that since the 45th session of the General Assembly the work load of the Centre has continued to increase in response to strongly-felt international concerns. This is, *inter alia*, the result of demands made by the member States through the adoption of new human rights instruments and new supervisory mandates to be serviced by the Centre for Human Rights, established

subsequent to the completion of the budget proposal for 1992/1993. The actual staff resources situation of the Centre for Human Rights is a matter of great concern to the Member States of the European Community. Sections of the Centre still face staff shortages which are not reflected in section 28 of the Proposed Programme Budget 1992-1993. We request the Fifth Committee, when reviewing the proposed programme budget 1992-1993 to ensure that adequate staffing, temporary assistance and other resources are accorded to the Centre for Human Rights to enable it to respond to its increasing workload and to cover its needs for carrying out its functions and responsibilities, including those related to the Conference on Human Rights.

The European Community and its Member States have always greatly valued the Advisory Services and Technical Assistance Programme. They consider it important as a potential preventive mechanism and as a way of assisting countries in the transition to democracy and the rule of law. However, they do not view consideration of country situations under this programme as an alternative in cases of gross and systematic violations of human rights. They note that there has been a significant increase in requests for assistance. They welcome this development and hope that the centre will be enabled to respond positively to these demands, as well as through the Voluntary Fund for Advisory Services. Practical counselling and problem-oriented assistance should be the main focus of the programme. We call upon all governments to contribute to the fund.

In monitoring compliance with established norms the Commission on Human Rights greatly benefits from the system of Special Rapporteurs, Thematic Rapporteurs and Working Groups. They play an essential part in making the international community better informed – and thus better equipped to deal with the wide range both of general situations and of certain particularly gross violations of human rights. Full cooperation with these objective mechanisms is a duty of all governments, and any reprisals against people who have contacted the UN system or cooperated with it are an outrage to the organization and all its member States.

The Special Rapporteurs can, on behalf of all of us, encourage governments to solve individual cases. They make visits to individual countries, record their findings, and make specific recommendations. They also formulate general recommendations based on long years of experience, which are valuable and have a long-term validity. We trust the newly established Working Group on arbitrary detention will develop into as useful a mechanism as the existing ones.

Notwithstanding some positive developments reported by the Special Rapporteur on Torture, the European Community and its Member States note his conclusion that the intensified campaign of the organized world community against torture, which was embarked upon in 1975, has not led to the eradication of this rightful plague. It is now up to national governments to implement the campaign at national level. The members of the international community should condemn governments which allow torture to be used. The European Community and its Member States note with dismay that the number of allegations received by the Special Rapporteur in respect of summary or arbitrary executions, including deaths in custody, continues to increase and that this terrible phenomenon remains widespread in many parts of the world, together with the rapidly spreading practice of 'death threats', often against defenders of human rights: The Special Rapporteur on religious intolerance points out in his latest report that infringements of freedom of religion or belief persist in many regions of the world and in extremely varied forms. The European Community and its Member States also note the alarming number of unresolved cases of politically motivated disappearances, as recorded in the latest report of the Working Group on Disappearances. Of particular concern is the extent to which paramilitary groups, which in some cases appear to enjoy a measure of immunity from military or government control, are associated with waves of abduction. In this respect we welcome the completion by the open ended Working Group of the Commission on Human Rights of the Draft Declaration on the Protection Of All Persons From Enforced Disappearances which will be transmitted to the 48th session of the commission for adoption. We are looking forward to the adoption of the declaration at the next session of the General Assembly. The European Community and its Member States also welcome the attention

devoted in the recent report of the Working Group and by the Human Rights Committee to the issue of impunity. It identifies impunity as perhaps the single most important factor contributing to disappearances.

From the relevant provisions in human rights instruments, from the language of numerous resolutions, from the clear opinions of several treaty bodies, and from the famous judgement handed down by the Inter-American Court of Human Rights, one would get the impression that there exists a basic consensus in the world community on the need to bring perpetrators of human rights violations to justice. At the same time a number of governments seem to be unwilling or unable to do this in specific cases. Sometimes an argument of national security is invoked. It may also be that the administration of civil justice is ineffective, because of lack of power, competence or resources. The issue of impunity has become topical, now that so many societies are experiencing a transition from a period of dictatorship, during which the rule of law was not observed, to a democracy with effective legal institutions. The European Community and its Member States realize that the issue does entail delicate dilemmas. They would urge those governments which have to cope with the ugly legacy of a past regime to develop an investigation and prosecution policy that brings the relevant facts to light and renders justice. The impact on potential perpetrators of human rights violations should not be underestimated. In devising a practical and viable policy governments can be guided by the beacons of the United Nations and other international instruments. Where unwillingness prevails, the UN should make itself heard in the same vein as before. The UN has the task of uphold[ing] the claims of victims who want to see the truth uncovered and justice done.

As serious systematic and undisputed cases of violations of human rights have proved to threaten regional stability and international peace and security, issues relating to human rights have begun to feature in the Security Council. The European Community and its Member States welcome this development. We do not only refer to the approval for action in Northern Iraq and the UN involvement in Cambodia. Under ONUSAL-agreements UN observers work in El Salvador on a day to day basis. A subsequence by evaluation may show that when used with prudence such schemes will prove a valuable addition to the catalogue of instruments available to the world community and may serve as a model for other regions or countries. Above we have seen what options the UN has, or is developing. When looking at actual country situations one should ask time and again: is the UN doing enough?

Mr Chairman, before addressing country-specific situations I wish to recall that our intervention on racism and self-determination<sup>4</sup> has already dealt extensively with the situation in South Africa, Cambodia, Afghanistan, the Western Sahara, the Occupied Territories, Kuwait and Burma. I also wish to refer to the memorandum circulated with the statement by the Netherlands Minister for Foreign Affairs,<sup>5</sup> Mr H. van den Broek, on behalf of the European Community and its Member States during the general debate in plenary. Only additional comments will be made here.

Three situations of a different nature have left deep impressions over the past year.

The European Community and its Member States deplore the atrocities and losses of human life in Yugoslavia. They did not stop at publicly declaring their concern, they took the initiative and consulted the parties concerned in an effort to mediate and to establish a cease-fire and they, acting within the CSCE framework, organized a monitoring mission with the involvement of other CSCE participating states to help to end the violence. The European Community and its Member States remain committed to fostering the peaceful dialogue which will be needed to create a situation in Yugoslavia that satisfies the aspirations of all its peoples, and in which the protection and promotion of human rights and fundamental freedoms will be guaranteed. While hostilities continue the stipulations of the Geneva Conventions have to be respected both for civilians and belligerents. Those who have committed violation of human rights should be brought to justice.

Iraq's brutal invasion and subsequent occupation of Kuwait were a clear violation of international law. The Security Council acted firmly in authorizing the use of all necessary means to up-

hold Security Council Resolutions, and to restore peace and security in the area. In his interim report Dr Kälin, Special Rapporteur of the Commission on Human Rights [in] Kuwait under Iraqi occupation, has provided an insight into the extent of the cruelty of the Iraqi forces and insisted in particular, including in his recommendations, on the question of missing persons which is for the Twelve of the utmost concern. The liberation of the Kuwaiti people did not automatically bring about compliance with all standards of human rights for all its inhabitants. In their dialogue with [...] Kuwait the European Community and its Member States emphasized that everyone, whether or not suspected of crimes or of disloyalty, is entitled to the protection of the norms of due process and fair trial. They took note of some recent improvements and will continue to follow developments closely, especially as regards the question of deportations.

During this year the plight of the Kurds has been made unbearable by the repressive Iraqi regime. Hundreds of thousands of Kurds attempted to flee that country in a tragic exodus that moved the world. A scheme for protection and assistance prompted by EC countries has been put into place. UN officials, including UN guards, were dispatched to Iraq to enable the Kurds to exercise their most elementary human rights. We consider that they should be kept there as long as necessary. In this connection we would like to draw specific attention to the provisions of Security Council Resolution 688, which demand an end to the repression of the Iraqi civilian population throughout the country, and insist that Iraq support and cooperate with the humanitarian relief efforts of the United Nations. The international community demands that this important resolution be fully respected by Iraq. Ten months after the adoption of this resolution we have to acknowledge that in the absence of an internal settlement the situation of the Kurds remains precarious. We call upon the Government of Iraq as well as upon other countries in the region to stop violating their human rights.

The European Community and its Member States are looking forward to the interim report of Mr van der Stoep, the Special Rapporteur of the Commission on Human Rights. We expect that the interim report will cover many manifestations of the Iraqi regime's contempt for human rights to which many Iraqi's have fallen victim. Even obligations accepted voluntarily are systematically neglected. We refer also to the harsh treatment being inflicted upon the Shi'ite community.

The European Community and its Member States again demand that the Government of Iraq puts an end to the repression of the Iraqi civilian population throughout the country and insists that Iraq supports and cooperates with the humanitarian relief efforts of the United Nations. The Iraqi regime carries the responsibility for the deterioration of the humanitarian situation in Iraq. In this respect the European Community and its Member States stress the need for an early and effective implementation of UN Security Council Resolutions 706 and 712, which would contribute to improving the living conditions of the civilian population concerned.

The European Community and its Member States have witnessed the collapse of the *coup* in the Soviet Union with profound relief and satisfaction. They express their deep admiration for the numerous Soviet citizens and their elected leaders who stood up for the consolidation and strengthening of democracy. We take note with satisfaction that the Soviet Union on 1 October acceded to the optional protocol to the international Covenant on Civil and Political Rights as well as recognized the competence of other human rights monitoring bodies to consider complaints from individuals. The political leadership both of the Union and the individual Republics have the responsibility for implementing the Soviet Union's international human rights obligations and commitments. We look to them to act determinedly to stop those violations which continue to occur, and in particular to ensure that minorities are not discriminated against. The Republics should know that the European Community's relations with them will depend heavily on their approach in this important area.

We note with concern the findings of the Committee against Torture, and other reports, showing that torture and ill treatment is still widespread in Turkish police stations. The occurrence of

torture in prisons seems to have decreased. Furthermore they believe that, while terrorist violence must be firmly resisted, security forces must respect the rule of law.

The European Community and its Member States recall their strong interest in the development of the process of democratisation in Albania. They encourage any progress towards democracy in accordance with the principles of the rule of law and respect for human rights and fundamental freedoms. In addition the European Community and Member States have demonstrated their support for Albania in its efforts to develop its economy and have started up a cooperation programme of considerable volume.

The tragic division of Cyprus, which is a member of the European family, including the human rights aspect, remains a cause of deep concern for the European Community and its Member States. We would also reiterate our support for the restoration of the unity, independence, sovereignty and territorial integrity of Cyprus, in accordance with the relevant United Nations Resolutions. We welcome the energetic approach by the Secretary-General of the United Nations to his good offices mission. We express the hope that the on-going contact of the Secretary-General with all parties concerned will enable him to remove the remaining obstacles and to further the convocation of a high-level international meeting on Cyprus under UN auspices, in accordance with Security Council Resolution 716.

The Twelve are encouraged by the convening of the Middle East Peace Conference in Madrid. They hope that this will lead to a comprehensive political settlement of the Arab-Israeli conflict and the Palestinian problem and finally set the proper conditions for a climate of peace, stability, security, economic and social well-being in the region and respect for civil and political rights. We call upon all parties to contribute to this process by every means at their disposal. The European Community and its Member States remain deeply concerned about the situation in the Occupied Territories. Not only because of the number of victims, but also because the continuously serious economic and social situation which is affecting above all the younger generations. The European Community and its Member States will continue to raise issues regarding the protection of human rights of the Palestinians in the Occupied Territories. The Twelve have not hesitated to denounce Israel's failure to comply with its obligations under the Fourth Geneva Convention and they again refer to Israel's obligations under Security Council Resolutions 672 and 673 and under the relevant principles of international law.

The European Community and its Member States remain concerned about the serious violations of human rights and fundamental freedoms in Syria and urge its government to implement fully its obligations in the human rights field. With regard to Lebanon, the European Community and its Member States express the hope that the full implementation of the Ta'if agreement will finally bring about the restoration of the sovereignty, independence, unity and territorial integrity of Lebanon, as well as an end to the long and appalling suffering of its population.

The European Community and its Member States welcome the recent release of some of the hostages held in Lebanon, but remain concerned at the plight of those still being held and call upon the parties concerned to bring about their immediate, unconditional and safe release.

The human rights situation in Iran is still serious. The European Community and its Member States deeply deplore the fact that a large number of executions have taken place and human rights and fundamental freedoms have continued to be violated in Iran during 1991. We believe that on current evidence the continued monitoring of the human rights situation in Iran is justified. We would encourage the Iranian Government to intensify its efforts to improve the human rights situation in the country. In this connection, the European Community and its Member States would point out that the decision to invite the ICRC to visit prisons in Iran has not been finalized, although it was explicitly requested in last year's General Assembly resolution. With regard to the Baha'i community, though the treatment of certain individual cases has improved, this community

is still kept in a state of uncertainty. They note that the UN Special Representative is mandated to report to the next session of the Commission on Human Rights. We urge the Government of Iran to continue to cooperate with the Special Representative in order to enable him to fulfil his mandate.

Mr Chairman, the European Community and its Member States emphasize the importance of their continued dialogue with China and at the same time will use that dialogue to express their deep concern about the human rights situation in China. The European Community and its Member States can only express their reprobation of the severe sentences passed following summary trials of Chinese citizens committed to democracy. We appeal to the Chinese authorities to grant a general amnesty for all political activists, including all political prisoners, and to guarantee respect for the human rights including in Tibet, in accordance with their international obligations.

The European Community and its Member States reiterate their deep concern regarding the human rights situation in Afghanistan. In government controlled areas, a watch needs to be kept on the conditions for prisoners held in detention centres in and around Kabul and in the provinces. These conditions remain unsatisfactory. Nor should the fate of prisoners held by rival groups of opposition forces be overlooked. The Special Rapporteur provides ample evidence in his report to corroborate these concerns. The Special Rapporteur states in his report *inter alia* that the overall situation of human rights in Afghanistan is far from conforming with standards enshrined in the international instruments.

The European Community and its Member States are gravely concerned about the human rights situation in Burma, which is still grim. In breach of the principle laid down in Article 25 of the Covenant on Civil and Political Rights, the Burmese authorities have failed to give effect to the results of the elections held on 27 May 1990. Many leaders of the opposition continue to be harassed, detained or kept under house arrest, often in unacceptable conditions. There are also many reliable reports of growing numbers of human rights violations of increasing gravity against defenceless civilians. The European Community and its Member States express the hope that the award of the Nobel Peace Prize to Daw Aung San Suu Kyi will constitute a new incentive for the Burmese military authorities to show that they finally understand the signals of deep concern being given by the international community about the situation in Burma. The European Community and its Member States are deeply concerned about the present health of Daw Aung San Suu Kyi and urge the Burmese authorities to allow access to her and to put an end to her incommunicado detention. In this respect they also refer to the concern expressed by the Secretary-General.

As for the situation in Cambodia, the European Community and its Member States welcomed the signing of the comprehensive political settlement for Cambodia on 23 October 1991, by all parties participating in the reconvened Paris Conference. They emphasize how important it is that the rights of the Cambodian people to self-determination through free, fair and internationally supervised elections, as incorporated in the settlement, should in no way be curtailed. Strong provisions to safeguard human rights are rightly a prominent feature of the settlement, so as to ensure that there can be no recurrence of the atrocities committed between 1975 and 1978. The European Community and its Member States stress that under the provisions of the settlement all Cambodians who fled their country have the right to return and to live in Cambodia in safety, security and dignity, free from intimidation or coercion of any kind.

The European Community and its Member States are still concerned about continued violations of human rights in Vietnam. We welcome the recent release of some political detainees but a number of them are still in prison, contrary to the international obligations into which Vietnam has entered into. We hope that the new Vietnamese leaders will take swift measures to free them.

The European Community and its Member States deplore the continuing violence which affects Kashmir, and the ensuing deterioration of the human rights situation in that region. They be-

lieve that, while on the one hand terrorist violence must be firmly resisted, the Indian security forces must on the other hand respect the rule of law. In this connection they have urged the Indian Government to allow humanitarian and international human rights organizations free access [...] to the region [in order] to give an independent assessment of the situation.

They express the hope that, in a spirit of good-neighbourliness, the Governments of India and Pakistan will refrain from any action that could result in increasing tension in the region, and they urge the government of Pakistan to take effective steps to prevent violent interference from territory under its control. The European Community and its Member States hope that favourable conditions will be created so as to enable the people of Kashmir to enjoy their fundamental rights in an atmosphere of peace and harmony.

The European Community and its Member States remain deeply concerned about the on-going civil strife in the north and east of Sri Lanka, and about continued reports of killings and disappearances in the east of the country, including the massacre of Tamil civilians by members of the security forces near Batticaloa in June. Although the European Community and its Member States recognize the difficulties facing the Sri Lankan authorities in coping with civil strife, they urge the Sri Lankan Government to bring those responsible for the killings to justice. The European Community and its Member States condemn the use of violence by the LTTE. The European Community and its Member States have welcomed the invitations extended by the Sri Lankan Government to representatives of the Working Group on enforced or involuntary disappearances. They hope that the expected visit of the Special Rapporteur of the Commission on Human Rights on summary and arbitrary execution will soon take place. Furthermore they hope that the Special Task Force to monitor human rights, which was set up by the Head of State in November 1990, will soon produce tangible and objective results. Finally they call on the Government of Sri Lanka to ensure that the humanitarian activities of the ICRC, UNHCR, Médecins Sans Frontières and other relief agencies can be carried out under the best possible conditions.

The European Community and its Member States are gravely concerned about reports that on 12 November members of the Indonesian armed forces in Dili opened fire on a group of demonstrators, killing and wounding a considerable number. The European Community and its Member States vehemently condemn such violence which is in clear contravention of the most fundamental human rights. The European Community and its Member States urge the Indonesian Government to ensure that members of the Indonesian armed forces and police in East Timor immediately refrain from using violence and that the members of the armed forces and police who were responsible for the tragic outcome of this incident are brought to trial. This incident occurs in a context of a deteriorating human rights situation in East Timor which adds to extrajudicial executions and a practice of arbitrary arrests, ill-treatment, disappearances and political imprisonment which continue to occur.

The European Community and its Member States view favourably the authorization that was given to the special UN Rapporteur on torture to visit the area, and are looking forward to receiving his findings. They also expect that NGO's and other independent bodies will be allowed to visit the territory. The European Community and its Member States hope that a just, comprehensive and internationally acceptable settlement may be found, in accordance with the principles of the United Nations Charter, including respect for human rights and fundamental freedoms, taking full account of the legitimate interests and aspirations of the people of East Timor.

Mr Chairman, in the continent of Africa some encouraging developments on human rights are to be noted. The European Community and its Member States welcome the processes of democratization and political pluralism sponsored by several governments. We hope this trend will spread to all African nations. We urge governments to implement the political reforms promised and to use them to create societies free from violations of human rights and fundamental freedoms. The European Community and its Member States pledge their support for countries that continue along the path of change.

The Charter of the United Nations is very clear on the subject of racism and racial discrimination. The United Nations has been in the vanguard of international efforts to remove the constitutionally entrenched system of apartheid in South Africa. We are therefore pleased to note the significant changes that have taken place: the legal foundations of apartheid have been removed, a National Peace Accord has been signed, the South African Government has reached an agreement with the UNHCR on the return of exiles, and a considerable number of political prisoners have been released. However, serious problems still remain to be solved, in particular those related to the legacy of apartheid. Persistent violence remains a matter of great concern. We appeal to all parties to adhere to the spirit of the principles laid down in the National Peace Accord. We welcome the fact that the Government and the parties involved in the democratization process have agreed to meet and to discuss a new constitutional order for the broadest participation by all sections of South African society. We hope this will lead to an agreement on the Constitution for a united, non-racial and democratic South Africa.

In Ethiopia recent developments have given reason for optimism. The European Community and its Member States hope that a process of national reconciliation can be completed and respect for human rights firmly established. The provisional government of Eritrea has opted for a one-party system until after the referendum on the final status of Eritrea. Allegations about the forced expulsion of non-Eritreans persist.

Despite the fall of the Barre regime, violence in Somalia has continued. It can only be hoped that the outcome of the recent Djibouti conference will eventually be implemented and will prove to be the first step towards the reconstruction of Somalia. The European Community and its Member States urge all parties concerned to continue working for national reconciliation, thus putting an end to the extreme suffering of innocent civilians. They reaffirm their commitment to providing humanitarian aid under conditions guaranteeing effective distribution to the population.

The European Community and its Member States are also concerned about the state of human rights in the Sudan. The situation seems to have seriously deteriorated since the military take-over of June 1989. Reports of imprisonment without trial, ill-treatment and torture of detainees continue. Obstruction of humanitarian emergency aid to Southern Sudan, by the government as well as by the SPLA, must [...] be deplored and condemned.

The European Community and its Member States are deeply concerned about the critical and still deteriorating situation in Zaire. They deplore the course of events in that country. They are convinced that political initiatives designed to bring about democratization are the only way to satisfy the aspirations of the people. They urge the authorities and all political and social forces to do their utmost to reach an agreement on the political future of Zaire, in which the rule of law, the organization of free elections and respect for human rights are to be guaranteed.

The European Community and its Member States remain deeply concerned about the situation in Liberia. They welcome the outcome of the summit meeting on 29 and 30 October in Yamassoukro. They have noted with satisfaction the agreement of the parties involved on disarmament and on the organization of free and democratic elections. They express the hope that this agreement will be implemented immediately and successfully and will open the possibility of building a democratic Liberia and bring an end to the sufferings of the Liberian people.

Last year, a number of Latin American States took significant steps along the road to national reconciliation, full exercise of democracy, and the re-establishment of human rights and fundamental freedoms. The social situation often presents a serious threat to this process.

However, Mr Chairman, apart from this generally encouraging situation there are still a number of matters giving cause for concern, as highlighted in reports from thematic rapporteurs. The European Community and its Member States are dismayed to see that the cycle of violence is continuing in some countries of the region, largely at the expense of the civilian population. They re-



call the statement which they made in the political declaration of the San José VII ministerial meeting with a view to introducing, in close cooperation with other existing competent bodies, multi-annual programmes for the promotion of human rights in Central America.

The violent events of 30 September in Haiti were a cause for great dismay. In their Declaration on 3 October<sup>6</sup> the European Community and its Member States unreservedly condemned the military *coup* against the country's first democratically elected President, which took place despite the clear and repeatedly expressed popular will to defend the constitutional order. We have addressed the issue at some length in an intervention in Plenary under item 145.<sup>7</sup> Suffice it now to reiterate our strong support for the democratic forces in that country and to say that we stand ready, in cooperation with regional efforts, to support appropriate measures aimed at the restoration of the legitimate authorities, of the rule of law and of the protection of human rights in Haiti.

While encouraging and supporting the Government's commitment to improving the human rights in El Salvador, the European Community and its Member States note with concern that these fundamental values are still subject to persistent violation. In his objective and even-handed report, the Special Representative has concluded that summary executions have been carried out by members of the armed forces and by the death squads. He has also drawn attention to the climate of intimidation which prevails among some sectors of the population, as a result of the death threats made against them. The European Community and its Member States welcome the recent establishment of a cease-fire. They call on the parties to the conflict to continue their dialogue, which should result in full respect for human rights. Such a dialogue has already led to the establishment of a United Nations Observer Mission (ONUSAL). The holding of the trial in the Jesuit murder case constitutes some progress. We remain concerned about reports that not all those who are guilty have been prosecuted. Further strengthening of the judicial processes and authorities in El Salvador remains of the utmost importance. The European Community and its Member States look forward to the early implementation of the constitutional amendments.

The European Community and its Member States also remain deeply concerned at the continuing deterioration of the human rights situation in Guatemala. The assassination of human rights activists and members of the indigenous population as well as the killing and disappearance of so called 'street children', as recently reported by the independent expert of the Commission on Human Rights, are particularly alarming.

The European Community and its Member States welcome the fact that the Commission on Human Rights has extended the independent expert's mandate. They share his view that one of the Government's top priorities should be to strengthen its authority over the armed forces and to ensure their cooperation in putting an end to the use of violence by the death squads, allegedly linked to the military, and certain other paramilitary groups. They are exploring new ways of assisting the new democratic government with projects aimed at securing the supremacy of civil power and strengthening the legal system.

The European Community and its Member States are encouraged by the fact that the issue of human rights is a major topic in the negotiations between the Guatemalan Government and the Union Revolucionaria Nacional Guatemalteca (URNG) and they hope this will lead to an early conclusion of the negotiations and to an improvement of the human rights situation in Guatemala.

The European Community and its Member States wish to reiterate their concern at the human rights situation in Cuba. The European Community and its Member States are particularly concerned at pressure put on some of those who are active in the field of human rights and fundamental freedoms, or who are active in local NGOs. The European Community and its Member States will pursue their efforts to achieve a constructive dialogue with the Cuban authorities. In this respect they recall Human Rights Commission Resolution no. 1991/68 by which the Secretary-

General was requested to appoint a Special Representative on the situation of human rights in Cuba, as well as the subsequent appointment by the Secretary-General of Mr Rivas Posada.

Mr Chairman, in the face of sometimes discouraging circumstances, individuals and non-governmental organizations throughout the world are making valuable and courageous contributions to safeguarding and promoting human rights. The European Community and its Member States pay tribute to this commitment and deplore the fact that defenders of human rights are all too often the first victims of the arbitrary treatment which they denounce. In this connection we wish to mention the activities of journalists, parliamentarians, and trade union representatives and others. These human rights activists devote themselves to the implementation of rights recognized by the UN and the ILO. Sceptics might ask why. The answer is that they see the impact of government policies and other practices on their own and others' human rights, and set out to redress the shortcomings. We have to support them, Mr Chairman, not just because it is in the UN's original mandate to do so but also because it concerns a positive drive in mankind which we can trace throughout history and across cultural divides: an active commitment to our neighbourhood and a shared responsibility for all of humanity. This duty is not limited to one's own family, nation or State, but extends progressively to all mankind, since no one can consider himself extraneous or indifferent to the lot of another member of the human family. No one can say that he is not responsible for the well-being of one's brother or sister.

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1 *EPC Bulletin*, Doc. 91/194.

2 *EPC Bulletin*, Doc. 91/200.

3 *EPC Bulletin*, Doc. 91/314.

4 *EPC Bulletin*, Doc. 91/297.

5 *EPC Bulletin*, Docs 91/285 and 91/286.

6 *EPC Bulletin*, Doc. 91/292.

7 *EPC Bulletin*, Doc. 91/307.

### **91/369. Statement concerning non-proliferation in the Korean peninsula**

Date of issue: 20 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States welcome the Declaration of Non-Nuclear Korean Peninsula Peace Initiatives announced by the President of the Republic of Korea on 8 November 1991. President Roh's statement provides an important reaffirmation that the Republic of Korea will stand by its commitments under the Non-proliferation Treaty. They welcome the Republic of Korea's additional voluntary undertaking never to possess nuclear fuel reprocessing or enrichment facilities, without which it will be impossible to develop an indigenous nuclear weapons capability. They also welcome the Republic of Korea's statement of intent to observe international agreements on chemical and biological weapons.

These announcements represent important confidence-building measures on the Korean peninsula. The European Community and its Member States therefore call upon the Democratic People's Republic of Korea to respond positively to this declaration. Moreover, they urge the Democratic People's Republic of Korea to sign and implement its Safeguards Agreement with the International Atomic Energy Agency as required by its adherence to the Non-proliferation Treaty, without further delay and without pre-conditions.

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**91/370. Statement concerning the quadri-partite meeting between the European Community and the Council of Europe**

Date of issue: 20 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The 5th quadripartite meeting between the European Community ('the 12') and the Council of Europe ('the 25') took place in Strasbourg on 20 November 1991 with the participation, for the European Community, of Mr Hans van den Broek, Chairman of the Council of Ministers and Minister for Foreign Affairs of the Netherlands, and of Mr David Williamson, Secretary-General of the Commission; and for the Council of Europe, Ms Margaretha af Ugglas, Chairman-in-office of the Committee of Ministers, Minister for Foreign Affairs of Sweden, Mr Rene Felber, Vice-Chairman of the Committee of Ministers and Head of the Federal Department of Foreign Affairs of Switzerland, as well as Ms Catherine Lalumière, Secretary-General.

The dramatic evolution of the situation in Yugoslavia and recent developments in the Soviet Union strongly influenced the outlook of the participants on the state of pan-European cooperation.

In the wake of the fall of Vukovar, the participants expressed their indignation at the continued fighting and the use of force against the civilian population. They vigorously condemned the attacks that the Yugoslav army is continuing to direct against other Croatian towns, particularly Dubrovnik, in spite of repeated agreements on a cease-fire.

The participants recalled the Committee of Ministers' decision, taken on 8 October 1991, to suspend cooperation with the Yugoslav authorities together with the declaration of the European Community Ministerial Meeting of 8 November 1991,<sup>1</sup> in which the Community and its Member States adopted a series of economic and political measures and sanctions with regard to Yugoslavia. They also recalled the decision of the Community and its Member States to apply positive compensatory measures vis-à-vis parties which do cooperate in a peaceful way towards a comprehensive political solution on the basis of the European Community proposals.

They urged that the only end of the crisis is through negotiations in good faith between the parties, and not by the recourse to force. They expressed their full support for the efforts being made within the European Community, the CSCE and the United Nations to arrive at a just and lasting solution in Yugoslavia.

The participants emphasised the urgency of providing humanitarian aid to the victims of the conflict, and asked all parties concerned to allow this aid through without delay to the communities in need and the many people displaced as a result of the combats.

On the eve of Polish accession as the 26th member State of the Council of Europe, and the conclusion of agreements between the Community on the one hand, EFTA on the other, and several Central and Eastern European countries, the participants took stock of the evolution of pan-European cooperation. They underlined the importance of an accelerated integration of countries of Central and Eastern Europe in European cooperation structures in order to strengthen the development of political and economic reforms aimed at the establishment of both pluralist democratic institutions and a market economy. They agreed, with regard to coherence and efficiency, to coordinate assistance and cooperation actions with Central and Eastern European countries undertaken by the Council of Europe and by the Community, particularly in the framework of the G24, in which coordination is assured by the Commission. This complementarity of efforts could prove to be particularly useful in the field of training (lawyers, elected officials and staff of local authorities, teachers), relying on the experience of the Council of Europe.

In this context, they have welcomed with great interest the proposal of the Secretary-General of the Council of Europe to set up a broad development plan for law. Such a plan would contribute to the affirmation of the rule of law, democracy and human rights, and thus to stability in Central and Eastern European countries.

The participants welcomed the victory last August of reforming forces, vigorously supported by the population, in the Soviet Union and expressed their determination to support the authorities of the Union as well as of the republics in their will for democratic reforms, respect for human rights and economic reforms, through increased assistance and cooperation.

They noted with satisfaction that the Geneva and Moscow CSCE meetings, on national minorities and the human dimension respectively, led the participants to recognize the gravity of the problem of national minorities and the necessity of fulfilling the provisions of the CSCE human dimension, matters of legitimate international concern which consequently do not constitute exclusively an internal affair of the respective State.

Participants welcomed the agreement in principle between the European Community and the EFTA countries to set up, as of 1st January 1993, a European Economic Area uniting 19 countries. The creation of an EEA will give even more importance to the complementarity of cooperation between the Council of Europe and the Community.

On the eve of the Maastricht Summit, which aims at progress on the path of Political Union, the participants held an exchange of views on prospects for the Summit and the possible implications of the future Treaty on the Union on relations between the Council of Europe and the Community.

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<sup>1</sup> EPC Bulletin, Doc. 91/349.

### **91/371. Statement concerning progress at the Inter-governmental Conference on Political Union**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr van den Broek, President-in-Office of the Council:* Mr President, we are only three weeks away from Maastricht. The preparatory Inter-governmental Conferences are coming to an end on schedule. The conclave we had in The Hague last week was the final comprehensive plenary round of negotiations. The aim was to dispose of the bulk of the remaining problems, to assess the general outcome of the negotiations in the last few months as a whole and in context and, of course, to identify the remaining problems.

In the coming weeks we will have to devote all our energy to these remaining problems so as to make them manageable, to rid them of aspects where a solution is possible and to prepare them for a final decision at Maastricht. To this end the Presidency will now be visiting all the capitals, and provision has been made for a final meeting of the Inter-governmental Conference at Foreign Minister level on 2 and 3 December.

I have just outlined the purpose of our conclave meeting at Noordwijk last week. I believe we came far closer to achieving our objective. Everyone was prepared to negotiate, even on difficult issues, often on matters which affect vital national interests. All the delegations and, I must add, the Commission demonstrated this willingness, which enabled progress to be made. All the delegations were well aware that final agreement can be reached only in the form of a total package.

But there was *rapprochement* on all the issues forming part of this package, even the most controversial, and some of the remaining problems were settled. The conclave's working methods were, I feel, sound and also thorough. Thanks to the personal representatives and the Council Secretariat it was possible to have discussions on the basis of a consolidated draft Treaty text, the outcome of the last few weeks of negotiations at the Inter-governmental Conference. We went through this text page by page and subject by subject. Agreement in principle was thus reached on much of the Treaty. For the remaining aspects the Presidency worked out, tentatively in some cases, compromise solutions, which are now being studied in the various capitals. The result is a complete Treaty text some 120 pages long plus a list of items on which decisions still have to be taken. While there is, of course, no guarantee that these things can be brought to a successful conclusion at Maastricht, I feel there is now a far better chance.

In what areas has progress now been made? I consider the most important gain to be the agreement in the institutional field. None of the delegations is now opposed to the central idea that the EPU Treaty will mean a substantial improvement in the involvement of the European Parliament in the legislative process. Provision is made for the European Parliament to have increased joint legislative powers over a wide range of European decision-making, including the key aspects of the Single Market. There is agreement in principle on the joint legislative procedure, the new Article 189b. Final approval of this procedure depends on what agreement is eventually reached on this mechanism's sphere of application.

A large majority of the delegations approved the application of this procedure to such areas of policy as the free movement of workers, the right of establishment, the operation of the Single Market and the main lines of research and technological development, the environment, trans-European networks, health and culture. Many delegations were also in favour of its applying to areas of social policy and education. So you see, although a final decision has yet to be taken on the sphere of application, the mood is positive. There is a prospect of a substantial improvement in democracy, in democratic legitimacy, for which there was no provision shortly before the conclave.

As in the institutional sphere, it was agreed in principle that the number of Commissioners should be reduced to one per Member State, that Vice-Commissioners should be appointed, that the European Parliament should have the formal right of approving the appointment of the Commission and that the number of German Members of the European Parliament should be increased to 99, as requested by your Parliament. There are still some reservations about these aspects, but we hope they can be overcome at our next meeting on 2 and 3 December.

A number of other improvements in the Community structure were agreed at Noordwijk: the rules on the right of petition, the European Parliament's right of inquiry, the appointment of a European ombudsman, the power of the European Court of Justice to impose sanctions and the setting up of a regional committee with wide advisory powers. I must also mention the wider application of the right of *avis conforme* and the enshrinement in the Treaty of the very important subsidiarity principle in its final form. It was also agreed to strengthen the provisions concerning the European Parliament's power of budgetary control and the position of the European Court of Auditors in this context.

At Noordwijk we spent a great deal of time considering the Community's powers, the strengthening of existing powers and the granting of new powers in various fields. Real progress was made, although further work will have to be done to bring the delegations closer together. The fact is that, where the point of departure is concerned, national views usually differ on the extent to which Community policy is considered desirable in a given area and on the principles on which policy should be based. There are two complicating factors in the negotiating process.

Firstly, the links between the various areas of policy and the present field of tension between the operation of the Single Market on the one hand and the desirability of pursuing a corrective or

stimulating policy in this market on the other. That is a general issue. I will be more specific about the following points.

At Noordwijk we agreed on an actual text concerning European citizenship. Prime Minister Gonzales's initiative has borne fruit. I see this as an essential component of the future Union. In the areas of education, vocational training, health and culture the outlines of the various Treaty titles have been decided. Much to the satisfaction of various delegations it was possible to find a form of wording that complies with the constitutional situation in a number of Member States. There is agreement on the wording of the Treaty title concerning research and development, the only issue remaining being the decision-making procedures for the multi-annual framework programmes. But a large majority of Member States have already agreed to the idea of co-decision with majority decision-making in the Council in this field.

In the important environmental field majority decision-making as a general rule is also gaining acceptance. As regards exceptions to be more accurately defined the Presidency took it upon itself to work out precise texts with certain delegations. In the area of industrial policy the general problems of the aim and scope of the policy I have just mentioned are reflected very clearly in the positions of the various Member States. But a large majority advocate an arrangement along the lines of the text drawn up by the Presidency.

I have given you a brief outline of the situation as regards a number of the most important aspects of the Community's powers. I should also mention two essential areas, cooperation in judicial and domestic affairs and in the area of social policy.

Where judicial and domestic affairs are concerned, wide-ranging agreement has been reached, although one Member State continues to have a strong preference for a more extensive Community approach, while another is strongly opposed to this. But I feel I can say that the Treaty will be able to provide a satisfactory stimulus for a better definition and arrangement of what is now disjointed inter-governmental cooperation. Making activities more systematic in this extremely complex field will be a great benefit. It will provide the clarity and foundations on which we can continue to build in the very near future with the aid of the 'evolution clauses' included in the text.

In the social field the draft Treaty provides for improved categorization of the various aspects of the social policy, each with an indication of the appropriate decision-making procedures and modalities. Where possible, the purpose of these provisions will be more accurately defined in statements at the conference. Nevertheless, the Presidency is assuming that certain aspects of the social policy will need to be considered at Maastricht with a view to overcoming the remaining basic differences of principle. The Presidency will do its utmost in these last few weeks to identify the differences and to work out elements for the final agreement in bilateral consultations.

I now come to another key item at the latest round of negotiations, what is known as the cohesion problem, a crucial issue for a number of the Community's Member States and, therefore, of overriding importance to us all. What we are talking about here is the degree of mutual solidarity in the Union, the degree of unity with which we can confidently take the step towards an Economic and Monetary Union and a European Political Union. During the conclave it was clear that an acceptable cohesion arrangement is very closely linked to the willingness of various Member States to give the Union powers in such areas as the environment, trans-European networks, social policy and research. It is equally true that an acceptable solution to this problem will not only be found in the Treaty text to be agreed. The negotiations scheduled for 1992 on the future financing of the Community really are casting a shadow before them.

Thanks to Commission President Delors the Inter-governmental Conference now has a number of elements for further discussion, building blocks for a solution in this question of cohesion, but detailed negotiations will continue to be necessary for the time being. The aim is to reach agreement, on the one hand, on a Treaty text that must of necessity be generally worded, and will also

have links with the future cohesion policy, and, on the other hand, on a declaration by the Member States that they are willing to accept in 1992 as part of the 'second Delors package' a cohesion arrangement that takes account of certain Member States' legitimate concerns about the financial and economic implications of the new Treaty. This declaration must also convince all concerned with regard to the financial consequences of the solution chosen. I am very hopeful that we will be able to use what little time is left before Maastricht to elaborate further on this solution so as to identify building blocks for a draft declaration on cohesion from the European Council.

Mr President, I would now like to say a few words about another important aspect of the Treaty, foreign and security policy. Where foreign policy is concerned, there is a large measure of agreement on the way in which more powers can be transferred to the Community by means of *action commune*, which will make for a more effective and recognizable approach in the area of foreign policy. Still under discussion is the question whether and to what extent majority decision-making can and must play a part in this.

The discussions on the future European role in defence are very detailed, but there have already been consultations at the Inter-governmental Conference, within the Atlantic Alliance and recently, last Monday, in Western European Union in Bonn. Here again, there is a definite *rapprochement* of the various positions. There is, for example, a growing consensus on the need for the Union's foreign and security policy eventually to include a common defence policy, though with the Atlantic Alliance continuing to play its full role in our common defence.

The outlines of Western European Union's role as the defence component in the process of integration and its political and functional relationships with Political Union on the one hand and the Atlantic Alliance on the other are also becoming clearer. Here again, the forthcoming Inter-governmental Conferences will, we hope, draw conclusions on which the seal can be put at Maastricht. This concerns both the EPU Treaty texts and a declaration by the WEU members.

Mr President, a brief word on the structure of the Treaty. I do not need to remind you of the controversy over the proposed structure of the future Union Treaties. The Dutch Presidency is only too aware of this controversy. As you also know, ideas on the desirable structure and speed of the process of European integration differ.

You, Mr President, took the opportunity during the conclave to inform us clearly and succinctly of the views on this subject in this House. The Presidency has done its utmost to achieve the widest possible consensus of the sharply differing national views on this issue. It is very important in this context to bear in mind that there is a direct link between substance and structure. There was a clear choice for determining the eventual structure on the basis of the conclusions drawn on the substance. Now that these material conclusions are gradually taking shape, they need to be provided with an appropriate Treaty structure. The structure of the Treaty must, on the one hand, embody the conclusions drawn on the substance and, on the other hand, provide a genuine prospect of the further expansion and development of the *acquis* in the future.

I know only too well that the present draft Treaty is not ideal in everyone's eyes. But I also feel that it leaves the door wide open for further gradual evolution. The Treaty does not close any doors to ever closer union. The Treaty does not block the way to a Union united in one market, one currency, a Union that will gradually come to speak with one voice in its external affairs. Particularly where this last aspect is concerned, the importance of coherence in external matters, my colleagues were sympathetic during the conclave, and it was agreed that the relevant provisions in the *chapeau* and the chapter on development cooperation will be strengthened.

Mr President, I have given you a picture of the progress that has been made towards the conclusion of the Inter-governmental Conferences. I have also outlined the scale and complexity of the problems still outstanding, while acknowledging their number and their importance. I am very hopeful that enough progress will be made in the next few days and weeks for the European

Council at Maastricht to be able to consider a reasonable number of well defined issues on which a decision can be taken. That is the *conditio sine qua non* for success in December.

I can also tell you that I am optimistic about the future of European unification. This too is a rational expectation, not just wishful thinking. My line of thought in this is based on two factors: solidarity and democracy. Solidarity, because the Union whose foundations we are now laying will be permeated by the idea of unity. In the final declaration of the Inter-parliamentary Conference that was held from 27 to 30 November 1990, 13 parliaments, including your own, rightly identified this concept as economic, social and regional solidarity. This concept includes cohesion, but it goes a great deal further. The future Union will determine the balance between market and government at European level, between material interests on the one hand and non-material values on the other, the sustainability of economic development, the recognition of fundamental rights, European citizenship, the importance of common policy on health, education and culture and strict respect for subsidiarity and, last but not least, the strengthening of democratic legitimacy.

Solidarity and democracy. As regards democracy, many of you have pinned your hopes on a radical increase in the strength of your Parliament's position, and they may express their dissatisfaction at what is now emerging. But I tell you this: the Treaty that is now taking shape makes for practical and substantial improvements in the European Parliament's powers in the spheres of legislation, administration and control. These improvements will enable every single one of you to make his position clearer and to influence our Union's activities in the future. I am reminded of how the European Parliament, taking advantage of its budgetary rights and later of the cooperation procedure under the European Act, has managed to leave its mark on decision-making in the European Community. The position you will acquire as co-legislator through the conciliation phase provided for in Article 189b of the draft Treaty, the increased right of *avis conforme* and the new procedures for the appointment of the Commission are just a few of the elements which will give you actual co-responsibility. It is this legitimate co-responsibility that gives me confidence in the future, a future in which a coherent and ever closer union will gradually be built.

[After the ensuing debate Mr van den Broek stated:]

Mr President, I would first like to say that as Council President I fully expected to be confronted today with an extremely critical Parliament rightly concerned about the democratic legitimacy of our European Community and about the attempt being made to increase the Community's powers without provision being made at the same time for appropriate democratic control.

Taking a national viewpoint, I am sure you agree with me that the Netherlands Government really was well aware of the dangers in this respect. The way in which we finally decided to give expression to this in a proposal from the Presidency has been greeted with less enthusiasm. This is not to say that the Dutch Presidency is not prepared, on the basis of the text it is now presenting, to join with the other Ministers in doing its utmost to give substance and shape to this concept of democratic legitimacy. I must also tell you that my colleagues and I listened to your President, Mr Baron Crespo, at Noordwijk not only with interest but also very carefully. Having heard his statement, we did ask ourselves whether his criticism, which was understandable, took sufficient account of the new opportunities created by the new Treaty and the next very practical step that has been taken. This morning various Members have referred to the next phase, which we are now entering with the introduction of the co-decision procedure. As a point of departure we had already mentioned those areas in which Parliament, the Council and the Commission have so far worked together well under the cooperation procedure.

The Presidency still feels that various things need to be improved and expanded, but I also believe we must bear in mind the new opportunities now emerging, which we really do see as a next step, not as a final phase. This is also why the Presidency's proposal includes a revision clause, an



instrument that was perhaps announced without enough thought for situations where progress cannot be made and it is decided to consider the matter again in a few years' time. In more positive terms this revision clause quite clearly means that the Council is fully aware that this is an evolutionary phase, that we must advance, that a qualitative leap forward obviously needs to be made at this time, but that it is not the end of the process of granting full powers to the European Parliament.

I must be honest with you: I entirely agree with what has been said about the structure of the Treaty. Here again, I am faced with the conflict of having to try to bring about an agreement among the Twelve and the fact that, as President, I have to suppress certain personal convictions. It is no secret that the Netherlands Government and the Commission have stood up for the 'unitarian' structure. The whole problem that Commission President Delors has explained here this morning regarding the somewhat ambiguous nature of the Union and the absence of legal personality and all that this entails were matters that could have been overcome if we could have agreed on a more unitarian structure. The structure which has now been chosen, with all its shortcomings – I believe that has to be recognized – and which may soon become the final outcome of Maastricht does, however, include many evolution clauses or revision clauses. Certain areas of policy, such as foreign and security policy and, of course, defence policy, but also judicial matters and cooperation in foreign affairs, are still very inter-governmental in nature. This does not alter the fact that there may and even must be a phased process in these fields. The whole of the current debate on the aspects of judicial policy for which we can accept a Community approach or an inter-governmental approach shows in itself that there is no clear line between the two. In other words, we can hope that what still has to be considered inter-governmental at the moment has a chance of becoming more of a Community responsibility in the future.

The Netherlands' Prime Minister has recently said in interviews, and he has not been thanked for this everywhere, that for him Maastricht is a very important stage, but certainly not the final stage. In the evolution of European unification I really believe that is how we must see it. The question is: where in this phase will we be inclined to set the minimum which must be maintained if the process is to remain credible. We have discussed democratic legitimacy. I will say quite frankly that, to my mind, the present co-decision package comes very clearly close to this lower limit. The final discussion on the question of the sphere of application of the co-decision procedure must answer the question whether we will be able to defend the outcome of Maastricht before the European Parliament with our heads high. That at least is what the Dutch Presidency feels.

Mr Giscard d'Estaing drew attention to various aspects of Economic and Monetary Union. We agree with him – and I am reminded in this context of his own experience in connection with the establishment of the European Monetary System – that the setting of a date for the beginning of what is known as the third phase may in itself be conducive to the achievement of the goal that has been set. This is also a technically complex matter, and it is an issue that is politically sensitive in various ways. Commission President Delors is familiar with all the details, and we are trying to solve these problems in close consultation with one another. But I feel that it was certainly the intention to make a real attempt at Maastricht to give the signal that the third phase of monetary union must in fact begin on 1 January 1997, though the wording will presumably be such that at that time the Council of Economics and Finance Ministers will present a report to the European Council, which will then have an exploratory debate on it to discover whether the time is ripe to begin the third phase, quite apart from the question of which of the 12 Member States actually join the new system.

I will conclude by just reverting to Parliament's powers and to the comments that have been made on proposals concerning the Congress. The Presidency has made a careful note of the remarks made by Mr Klepsch and others. We agree with the principle that the national parliaments should be involved in the work of the Union and the Community. The question is whether the form in which these things have now been presented by some Member States, or rather one

Member State, will be seen by the European Parliament as the most satisfactory approach. I appeal to the Members of the European Parliament to approach their colleagues in the national parliaments on this matter and to try to put forward suggestions for a form that is acceptable both to the national parliaments and to the European Parliament. We had originally hoped, of course, that the increase in the Community's powers and in the powers transferred to the Community would reduce the need for the national parliaments to be involved. As the structure now proposed entails a considerable amount of inter-governmental cooperation and is in danger of increasing the democratic deficit, I can imagine some governments taking the view that this democratic gap must be filled by involving the national parliaments as well. We would have liked to see it otherwise, with the accent on the European Parliament. We will endeavour to strike a balance in this respect and to achieve a balanced final result.

### **91/372. Statement concerning the Middle-East Peace Conference in Madrid**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr van den Broek, President-in-Office of the Council:* Mr President, I really wonder whether the President of the Council has a great deal of news on the Middle East to report to your Parliament, especially as President Mubarak has been here today giving his views on the state of the Middle East process, which we also found informative. So I will make no more than a few comments.

Firstly, it was extremely gratifying that the 12 Member States of the European Community and the Commission were represented at the historical opening meeting of the Middle East conference in Madrid. Secondly, it was gratifying that it could be said in this House on behalf of the Twelve how much we appreciate the efforts that have been made and are still being made particularly by Secretary of State Baker in connection with this Middle East process. Thirdly, the situation as regards the bilateral negotiations has certainly not robbed us at the moment of the hope that real progress will be made. In other words, the first round of discussions, with all the many serious problems that still exist, leaves us hopeful that the process can continue. Naturally, we are not yet saying that a really lasting and peaceful solution is in sight, because very many problems have to be overcome before that stage is reached. Fourthly, it is gratifying that the European Community will play a particularly active role. Ministers will cooperate closely with the Commission at the multilateral negotiations, which will be attended by all the parties or, at least, by fairly large groups of parties in the Middle East, in the presence of representatives of the European Community, with the option of other third countries making a contribution; multilateral negotiations on a wide range of issues affecting the future of the Middle East, including arms control, which is extremely important in view of the experience in the recent past of the excessive arms build-up in the region, but also issues relating to humanitarian aspects, such as the refugee problem, which is acute in the region, has persisted for so many years and can again be solved only if a lasting and peaceful solution can be found in the Middle East. Last but not least, the opportunities for regional economic cooperation and, specifically, the contribution which the European Community can make to such cooperation from its own experience. The Americans and also the Arabs – as you heard President Mubarak say this morning – are certainly looking to Europe in this respect. This does not mean that the Twelve are less interested in the political process. On the contrary, there are also contacts with the co-sponsors and with all the Arab countries with the aim of establishing how the Twelve can help in their bilateral contacts with the various parties to keep the process going and to ensure that progress is made.

Mr President, those, I believe, are the main elements of the Community's involvement in this historical Middle East peace process. In this respect we have always welcomed the support of the

European Parliament, which has always shown a particular interest in the situation in the Middle East. I would like to think that we can continue to count on this support in the future.

### 91/373. Statement concerning the situation in Yugoslavia

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in European Parliament

*Mr van den Broek, President-in-Office of the Council:* Madam President, as the situation in Yugoslavia has deteriorated further in both political and military terms, the search for an all-embracing political solution to the Yugoslav problem has certainly not become any easier. On the basis of Lord Carrington's report on the efforts he has made the Foreign Ministers noted, as Parliament knows, at their fringe meeting at the NATO summit on 7 and 8 November in Rome that the conference on Yugoslavia had reached an impasse, and they therefore decided to take a number of restrictive measures against Yugoslavia. As both sides in the conflict have declared their willingness to accept a UN peace-keeping force, the United Nations' special envoy, former Secretary of State Cyrus Vance, is now investigating whether the conditions for this peace-keeping force can be met.

On the ground, despite the announcement of the new – thirteenth – cease-fire, the fighting continues at a number of places in Yugoslavia. Vukovar has now fallen to the federal army and is controlled by Serbian troops and the federal army. The situation in Dubrovnik is even so bad that it can no longer be considered acceptable to leave the Community observers there, although there have been calls from various sides for them to resume their activities. It has not yet been possible for the Community monitors elsewhere in Croatia and Bosnia-Herzegovina to continue their operations. Particular thought should be given to the role which the Community observers are trying to play in stabilizing the potentially explosive situation in Bosnia-Herzegovina. The observers are also trying, where possible, to coordinate their own activities with the humanitarian operations of international organizations to alleviate the enormous human suffering due to this escalation in the fighting. The International Committee of the Red Cross, the Office of the UN High Commissioner for Refugees and the United Nations Children's Fund, Unicef, are actively involved in these operations. A French proposal calls for the creation of humanitarian safety corridors for aid activities and also for evacuation purposes.

During the ministerial consultations of the Twelve in Rome that I have just mentioned it was decided to impose these sanctions, and it was also concluded that the Member States that have seats on the United Nations Security Council would try to have further action taken by that body to increase the effectiveness of the arms embargo on Yugoslavia imposed by Resolution 713. The Security Council should also be asked to take steps to initiate an oil embargo.

In the meantime both the 'rump' presidium in Belgrade and the Croatian President have called for an international peace-keeping force. At their informal meeting in Noordwijk last week the Foreign Ministers therefore decided to ask Lord Carrington to go to Yugoslavia to see what opportunities there are for this. The Twelve have not wavered from their view that there should be an effective cease-fire before a peace-keeping force can be sent in. As you know, Lord Carrington's report has meanwhile resulted in the Secretary-General of the United Nations asking Cyrus Vance to go to Yugoslavia and investigate the possibility of a peace-keeping force being stationed there. He is now in Yugoslavia. He is expected to complete his mission there at the end of this week or the beginning of next week, which means that the Security Council may take a decision shortly afterwards on the establishment of a peace-keeping force. The Twelve feel that this force may also provide the prospect of the political negotiations at the peace conference again having a chance of succeeding.

Madam President, we have noted that, although the political negotiations between the two sides have continued under Lord Carrington's chairmanship, the situation on the ground and the continuation of heavy fighting, which we have all been able to see on the television, with all the human suffering it causes, have had the effect of undermining the political negotiations and the chances of agreements being reached.

We feel that, if it actually proves possible to station a UN peace-keeping force in Yugoslavia, the situation on the ground is more likely to be brought under control than is possible with the presence of a mere 200 or so unarmed Community observers in civilian clothes. I am not saying that the arrival of a UN peace-keeping force would make the activities of the Community observers superfluous. They have an appropriate role to play as a complement to the task of the peace-keeping force. We have therefore asked Mr Vance to make contact with the head of the Community monitoring mission during his discussions in Yugoslavia to see if there might be some kind of division of tasks if a UN peace-keeping force is stationed there.

Another political requirement that must certainly be met before a UN peace-keeping force is sent in is undoubtedly that there must be a cease-fire, which does not mean that not a single shot may be fired anywhere before a peace-keeping force can be sent to Yugoslavia. But there can be no misunderstanding that what the two sides in Yugoslavia have asked for and what the Security Council is able and usually willing to decide when it comes to peace-keeping forces is not a force that will intervene but one that will perform a peace-keeping task, not a peace-making task, in co-operation with and with the approval of all the parties concerned. Once again, we very much hope that it will be possible to station these forces in Yugoslavia.

The Twelve feel that the presence of a peace-keeping force in Yugoslavia should replace the presence of the federal army in Croatia, and particularly in the critical areas, the disputed areas where there are Serbian enclaves, which, as you know, are the main bone of contention in the struggle between Serbia and Croatia. If a peace-keeping force can be stationed there and the presence of the federal army can no longer be justified, a major source of tension will probably be removed and the situation on the ground can be further stabilized. We have not yet reached that stage. We are all agreed on this, and the Twelve have certainly promised every assistance to make it possible if they are asked to make contributions. At a meeting of Western European Union in Bonn last Monday its member countries, nine Member States of the European Community, gave an assurance that, if the Secretary-General called for a contribution from Europe to a peace-keeping force following a Security Council resolution, these countries would be prepared to give the matter serious consideration. Madam President, there is a great deal more that can be said about Yugoslavia. The poignant pictures reaching us almost every day through the media continue to move us above all else to seek a solution, which we believe will have to be a political solution, for which the European Community and Lord Carrington have in fact put forward practical proposals, which we feel may not be seriously considered by all the parties until the situation on the ground has quietened down. At the same time we say that certain conditions must be attached to a political solution and that there can be no departure from them. The most important of these is that unilateral solutions will not be accepted, that the acquisition of territory by force, causing unilateral changes of frontiers, will never be accepted and will never be recognized by the Twelve. And whether Vukovar or Dubrovnik is affected is otherwise immaterial. The Twelve stand by this principle.

As regards the important and much discussed question of the recognition of republics that want to claim recognition or have given expression to this aspiration in a democratic way, the Twelve have said that they will consider this aspect favourably as part of a political solution, but this political solution must certainly make it clear that adequate provision has been made for the rights and protection of minorities in various republics.

Madam President, I will leave it at that for the moment. I am quite prepared to provide further information if requested.

*[After the ensuing debate Mr van den Broek stated:]*

Mr President, my thanks to Members for their contribution to this debate, which is keeping us all so busy. I will take the liberty of making a preliminary comment, and that is that I do not believe we are helping the situation and even less that we are defining the situation correctly if we criticize Europe or the Twelve for the policy they have pursued or the policy they have not pursued or measures they have not taken.

I quite appreciate the disappointment felt by many Members about the continuing conflict and human suffering in Yugoslavia, and that is a sentiment the President of the Council and all his colleagues fully share with Parliament. But this does not, of course, say very much about the substance of the correct, lasting peaceful solution for this conflict. I do not think that Europe should talk itself into believing that we have not done enough. From the outset Europe has stood up for a peaceful and political solution in Yugoslavia. It began in Brioni, and that eventually resulted not only in the fighting subsiding but also in the federal army completely withdrawing from Slovenia. The fighting then moved to Croatia. Let those who feel that radical measures should have been taken at that time answer this question: precisely what measures are we talking about?

What has the European Community done from the outset? Two things: it has taken the political process in hand, because the European conference table was in fact the only one at which the various parties were really prepared to negotiate with each other on a political solution, and it has also made serious efforts to mediate in the declaration of a lasting cease-fire. I do not know if Members remember how long it took before the European Community reached an agreement with all the parties that European observers, unarmed, civilian observers, should be sent to Croatia. To those who then talk about intervention and such like my question is: what is our view on international legality when we talk about intervention in this case? Is it conceivable that, if the European Community had had the operational military potential at this stage of its existence, it would have sent an intervention force to Yugoslavia without a statement from the Security Council? Mr President, that is unrealistic, and it would have been illegal. Let there be no talk of this. Even now it is uncertain whether we will succeed in finding a hearing for our appeal to the Security Council for an oil embargo. That is being prepared at the moment. I cannot give you any assurance on this. Intervention? No oil embargo? Only if the Security Council agrees. Is there any certainty about this? No. Peace-keeping force, Security Council – any certainty about this? No. What is definitely needed if a peace-keeping force is to be stationed in Yugoslavia? The cooperation and approval of all the parties concerned. That is international legality. I am raising my voice somewhat when referring to various aspects because I too am affected by emotion and powerlessness when we are daily confronted with the grief and when we try to give political expression to these emotions. I then find it all too easy to say the European Community does not act quickly enough, it does not have the necessary instruments, it does not react appropriately. No. Above all, let us go on reminding the Yugoslav parties of their responsibility, because it is from them that it must ultimately come. A solution cannot be imposed by the West, not even with sanctions. I challenge each of you to tell me how early recognition will bring about a lasting peace in Yugoslavia or in the various republics unless the constitutions of all the republics provide for the protection of the minorities, Mr Habsburg. It is by no means as simple as that. That too must be said once again. I too say it once again rather louder. The wide range of opinions on solutions I have heard here is the clearest proof that it is not so easy to devise an unequivocal, just political solution. For this we also very much depend on the parties themselves realizing that a political solution can only be found at the negotiating table.

Why are we so interested in this? First and foremost because there is a huge human problem, and enormous human suffering needs to be alleviated. Another reason is that we do not believe Yugoslavia is an isolated problem. There are more extreme forms of nationalism emerging in Europe. By finding a political solution in Yugoslavia, we surely have to try to set an example for

other countries to show them that it must be possible to solve problems of this kind by peaceful means.

That is why we are so motivated, that is why we are so persistent, and that is why we are also prepared to put up with the international press referring to the European Community as powerless. But the best people are waiting in the wings, because no one has yet been able to persuade the local parties of the need for an actual peaceful solution. On 2 December, when the Council of Ministers meets here, we must take a decision particularly on what are known as the positive measures, which are intended to negate the adverse effects of sanctions on the republics that can be regarded as cooperating in the negotiations for a peaceful solution. The Political Committee of the Twelve will consider this on 27 November, and I hope that by then reports from Lord Carrington and possibly Cyrus Vance will be available to clarify the decision-making options. Because it is not so easy to talk about one aggressor threatening the rest of Yugoslavia. Everyone can see that force is being used, everyone can see that aggressive acts are being committed. Serbia deserves serious criticism, the federal army deserves serious criticism, but others have also been guilty of constantly violating the cease-fire.

If Europe really intends to continue playing a credible role in the search for a peaceful solution, we must try to establish the truth of all the various factors. This is far from always easy. And it is far from always made easy for us by the media, by which I mean the pictures reaching us from Yugoslavia.

I have been asked what new dangers would arise if the federal army eventually withdrew from Croatia. Yes, of course, there is a real danger. The situation in Bosnia-Herzegovina is certainly tense at the moment. At our last discussions we therefore explicitly asked Mr Vance to consider this problem more specifically and to ask himself to what extent the United Nations and the role of the peace-keeping force might be extended to Bosnia-Herzegovina so as to prevent the tensions there from exploding into violence. We await his reply.

The same can, of course, be said of other parts of Yugoslavia that have been mentioned, including Macedonia. The head of the Community monitoring mission usually refers in his reports to the situation in the other republics and also passes on to us requests from governments of these republics for the presence of Community observers, which has led to the stationing of Community observers in Bosnia-Herzegovina.

The status of these observers – someone asked about this – is that they receive political instructions from the Twelve, whose views are forwarded to the head of the monitoring mission through the Presidency. The head of the mission is responsible for the activities of the observers, meaning that he must ensure that they are able to operate in the safest possible conditions or, to put it another way, that they do not go where their personal safety is at risk. Those are the rules.

I have already mentioned that various draft resolutions are currently doing the rounds in the Security Council, including one on the possible imposition of an oil embargo. In view of the investigation now being made by Cyrus Vance into the possibility of sending in a UN peace-keeping force it is not entirely clear at the moment in what order the various resolutions will be considered. I know no more about this at the moment than I have already told you.

To conclude, Mr President, I will again try – unnecessarily perhaps – to convince Members that the Twelve are continuing to observe the situation in Yugoslavia from day to day, from hour to hour, and that they are also prepared to meet whenever necessary to discuss the situation and consider how we can try to make a contribution – humanitarian or political or diplomatic – to the resolution of this serious crisis.

Let me tell you that I have not detected in my colleagues from the Twelve any inclination to give up and say the problem cannot be solved. No, the problem will and must be solved, but with the cooperation and involvement of all concerned. Because we can take it that not only the tension

but also the violence and the bloodshed will continue unless all the parties are involved in a solution.

[...]

Mr President, I have just said that the Council of Ministers will have to decide on 2 December on the basis of proposals from the Commission on both the nature of these positive measures [i.e. preferential regimes] – and this will therefore depend on the proposals from the Commission in this respect – and on their political purpose – and this concerns the choice of republics to which these positive measures would then be declared applicable.

**91/374. Question No O-295/91 by Mr Cravinho and others and O-325/91 by Mr Vandemeulebroucke and others concerning assistance for the Kurdish people in Iraq, and security for the Kurdish population and teams of aid workers in Northern Iraq**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No O-295/91:*

Following the Gulf War and the dramatic flight of one and a half million Kurds to neighbouring Iran and Turkey, and further to the resolutions adopted by the European Parliament on the Kurdish question, can the Commission state

– what measures it is taking with regard to reconstruction and the ‘winterization programme’ to enable the Kurds who have returned to Iraq to survive the coming winter and what it is doing to assist those who remain in Iran and Turkey?

– what lessons have been learnt from the emergency humanitarian actions of the European Community and its Member States in the region which will allow the European Community to improve the efficiency and effectiveness of its assistance in the event of any future crisis?

*Question No O-325/91:*

According to information supplied by the Netherlands Ministry of Foreign Affairs and Ministry of Defence, allied land forces will be withdrawn from south-eastern Turkey with effect from the end of September 1991.

What plans are there for guaranteeing the safety of the Kurds and the aid workers still in Northern Iraq?

*Answer:*

*Mr van den Broek, President-in-Office of European political cooperation:* Madam President, the questions put by the honourable Members mainly concerned the way in which the Community has provided or will provide assistance for Kurds in need. I understand that an answer to this question has already been given by the Commission.

I would like to give an answer along more political lines. For some considerable time the Twelve have, like the European Parliament, been seriously concerned about the fate of the Kurds. At one time this resulted in various Member States of the Community participating directly in humanitarian operations within Iraq itself. After the humanitarian aid troops, as I might call them, were withdrawn from Iraq, they were permitted to stay in Turkey for an extended period in an at-

tempt to ensure the safety of the Kurds from that country. After the withdrawal of the land forces from Turkey, American, British and French aircraft remained in readiness to ensure the safety of the Kurds as a complement to the efforts the United Nations was making by deploying military police, observers and humanitarian aid workers, all of them officials who have made an enormous effort to ease the lot of the Kurds, who are in grave danger.

I quite appreciate that there will always be appeals for the continuation of aid and particularly for the Kurdish problem to be tackled politically. But we must realize, in my opinion, that, although we may call for further action against Saddam Hussein in an attempt to force him to treat the Kurds in his country better, we are dealing with a regime against which practically the whole international community waged a war in order to rectify an act of aggression committed by that regime; secondly, that, besides military means, every political, economic and diplomatic means was then used in an attempt to force that regime to change its mind and that a number of Security Council resolutions have been passed stipulating that it must comply with the international community's requirements both in the humanitarian sphere and as regards the disclosure of information on armaments in Iraq. We all know what this has achieved so far. There is no country in the world on whose regime, on whose government so much pressure has been brought to bear and on which so many sanctions have been imposed as the regime in Baghdad.

In short, the best we can do is to continue to give our full support to the humanitarian effort and certainly – the Commissioner will no doubt have referred to this – to reconsider what is needed as winter approaches and see whether further aid should be offered. Various other international aid agencies are also very heavily involved in this. At the United Nations evaluations are constantly being made and programmes to meet needs established. Politically, we must also continue to insist that Saddam Hussein implement the Security Council resolutions in every respect. Besides keeping the pressure on Saddam Hussein with the sanctions imposed by these resolutions, that is the only way to ensure that political solutions can also be found. At the same time, I cannot conceal from you my scepticism about the possibility of finding a permanent political solution for the Kurds as long as Mr Saddam Hussein heads the government in Iraq. I believe that is a fact that must be taken into account and that really all we can do for the moment is try to limit the damage done to the Kurds as far as possible.

Various Members referred to the action taken by Turkey and particularly to the bombing raids across Turkey's border in Iraq to punish members and concentrations of the PKK, who mount operations against Turkey, or to prevent them from taking such action. We too have protested to Turkey against this type of action. I feel that, in so doing, we must also realize that Turkey itself has a problem within its own frontiers with terrorist groups, some of them of Kurdish origin, who have certain aspirations which Turkey can hardly satisfy. This is not to condone such actions, but it does put them into some kind of perspective that must also be considered, and I also agree with one Member, who referred to the enormous numbers of Kurds from Iran and Iraq who have sought refuge in Turkey and tens of thousands of whom have been taken in by the Turks at great expense.

Finally, Madam President, you may rest assured – as, of course, may the whole of Parliament – that the Twelve continue to keep track of the situation of the Kurds in Iraq and elsewhere, that they continue to draw attention to their fate at the United Nations and that in particular we will continue to exert whatever pressure we can on the regime in Baghdad with a view to improving the lot of the Kurds.

**91/375. Question No H-754/91 by Mr Dessylas concerning the refusal by Greece to grant political asylum to six Kurds and their deportation to Turkey**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament



The Greek Government recently refused to grant political asylum to six Kurdish militants being prosecuted by the Turkish authorities on political grounds and deported them to Turkey, thereby putting their lives directly at risk.

Has the CPE considered this matter and what immediate representations does it intend to make to the Greek authorities in respect of this action which constitutes a flagrant violation of human rights and the relevant international conventions?

*Answer:*

The specific point raised by the honourable Parliamentarian does not fall within EPC competence.

**91/376. Question No H-873/91 by Mr Hindley concerning the refusal of entry to Hong Kong to EC residents**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The following residents of EC countries were refused entry to Hong Kong despite having valid visas, to attend the Second Conference of the Global Chinese Students' Union on 16 to 19 July: Chang Hui (Belgium), Guan Jian Sheng (Netherlands), Hao Wang (Netherlands), Xiao Shi Jian (Denmark), Chen Li Ming (France), Shen Ning (UK), Wang Hong Bing (France) and Wu Jian Guang (Germany).

What representations has the Council of Ministers made to the Hong Kong authorities about these refusals, and the fact that these delegates were denied proper legal representation on their detention at the airport?

*Answer:*

The question raised by the honourable Parliamentarian has not been addressed in the framework of EPC.

**91/377. Question No H-886/91 by Mr McMillan-Scott concerning the Community's relations with Romania**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

On 26 July the Helsinki Human Rights Federation published a report on the human rights situation in Romania. Are the conclusions of this report in agreement with reports from Bucharest by the ambassadors of the Twelve?

*Answer:*

On the occasion of a recent visit to Romania (17 to 21 August 1991), the International Helsinki Federation found no serious infringements of human rights, although it expressed concern about some elements of certain draft laws before Parliament.

The Community and its Member States are generally positive about recent developments in the human rights situation. In particular, they have noted that the draft Constitution is generally acceptable by European standards, freedom of speech is unconstrained, freedom of religion and of travel are respected by the government. They also noted substantial improvements in the right to legal defence.

However, in the light of recent events in Bucharest, the Community and its Member States concluded on 30 September that the pressure for effective reform in Romania should be maintained. They also decided that sufficient guarantees concerning the democratization process were needed before further steps could be taken on the negotiation of an Association Agreement. On 3 October a statement was adopted condemning the use of force and urging the Romanian authorities to continue the political and economic reform which is indispensable for the development of the country.

**91/378. Question No H-890/91 by Mr Llewellyn Smith concerning Kurdish and Shia refugees from Saddam Hussein**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In the wake of Saddam Hussein's latest genocide campaign against the Shias and the displacement of 500 000 more people to the border where they are facing death from hunger and disease, will the EPC consider putting pressure on the United Nations to establish safe havens in Southern Iraq that will remove this threat of genocide and setting up a committee that would have the task of ensuring urgent financial and medical help reaches the refugee Kurdish and Shia peoples?

*Answer:*

The Community and its Member States are extremely concerned at the plight of the Shi'ite and Kurdish population in Iraq. They consider that the UN have a major role to play in their protection. They support fully the action undertaken by the UN Security Council and the Secretary-General, in particular in the framework of Resolution 688. They have urged the Iraqi Government to allow the UN to establish a proper presence in the Shia areas of Southern Iraq.

For their part, they have cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. They also supported the proposal for the establishment of security zones under UN supervision in northern Iraq, which has been successfully implemented. Following these decisions, they have participated actively and substantially in the international humanitarian effort aimed at securing protection for the refugees, enabling a large number of them to return. In this context, several Member States sent troops to Northern Iraq, as well as to Turkey. The European Council, on 28 and 29 June 1991, underlined the need to bring about as rapidly as possible the full deployment of the contingent of 500 United Nations Guards.

The Community and its Member States are also having contacts with representatives of the Iraqi opposition, in particular the Kurds and the Shi'ites.

They will continue to follow closely the situation in Iraq, notably in order to ensure full compliance by the Iraqi authorities with the relevant UN Security Council Resolutions, notably 678 and 688 as well as 706 and 712, and stress that the non-compliance with this Resolution directly affects the Iraqi people, for which the regime in Baghdad is fully responsible.

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**91/379. Question No H-894/91 by Mr Langer concerning ensuring authentic representation for Vojvodina and Kosovo in the peace talks in Yugoslavia**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

How does the European Community intend to ensure that the people of the so-called autonomous regions of Kosovo and Vojvodina are suitably and authentically represented at the peace talks in Yugoslavia since these areas have now been reduced in the formal bodies of representation (such as the collective federal Presidency) to mere satellites of Serbia? What measures will be taken to ensure that parliaments elected by the people and then outlawed by the Serbian authorities are able to choose their lawful representatives at the peace talks and thereby ensure the supremacy of democracy over might?

*Answer:*

The Community and its Member States reiterate that respect for the rights of all who live in Yugoslavia, including minorities, and the need to take account of all legitimate concerns and aspirations are among the basic principles of a peaceful solution they have subscribed to from the very beginning of the Yugoslav crisis. These principles have also been solemnly accepted by all the Yugoslav parties at the opening session of the Conference on Yugoslavia.

Though the representatives of the minorities are not a participant to the Conference, the Community and its Member States agreed that they should be allowed to make their legitimate concerns and aspirations known to the Conference. The Chairman of the Conference, Lord Carrington, has decided that the representatives of minorities shall have access to the two Deputy Chairmen to state their views.

**91/380. Question No H-897/91 by Ms Nielsen and H-945/91 by Mr Arbeloa Muru concerning Jews living in Syria**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-897/91:*

There are currently 4 300 Jews living in Syria; they are under constant surveillance by 'moukhabarat', the secret police. They would like to have the opportunity of leaving Syria, but hitherto this has been denied them. This constitutes violation by Syria of human rights which that country itself has undertaken to uphold.

What do the Ministers intend doing to prevail upon Syria to respect human rights – not least those of 4 300 Jews living in ghettos who, despite the promises of the Syrian leadership, have been denied permission to leave the country?

*Question No H-945/91:*

What is the EEC doing at all levels, in the wake of the Gulf War, to bring about the liberation of the 'captive community' of Jews living in Syria?

*Answer:*

Allow me to answer jointly the two oral questions concerning the situation of the Jewish community in Syria.

The issue mentioned by the honourable Members has not been discussed within European political cooperation.

However, the human rights policy of the Community and its Member States and the importance they attach to it in their relations with third countries are known by the Syrian authorities. The Community and its Member States will not fail to make representations wherever these are deemed appropriate.

**91/381. Question No H-910/91 by Mr Andrews concerning Vietnamese boat people**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the Council make a statement on the up-to-date position regarding the Vietnamese boat people?

*Answer:*

The Community and its Member States welcome the agreement of 29 October 1991, reached between the Governments of the United Kingdom, Hong Kong and Vietnam on the return to Vietnam under procedures agreed with the UN High Commissioner for Refugees of Vietnamese migrants in Hong Kong who do not qualify as refugees. The agreement may be considered a major step forward in the full implementation of the Comprehensive Plan of Action (CPA) for Vietnamese boat people, agreed in June 1989, which stipulated that those Vietnamese who qualified as refugees were to be resettled, while those who did not were to be returned to their country of origin.

Of particular importance in the agreement reached is the confirmation by the Vietnamese Government that no illegal immigrant who returns to Vietnam will face persecution and that the government will continue to facilitate the monitoring of those who return by the United Nations High Commissioner for Refugees and others, to ensure that those guarantees are fully respected.

The Community and its Member States recognize that voluntary repatriation alone cannot solve the Vietnamese migrant problem. Steps must be taken to tackle the root cause of the exodus from Vietnam. In February 1991 the European Commission inaugurated a six-month 10 Million ECU pilot programme of reintegration assistance for those returning to Vietnam. This is to be followed by a 122 Million ECU 2 1/2-year programme for which contributions were sought from the international donor community at a meeting in Geneva in October.

**91/382. Question No H-912/91 by Mr von Habsburg concerning the Soviet Unions environmental policy on the Arctic**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

There are increasing reports that Soviet bases and stations in the polar regions are causing large-scale damage to a natural environment that may take centuries to recover, if, indeed, it ever does.

Bearing in mind recent developments in the USSR, are the ministers meeting in EPC prepared to take up this issue with the competent authorities with a view to finding a solution?

*Answer:*

The question raised by the honourable Member has not been discussed in the EPC framework as it does not fall within its competences.

**91/383. Question No H-920/91 by Mr Robles Piquer concerning Soviet policy on arms and the control of its nuclear arsenal**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The Western press has just taken up the call by Mr Velikov, an adviser to Mr Gorbachev, for the international community to take over supervision of Soviet nuclear forces, in the light of a possible political collapse of the USSR.

At the same time, the American Defence Intelligence Agency (DIA) appears to believe, according to reliable sources, that the Soviet Union has continued to supply its armed forces with large quantities of new weapons, such as twelve submarines in 1990 (as against only nine in each of the previous years), 1 900 cruise missiles in 1990 (the figures for 1988 and 1989 were 1 400 and 1 600 respectively) and the same number of frigates and corvettes in the last three years.

Can the Ministers confirm this news, assess its meaning in the context of the recent disarmament agreements and, in particular, state their views regarding Mr Velikov's proposal on nuclear weapons?

*Answer:*

The question raised by the honourable Member has not been discussed in the EPC framework.

**91/384. Question No H-923/91 by Mr Kostopoulos concerning peculiar US comments on the Balkans**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The US authorities recently published a report claiming that Greece has 'territorial designs' on Yugoslavia. These unfounded allegations could have wider implications given that hostilities may well spread from Croatia and Slovenia to southern Yugoslavia and its border with northern Greece. Furthermore, for decades now, Greece has taken a clear stand for peace in the Balkans.

Will EPC state its views on the US comments which have no basis in fact and are strange indeed given the events taking place in the Balkans?

*Answer:*

The question raised by the honourable Member has not been discussed in the EPC framework.

However, the honourable Member is fully aware of the basic principles of a peaceful solution the Community and its Member States have subscribed to from the very beginning of the Yugoslav crisis. These principles are the following: the unacceptability of the use of force; the unacceptability of any change of borders by force, which they are determined not to recognize; respect for the rights of all who live in Yugoslavia, including minorities; the need to take account of all legitimate concerns and aspirations.

**91/385. Question No H-925 by Mr Cushnahan concerning relations with the Soviet Republics**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In view of the ongoing changes in the Soviet Union, what structure does EPC envisage for future relations between the Community and the Soviet Republics?

*Answer:*

The Community and its Member States are of the opinion that it would be premature, in the present phase of transition, to decide on a new framework of their relations with the individual Republics in the Soviet Union.

The Community and its Member States consider that their relations with the individual Republics should follow and not precede developments in the constitutional structure of the Union. They keep the evolution of the situation under permanent review. The Community and its Member States will strive to adopt a common approach in their relations with these Republics.

Concerning the Republics which would opt for full independence and seek international recognition, the Community and its Member States would adopt a case by case common approach, based on the principles of international law, and bearing in mind that any modification of borders by force is unacceptable as well as the need to respect the rights of minorities.

**91/386. Question No H-926/91 by Mr Crampton concerning child slaves in the Pakistani carpet-weaving industry**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

There is evidence that the Government of Pakistan is helping to train young children for the country's carpet-weaving industry. These children are kept as virtual slaves and have a low life-expectancy because of malnutrition and disease. Most of the carpets are produced for the EC market.

Will the EC boycott Pakistani carpets until the employment of children is banned?

*Answer:*

The Community and its Member States are concerned about the reports of bonded child labour in Pakistan's carpet-weaving industry, which have featured recently in a number of newspapers.

The problem is well recognized within Pakistan. The Pakistan Parliament passed the 'Employment of Children Act' earlier this year prohibiting child employment in certain occupations, including in the carpet-weaving industry, and regulating the work conditions of children. Pakistan is also a party to a number of relevant United Nations Conventions: on the Rights of the Child (1990), on the Abolition of Slavery (1956) and on Forced Labour (ILO Conventions 29 and 105 in 1957 and 1960 respectively).

The Community and its Member States' commitment to raise human rights violations regardless of where they occur is reflected in the Declaration on Human Rights adopted by the European Council in Luxembourg in June 1991. It is also reflected in their frequent *démarches* in individual cases, and in their efforts and interventions in appropriate international forums. In its dealings with the Government of Pakistan, the Community and its Member States will continue to keep under review the question of the use of child labour in the carpet-weaving industry in Pakistan.

**91/387. Question No H-936/91 by Mr De Rossa concerning sanctions against South Africa**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In view of the revelations in recent months of the involvement of the South African Government at the highest levels in the instigation and promotion of violence, which directly led to thousands of deaths, will EPC now reconsider its position with regard to the relaxation of sanctions and, in particular, accept that no such steps should be determined or implemented without the prior consideration and approval of the European Parliament?

*Answer:*

As the honourable Parliamentarian is fully aware, in the light of the positive developments which had taken place in South Africa, the European Council in Rome, December 1990, decided to encourage the process aimed at the complete abolition of apartheid and to contribute to combating unemployment and improving the economic and social situation in South Africa by gradually reviewing restrictive measures in place.

This policy led in particular to the lifting of the ban on investments, to the renewal of sporting contacts at the international level on a case-by-case basis, whenever unified and non-racial sporting bodies were set up, and, after the removal of the legal foundations of apartheid, to the lifting of the remaining restrictive measures, decided upon in 1986, subject to a parliamentary waiting reserve entered by one Member State.

The Community and its Member States believe that the climate of trust among the parties concerned is essential to achieve further progress in the reform process. On 2 August they expressed the hope that the statement by President De Klerk on 30 July 1991, in answer to the revelations referred to by the honourable Parliamentarian, would contribute to re-establishing this climate of trust.

The agreement reached between the South African Government and the UNHCR on the question of the return of refugees and political exiles and the signing, on 14 September, of a National

Peace Accord, confirm the willingness of the parties concerned to continue their dialogue, which was reiterated after Mr De Klerk's statement.

The Community and its Member States will continue to follow very closely developments in South Africa and, in this context, will continue to ensure that the views of the European Parliament are duly taken into consideration.

The Community and its Member States believe that it is now absolutely indispensable that negotiations should begin soon on a new constitutional order with the broadest possible participation from all segments of South African society. They have not failed to convey this urgent message to the parties concerned.

**91/388. Question No H-941/91 by Ms Crawley concerning human rights abuses in Morocco**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Is EPC aware of grave concerns expressed by Amnesty International and others about constant abuses of human rights in Morocco? What pressure has it brought to bear on Moroccan authorities to release immediately all prisoners of conscience, account for all those who have disappeared in custody, Moroccans and Western Saharans alike, halt torture of detainees and ensure impartial investigations of alleged abuses, bring legislation into line with international human rights norms, abolish the death penalty and commute all death sentences? What further steps will it take?

*Answer:*

The Community and its Member States are aware of the reports by Amnesty International on the human rights situation in Morocco and they are concerned about the violations taking place. The Moroccan Government, however, has recently taken a number of actions to improve this situation, i.e. the release of the Oufkir family and of Abraham Sarfaty, the issuing of a law making a number of reforms concerning the detention regime as well as the release of a number of Western Saharans.

The human rights policy of the Community and its Member States and the importance they attach to it in their relations with third countries are known by the Moroccan authorities. The Community and its Member States will not fail to make representations wherever these are deemed appropriate.

**91/389. Question No H-946/91 by Mr Arbeloa Muru concerning a Commission representative in the Occupied Territories**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

According to Commissioner Schmidhuber, speaking at last month's part-session, it appears to be impossible to obtain Israel's agreement to the appointment of an EEC representative in the Occupied Territories, as called for by the European Parliament on various occasions in 1990 and also by the [1990] Dublin Council.<sup>1</sup> Why has no agreement been reached, and how does the Council intend to respond?



*Answer:*

*Mr van den Broek, President-in-Office of the Council:* The Council is aware of the importance of the question of the representation of the Commission in the territories occupied by Israel and is very keen that this problem is resolved as soon as possible. However, I have to inform the honourable Member that this question is for the moment being discussed by the competent organs of European political cooperation. In my double function as President of the Council of the European Communities and of the Foreign Ministers meeting in the framework of Political Cooperation, I can assure the honourable Member that the Netherlands Presidency will do all in its power to determine in what way it can contribute to resolving this thorny problem.

*Mr Arbeloa Muru (S):* Mr President-in-Office, although it is rather a sensitive matter, I should like to ask you – not, of course, that you failed to refer to the question in your excellent speech at Madrid – whether, in the first phase of the negotiations on the Middle East, you detected a favourable atmosphere, or any favourable response on the part of Israel, with regard to meeting this wish, that has so often been expressed in this House by Parliament, the Commission and Council?

*Mr van den Broek:* The honourable Member can be assured that we are taking every opportunity to resolve this delicate matter, delicate because there are political aspects involved but, at the same time, because particularly now the work of the Commission in the Occupied Territories must be of benefit to the Palestinians who find themselves in difficult circumstances there. So, once again, we are highly motivated to continue our dialogue with the parties concerned.

<sup>1</sup> *EPC Bulletin*, Doc. 90/267.

**91/390. Question No H-967/91 by Mr Bonde concerning Community embassies in Nigeria and Geneva**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers confirm that agreements have been made with the Nigerian Government to build a common embassy for the 12 Member States in the new Nigerian capital of Abuja, and that there are similar plans for Geneva?

Have joint embassies elsewhere been discussed?

Will the Foreign Ministers give details of the functions common to the embassy buildings in Nigeria and Geneva?

*Answer:*

The potential for practical cooperation among the Twelve in Abuja has been under consideration for some time. In addition to the political desirability of increasing cooperation, such cooperation is also dictated by the particular conditions pertaining in Abuja. Prior to the decision in 1976 to locate the new Federal Capital of Nigeria there, the area was virtually uninhabited. Much work is therefore required to establish the necessary infrastructure and to provide housing, educational, medical, shopping and sports facilities, etc. The Twelve aim to cooperate in establishing facilities and services where possible.

The Abuja project encompasses a transitional period (1992-1996) involving construction of a temporary building for ten Member States and the Commission (one Member State is not represented in Nigeria and another has made its own arrangements). This common building will allow Member States to share services and facilities, such as power supply, telecommunications and support staff, until permanent facilities can be established in Abuja. The definitive phase of the project involves co-location of plots of Member States in the North East zone of Abuja, which will facilitate the construction of a common chancery for Member States who so wish, or co-location of chanceries. To date agreement has been reached, in principle, with the Nigerian authorities on the co-location of plots, but the question of the extent of the cooperation of the Twelve in the definitive phase of this project is still under review.

The Twelve are also exploring the possibility of grouping the missions of the Twelve in one building in Geneva. This could lead to more efficient use of human and material resources. The financial aspects of this project are under consideration by the European Commission. A special 'task force' in Geneva of the interested parties will deal with technical aspects. No decision has yet been reached.

There are no plans at present to discuss joint embassies elsewhere.

**91/391. Question No H-971/91/rev by Ms Oddy concerning the suspension of the Sri Lankan Parliament**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

What action does EPC intend to take in response to the recent suspension of the Sri Lankan Parliament by President Premadasa and the unsuccessful impeachment of the President, and unsuccessful vote of no confidence in the government, given the continued human rights abuses in Sri Lanka.

*Answer:*

*Mr van den Broek, President-in-Office of European political cooperation:* The Community and its Member States note that the Sri Lanka Parliament reconvened on 24 September. They express the hope that both President Premadasa and those who support a motion of no confidence in the President will continue to observe the constitution and will continue to direct their endeavours to the preservation of Sri Lanka's democratic tradition.

*Ms Oddy (S):* Are the Foreign Ministers aware that an Indian journalist, A. Karuppaswamy, was expelled in October from Sri Lanka and that the United Nations working group on enforced and involuntary disappearances sent a five-member team, led by Agha Hilaly, on a 10-day visit to Sri Lanka in October to investigate disappearances? They travelled to Batticaloa, Matara and Hambantota. The situation is still very severe. What steps will the Foreign Ministers take in response to the recommendations to be published in the United Nations report? And, what concrete action will they take to ensure that human rights are observed in that country?

*Mr van den Broek:* I can only say that the situation in Sri Lanka as regards human rights is a regular subject of consultation, particularly in the Twelve's Working Group on Asia, and that at set times steps are taken, talks are held with representatives of Sri Lanka, so as to draw attention to this situation and its unacceptability. That is definitely a policy that will be continued. We also know that the UN working party on missing persons is concerned with the problem, and that re-

lates, I believe, to the disappearances to which the honourable Member referred earlier. The more specific case of expulsion to which she refers is not known to me as such, but I should be surprised if it were not to be found somewhere in our files.

*Mr Smith, Alex (S):* Is the President-in-Office aware that the most dreadful violations of human rights are still occurring in Sri Lanka? For example, on the night of 8 October 1991 three young men were abducted from their homes in the dead of night and the following morning their bodies were discovered smouldering on a pile of tyres. Is he aware of this? More importantly, what exactly are we doing to show our displeasure to the Sri Lankan Government? Has there been any curtailment in aid or high level meetings? How exactly do we show our displeasure? How do we bring the Sri Lankan Government to respect fully human rights?

*Mr van den Broek:* We are aware of the very serious human rights situation in Sri Lanka. We know that Member States have already drawn consequences as regards their aid to Sri Lanka and have taken certain measures. We also know that the Community has in fact suspended the development relationship, which means it operates exclusively through non-governmental organizations and not therefore via the Sri Lankan Government. So I hope this indicates to the honourable Member that we are fully aware of the gravity of the situation.

**91/392. Question No H-972/91 by Mr Ephremidis concerning human rights violations in the Gulf**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Six months after the end of the Gulf War international organizations note that serious violations of individual and civil rights are continuing in this region, in particular: Saudi Arabia and Oman have no written constitution, Qatar and the United Arab Emirates have autocratic constitutions, while Bahrain and Kuwait have suspended their constitutions; the situation is further characterized by the existence of political prisoners, political refugees and the use of torture, while laws are passed by non-elected legislative bodies and the opposition is muzzled.

How do the Foreign Ministers meeting in EPC view this situation and what measures do they intend to take to ensure that international conventions are enforced and that human rights and civil liberties are respected, bearing in mind that the Gulf War was justified in terms of these values?

*Answer:*

Since the liberation of Kuwait, the Community and its Member States have followed with great attention the human rights situation in the Middle East, as they do in other parts of the world. On many occasions, in particular at the ministerial meetings between the EC and the GCC held in Luxembourg in May 1991 and in New York in September 1991 and by way of *démarches*, they have stressed to their interlocutors the importance they attach to respect for human rights.

It appears from the reports that while the question of the observance of fundamental human rights must continue to remain under scrutiny, some positive aspects can be noted.

However, the Community and its Member States will continue to follow closely the developments, especially those concerning the deportation of Palestinians from Kuwait and Yemenis from Saudi Arabia.

**91/393. Question No H-986/91 by Mr Papoutsis concerning challenges to Greece from Skopje**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

What steps do the Foreign Ministers meeting in EPC intend to take during their talks with government representatives of the Republic of Skopje given that pronounced, pent-up nationalistic tensions are developing in this region of Yugoslavia, thereby posing a threat to Greece, a Community Member State, and that, furthermore, the Skopje authorities are systematically misappropriating the Greek name of Macedonia and distorting history?

*Answer:*

The particular question referred to by the honourable Parliamentarian has already been brought up in the EPC framework by the Greek Minister of Foreign Affairs.

In this context it may be recalled that the Charter of Paris' signatory States, among them Yugoslavia of which the said Republic is a constituent part, have committed themselves to refrain from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any manner inconsistent with the principles and purposes of the Charter of the United Nations and the Helsinki Final Act.

**91/394. Question No H-990/91 by Mr Simeoni concerning the situation of the people of Iraqi Kurdistan at the onset of winter**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The European Parliament delegation which visited Kurdistan recently was able to make an assessment of the immediate needs of the people of Iraqi Kurdistan at the onset of winter: food, clothes and, above all, shelters to keep out the intense cold. Has European political cooperation made provision for an increase and adjustment in Community aid to these people?

In the political sphere, does it intend to give a favourable response to the hope, expressed by the Iraqi Kurdistan Front, that the Community will ensure respect by the Iraqi authorities for the region's autonomous status, if this should be agreed on?

*Answer:*

The Community and its Member States share the concern expressed by the Delegation of the European Parliament concerning the plight of the civilian population in Iraq, in particular the Kurds and the Shi'ites. They also consider that the UN have a major role to play in the protection of Kurdish civilian population. They support fully the action undertaken by the UN Security Council and the Secretary-General in the framework of Resolution 688.

The Community and its Member States have cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. The European Council agreed, on 8 April, a Community aid of 150 Million ECU under the heading of humanitarian assistance. The Community and its Member States have participated actively and substantially [in] the

international humanitarian effort aimed at securing protection for the refugees, enabling most of them to return. They will continue to follow closely the situation in Iraq, in particular with regard to the needs of the Kurdish population at the onset of winter. The Commission will inform the Parliament about the implementation of Community aid.

The Community and its Member States also wish to stress that the non-compliance by the Iraqi regime with UN Security Council Resolution 706 will affect directly the well-being of the Iraqi people, for which the regime in Baghdad is fully responsible.

The Community and its Member States have also been following the negotiations between the Iraqi authorities and leaders representative of the Kurdish population on Kurdish autonomy and democratic reform in Iraq. They note that, at this stage, these negotiations have not lead to a satisfactory agreement. However, they consider that it would be appropriate for the international community to give its support to such an agreement on the basis of Resolution 688 of the Security Council.

**91/395. Questions No H-994/91 by Ms Ewing and H-1053/91 by Mr Alavanos concerning Turkish army attacks on the Kurds, and further massacres of Kurdish civilians in Northern Iraq**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-994/91:*

What actions are the Foreign Ministers meeting in Political Cooperation taking to insist on an immediate halt to the Turkish army attacks against the Kurdish people in South Kurdistan (Northern Iraq)?

*Question No H-1053/91:*

On 11 October 1991 Turkish forces launched a fresh offensive against Kurds in northern Iraq. Thousands of Turkish troops supported by fighters and helicopters using napalm killed scores of Kurdish civilians without 'allied' forces being alerted.

What measures does EPC intend to take immediately to stop the further slaughter of Kurdish civilians, which Member States' governments have already condemned and which political observers (*Le Monde* of 14 October 1991) claim is an attempt by the ruling party in Turkey to win votes from nationalist Turks?

*Answer:*

The honourable Member is fully aware of the position of the Community and its Member States concerning the protection of the rights of minorities. In particular, they are extremely concerned at the plight of the Kurdish population. The Community and its Member States have also stated their commitment to the sovereignty, unity, independence and territorial integrity of all the countries in the region.

This position has been brought to the attention of all the countries concerned, including the Turkish Government.

From a general point of view, the Community and its Member States consider that the UN have a major role to play in the protection of the Kurdish population in Iraq. For their part, they have

cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. They also launched the proposal for the establishment of security zones under UN supervision in Northern Iraq which has been successfully implemented. Following these decisions, they have participated actively and substantially in the international humanitarian effort aimed at securing protection for the refugees, enabling a large number of them to return. In this context, several Member States sent troops to Northern Iraq, as well as to Turkey and Iran.

The Community and its Member States will continue to follow closely the situation.

**91/396. Question No H-1000/91 by Mr Romeos and No H-1001/91 by Mr Pagaropoulos concerning Community participation in an international conference on Cyprus**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-1000/91:*

The Turkish Foreign Minister has stated that Turkey is opposed to Community participation in the process of finding a solution to the Cyprus problem. Given that the European Parliament has recently voted in favour of Community participation in an international conference on Cyprus, will European political cooperation say how it is promoting this proposal by Parliament?

*Question No H-1001/91:*

At the end of the Association Council meeting, the Turkish Foreign Minister stated that Turkey was opposed to Community participation in the process of finding a solution to the Cyprus problem. Given that the European Parliament has recently voted in favour of Community participation in an international conference on Cyprus will the Foreign Ministers meeting in Political Cooperation say how they are promoting this proposal by Parliament?

*Answer:*

The European Community and its Member States continue to follow with concern the developments in Cyprus, a member of the European family.

As reiterated by the Presidency on behalf of the Community and its Member States at the 46th UNGA, they monitor very closely the recent efforts by the Secretary-General, aimed at finding a just and viable solution to the question of Cyprus, and support his mission of good offices. They reaffirm their support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant UN Resolutions.

They hope that the on-going contacts of the Secretary-General with all parties concerned will permit him to remove the remaining obstacles and to further the convocation of a high-level international meeting on Cyprus under UN auspices.

The Presidency will continue to ensure that the views of the European Parliament, as expressed in its resolutions, will be duly taken into consideration in Political Cooperation work. Nevertheless, as the honourable parliamentarians will understand, the representation of the Community and its Member States at any international meeting, under the auspices of the UN, would depend first and foremost on the wish expressed by the parties concerned.

**91/397. Question No H-1016/91 by Mr Bandres Molet concerning the referendum in the Western Sahara**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The fate of between 70 000 and 120 000 Sahrawi depends on the result of the self-determination referendum soon to be held under the auspices of the UN in the Western Sahara.

The attitude of the Moroccan Government, which has bombarded the refugee camps and organized a second Green March, has paralysed the process of self-determination by the Sahrawi people.

What measures is EPC taking to help the UN hold a referendum through which the Sahrawi people can express their wishes?

*Answer:*

The honourable Parliamentarian may recall the answer given to his Question No H-624/91 at the July part-session of Parliament.<sup>1</sup> In addition the following can be said.

The Community and its Member States noted with satisfaction the progress made in the process of self-determination of Western Sahara, in particular the setting up of the UN Mission for the Referendum in Western Sahara (MINURSO).

They consider this to represent an important step towards a just and lasting settlement of the conflict in Western Sahara. They will continue to provide assistance to the process underway and will firmly support all further efforts of the Secretary-General of the United Nations and his special representative to fully implement the United Nations Plan, which is, as a result of a cease-fire established on 6 September, in its operational phase.

The Community and its Member States trust that the current process will lead to a referendum organized and controlled by the United Nations. They express their readiness to respond positively to a request from the Secretary-General to contribute to the solution of any problem which may arise in the context of this process.

<sup>1</sup> *EPC Bulletin*, Doc. 91/215.

**91/398. Questions No H-1080/91 by Ms Jensen, H-1087/91 by Mr Mendes Bota, H-1088/91 by Mr Christiansen, H-1089/91 by Ms Oomen-Ruijten, H-1090/91 by Mr Verhagen, H-1091/91 by Mr Coates, H-1092/91 by Mr Linkohr, H-1093/91 by Mr Bertens, H-1095/91 by Ms Larive, H-1096/91 by Mr Muntingh, H-1097/91 by Ms Ruiz-Mateos Gimenez Aguilar and H-1099/91 by Ms Ernst de la Graete concerning the preparation of the San José VII dialogue in February 1992 by the Twelve (EPC)**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

*Question No H-1080/91:*

Yet another meeting is to be held in December between the Foreign Ministers of the EC and countries of Central America taking part in the San José process.

What information can the EPC provide on the peace process in Central America and the development of cooperation between the countries of Central America and the EC?

*Question No H-1087/91:*

As part of the democratization process of the Central American countries the role of civil society in defining economic and social development has to grow considerably. In the coming year the position of indigenous parts of the Central American population will receive extra attention. It is very clear that in the decision-making processes in Central American countries those groups are not represented or under-represented.

Is the EPC in favour of special mechanisms to give way to greater involvement in the preparation of the dialogue of organizations representing civil society? Does this require a special status for e.g. representative organizations such as indigenous NGO's, etc., in the implementation of the economic and development cooperation programmes?

*Question No H-1088/91:*

Returning refugees and displaced persons especially in El Salvador and Guatemala face severe problems, such as the difficult terms for returning and the consequent reintegration process. For example groups of refugees from El Salvador, returned over two years ago, still lack adequate identification papers and are faced with a lack of guarantees for their safety. Is EPC willing to include criteria concerning the safety and reintegration of (internal) refugees in the dialogue with the Central American governments concerned? Should the EC put strict conditions on its assistance for refugee programmes financed by the EC, such as demilitarization of the areas intended for the returning refugees, identification papers, full consultation of refugee organizations etc.?

*Question No H-1089/91:*

The total debts of the Central American countries to the EC Member States and the EC are an estimated USD 1.7 billion (not including debts to European commercial banks, another USD 1.7 billion). Does the EPC consider a renegotiation of these debts in the framework of the San José dialogue, reducing or cancelling the debts? Which criteria will be applied to this renegotiation (e.g. democratic development, support for ecological sustainable development and projects for special target groups, similar to the debt for nature swaps)?

*Question No H-1090/91:*

The European Community has reaffirmed this year its determination to continue to support the efforts of the Central American countries in their search for peace, the consolidation of democracy and the achievement of a lasting economic and social development.

Are there, considering the international developments and the developments in Central America itself, changes in the policy and priorities of the Twelve towards Central America? What will be the effects of the recent position of the European Commission about human rights and development about conditionality on the EC position in the San José dialogue?



*Question No H-1091/91:*

In relations with five Central American countries human rights aspects play an important role. However, in the case of El Salvador for example there seems to be a disparity between the criteria used by the EC Member States and the EC in defining their cooperation policy.

What are the overall criteria used by the EPC to examine the situation in each of the five countries?

What efforts are made to improve the consistency between the human rights policy of the Community, EPC and the Member States regarding Central America (as has been achieved in the case of Sri Lanka)? Is the EPC not of the opinion that more consistency is necessary to be able to define more concerted European implementation of human rights policy in political, economic and development cooperation?

*Question No H-1092/91:*

The dialogue in Guatemala between the Government of Guatemala and the URNG seems to be in a deadlock due to the violations of the human rights in Guatemala. Does the EPC not agree that mutual respect of human rights is a condition for any agreement and for the process of pacification? Is the opinion of the EPC that parties which violate this elementary condition are not in a position to receive political and economic support and is the EPC ready to express this position in the dialogue with Guatemala?

*Question No H-1093/91:*

The programmes complementing the structural adjustment programmes of the Central American countries are aimed at offsetting the social costs of the economic reconstruction process. However, this compensation does not imply the development of human capital, reintegration of affected sectors in the economic process or long term social security.

Will EPC put special emphasis during the San José meeting on the need for the Central American countries to create a sustainable and manageable system of social security also leading to economic reintegration?

Taken into account the unique knowledge of social security systems of the EC and its Member States, what scope does the EC have to give special assistance to the Central American countries?

*Question No H-1095/91:*

Democracy and respect for human rights should be an integral part of the dialogue and cooperation between Central America and the EC. This means that measures or decisions taken in the economic part of the San José dialogue should also serve these main objectives of cooperation.

Does EPC agree that it is necessary to ensure that political support for democracy and human rights expressed in the political part of the joint declarations of the San José dialogue, is brought into line with the agreements for cooperation made in the economic part of the dialogue and vice versa?

*Question No H-1096/91:*

In a joint declaration after the San José VII meeting in Managua, EPC expressed its approval of the Agreement of Antigua in which the Central American countries agreed to seek to implement

their economic development with due regard for existing eco-systems. In structural adjustment programmes accepted by the Central American countries and supported by the EC which outline their economic development, this respect for eco-systems is not taken into account. Is EPC still of the opinion that respect for the existing eco-systems is necessary for economic development? If so, does this imply that the SAPs for the Central American countries should in the future include this element? Is the EC willing to give special support to ensure respect for existing eco-systems in the framework of its economic cooperation programme? Would the development of a special environmental assessment be appropriate?

*Question No H-1097/91:*

This spring a group of countries, including most of the EC countries and the EC itself, signed an agreement on the coordination of cooperation programmes with Central America called the Association for Development and Democracy (ADD). What are the underlying principles of this agreement and what are the goals for cooperation? Will this Association result in more influence for the Central American countries over the cooperation programmes? What will be the role of the so called 'civil society' in this agreement? Will the participation of the EC in this ADD have consequences for the special form and character of the EC cooperation programmes?

*Question No H-1099/91:*

The Central American countries are afraid that different trade preferences given to other American countries may have negative effects on their trade balance with the EC. The Twelve promised to study the effects of the preferences and to formulate an answer to the wish of the Central American countries to be given equal treatment. Did EPC discuss this subject, taking into account the position of the European Commission?

*Answer:*

*Mr van den Broek, President-in-Office of European political cooperation:* Rather than repeat in this answer the conclusions of San José VII, I propose to discuss a number of subjects that, in my opinion, satisfy the points raised by the honourable Members. In the framework of the San José process, the Community and its Member States together with their Central American partners and the Group of Three, consisting of Mexico, Colombia and Venezuela, will continue their regular consultations on a multiplicity of subjects of common interest. The Presidency wishes to stress that the seventh ministerial conference that took place in Managua on 18 and 19 March of this year represented a new step forward. The Community and its Member States reiterated on that occasion their readiness to continue giving political and economic support to the efforts being made on behalf of national reconciliation, respect for human rights and economic and social progress.

They also repeated their readiness to support the region's endeavours for more democracy, the constitutional state and the pacification of the Central American isthmus. Since the start of the Esquipulas process and, in particular, during the half-yearly presidential summits, the Central American countries have promised to work together with a view to attaining lasting peace in Central America and perfecting democratic systems in the region. They have further committed themselves to defend, protect and promote human rights and to bring about reconciliation in the divided Central American community. All obligations under-taken in the seven-year period since the start of the San José process have to be respected and carried out to the full satisfaction of all the parties concerned.

As the honourable Members undoubtedly know, the Ministerial Troika and Commissioner Matutes had a meeting with their Central American colleagues on 26 September at the time of the 46th UN General Assembly. As in previous years they took advantage of the opportunity to dis-

cuss progress in Central America. They also discussed implementation of the obligations entered into in the joint political and economic declaration made at Managua during San José VII.

On that occasion it was remarked that, since the Esquipulas II meeting in August 1987, several important changes had occurred in Central America. In particular, the Community showed itself pleased at the broader recognition and promotion of human rights and the securing of democratic processes in Central America, as also at the acknowledgement that these are legitimate matters for concern by the EC and the international community. The human rights agreement reached in the negotiations between the El Salvador Government and the FMLN, and the operation of the *procurador* for human rights in Guatemala, represented important improvements in this sector.

Further positive political developments since San José VII were the parliamentary elections in El Salvador, the continued dialogue between the Nicaraguan Government and the private sector, the so-called *concertación*, the start of direct negotiations between the Guatemalan Government and the URNG and the New York agreement between the El Salvador Government and the FMLN.

As regards that agreement between the El Salvador Government and the *Farabundo Martí National Liberation Front*, signed in New York on 25 September this year, the Community and its Member States expressed their satisfaction on 1 October at the progress made between the two parties on behalf of peace in El Salvador. They expressed the hope that the negotiation process would be continued with the necessary flexibility so as to achieve an overall political solution for the remaining problems.

The Community and its Member States further welcome the FMLN's announcement of 14 November that all offensive operations in El Salvador would cease as from midnight on 16 November. They are very encouraged by the El Salvador Government's positive reaction to this announcement and they hope that this important development will signify the end of bloodshed and make possible the start of a cease-fire.

As regards the dialogue between the Guatemalan Government and the URNG, the Community and its Member States welcomed on 22 October the resumption of the negotiations. On that occasion they praised the parties' pledge to settle their differences in a peaceful manner. They note with satisfaction that the stream of reports from Guatemala about violations of human rights indicates that this subject will play an important role during the further negotiations between parties.

Both parties agreed that these positive developments should be further encouraged and supported through economic and social developments. Acknowledging the trend towards regional integration, the Commission declared itself desirous of contributing to this development and in favour of a redefinition as regards the San José dialogue.

As regards more specific concessions in the field of the generalized preferences system for the countries of Central America, the Presidency can inform Members of Parliament that these are at present the subject of discussion within the Council. The honourable Members will remember that the Ministers of the European Community had agreed to initiate, in close collaboration with other competent bodies, multiannual programmes to promote human rights in Central America.

The Presidency can inform the honourable Members that, in the framework of European political cooperation and with the active collaboration of the Commission, experts are now studying ways and means of implementing point 9 of the San José VII political declaration. I express the hope that, during the preparations for San José VIII, fruitful discussions will be possible with the Central American countries on this point so that these programmes can be put into operation as quickly as possible. The Presidency hopes that this will facilitate discussion of the human rights questions that have been brought up in the various oral questions. I would refer to, *inter alia*, the rights of indigenous peoples, refugees and displaced persons to live in safety and to be integrated into the life of the country where they are residing.

In the framework of these programmes it can be expected that the coordination of the relevant policies of the EC Member States, as also reporting on the human rights situation in the Central American countries, will become more intensive than is at present possible with the EC's current representation in Central America.

As regards conditions, the connection with cooperation and development aid referred to by Members of this House, the Presidency would recall that certain multilateral agreements, such as Article 5 of the Lomé Convention and the trade and cooperation agreements between the EC and Argentina and Chile, contain specific provisions that authorize the EC to react to violations of human rights by modifying or cancelling clauses in existing contracts.

The Community and its Member States are deliberating at the moment on possible ways, where there are no contractual obligations on this point, of reminding recipient countries of their commitments. Without wishing to anticipate the results of the discussions held in the Council framework on the basis of a Commission proposal on links between human rights, democracy and development, the Presidency believes that the Community and its Member States will be inclined to give high priority to positive actions that promote respect for human rights and encourage democratic development. While, in general, a positive and constructive approach is to be preferred, the Community and its Member States may, in the case of serious and continuing violations of human rights or a clear interruption of the democratic process, decide to respond thereto in a fitting manner, depending on the circumstances of each case.

Measures have to be adapted to the gravity of the situation. They could lead to confidential or public steps being taken or they could have consequences for the cooperation programmes. At the United States' initiative, a scheme called *Partnership for Democracy and Development* was started on 11 April for the Central American countries, the Group of Three, the OECD countries and a number of international financial bodies. The aim of the PDD is to coordinate international efforts designed to promote democracy and economic development in Central America. The Presidency wishes on behalf of the Community and its Member States to make it clear that, although it had a part in instituting the PDD, the San José process remains for them the most important means of dialogue and cooperation with the Central American countries. The Community and its Member States are, however, ready to examine whether the PDD is in a position to further in any way the relations between the EC and Central America. The San José dialogue and the PDD are both expressions of cooperation between governments. The structure of these forms of cooperation afford little room for involvement in what I would call civil society. Nevertheless, NGO's and other interested parties can contribute, through democratic means, to the formulation and implementation of government policies both in this and other sectors.

Finally, the Presidency can assure the honourable Members that the Community and its Member States will go ahead, in the relevant working groups of the Twelve and during formal and informal meetings between parties, to monitor the follow-up to San José VII and the preparations for San José VIII. In this context the Presidency asks attention for the division of competence and responsibilities between the EPC and the European Community in this dialogue. On that account a continual effort is being made to coordinate the policy of EPC with the economic policy of the European Community.

*Mr Verhagen (PPE):* I thank the Council President for this extensive and very lucid answer to the complex problems brought up by the questioners. There are, however, a number of points that I should like to have elucidated.

First, having regard to Mr van den Broek's final remark that the EC's economic cooperation and the EPC need to be attuned, I would point out that, in his reply, he did not go into the indebtedness problem of this region although several questions related to it. Second, having regard to the forthcoming Council decisions on democratization and human rights, is it not essential that an identical policy be followed by the Community in relation to both the ACP countries and Asia and

Latin America? In that way there will be no distinction made as regards human rights and democratization in the Community's external policies.

*Mr van den Broek:* It would certainly be desirable for no distinction to be made on that point. You will recall that, when the fourth Lomé Convention was concluded, it was in fact the first time that the convention contained provisions making a connection between the recipient countries' human rights behaviour and the Community's political attitude towards those countries. I do not know precisely how the discussion on the question of the link between human rights and democracy which is being pursued particularly in the Development Council will eventually end. In view of the developments throughout the world, we must hope and trust that more and more acceptance will be given to the idea that the quality of relations with certain countries is definitely related to their behaviour in the field of human rights, democratic content, and energetic implementation of political reforms and suchlike. There is indeed a very clear trend.

In Africa there are for instance a number of interesting developments going on, but there are also a number of countries from which we have recently received reports that democratization and, more generally, respect for the fundamental rights and freedoms have been deteriorating. The Twelve will certainly react to this. One of those African countries was as a matter of fact the subject of discussion at our latest ministerial deliberations.

*Mr Bertens (LDR):* Many thanks for your customary rapid and efficient answers. I would request that, when you speak with the countries in Central America, you do not forget – so this is, perhaps, more a piece of advice than a question – that Nicaragua and Panama, after what we call the liberation invasion by the United States on the one hand and the elections won by Ms Chamora on the other hand, are better off – thanks to the USA – by 500 and 300 million dollars respectively. It would no doubt be nice, when it comes to structural adjustments, if we could have that money deposited in the exchequers of those two countries.

*Mr van den Broek:* I am not entirely convinced that the United States will be adopting the advice of the honourable Member, who used to be able, rightly, to call himself an expert on Central America – whether that is today still so I leave to him – but, who knows? It could otherwise be used in one way or another for the PDD.

*Ms Larive (LDR):* I am greatly impressed by the Council President's stirring, perhaps a little too emotional, account. His involvement with the problems of the San José VII dialogue is manifest. May I conclude from your answer that negative consequences must be attached to the systematic violation of human rights and the denial of democracy? How do you judge in this context, for example, cooperation with Guatemala? I find your mention that the subject of human rights played an important role at the negotiations resumed on 22 October somewhat vague and I would ask you for some elucidation.

*Mr van den Broek:* It is not the idea to define country by country what the consequences will be of a censurable human rights situation. That is decided from case to case. For the rest, I believe it emerged clearly from my contribution – for the emotionality of which I apologize to the honourable Member what increasing importance is being attached in political discussions to the situation of democracy and human rights in the Third World. I think that that in itself is a very clear step forward, not only because the Twelve are making greater use of this consideration than before, but also because it is likewise being seen by the recipient countries as a pattern to be expected, which in itself can operate preventively, precisely as regards violations of human rights in those countries.

[...]

*Mr Muntingh (S):* I am rather sad that I heard nothing in the Council President's reply about ecological matters. I tabled an extensive question on that sector but no answer has been given. So I shall have that question put once again. I do not need to read it out; if everything is in order, the Council President should have it.

*Mr van den Broek:* Mr President, is that a question that was tabled this year? Could you help me by saying which question this is?

**President – Mr President-in-Office,** among the 12 questions to which you have replied, there was a Question No 51 [H-1096/91] by Mr Muntingh asking about the environmental aspects on eco-systems. I think that is what he is referring to and feels he has not had a response to that.

*Mr van den Broek:* My reply is that the question was not gone into in any detail because ecology does not fall within the competence of EPC. None the less, the word eco-system does occur in the answer, but this probably escaped Mr Muntingh in the heat of the moment.

*Ms Ernst de la Graete (V): [...]*

Turning to my question, I should like to say that I am still left feeling hungry for an answer – though I hope I won't have to satisfy my hunger on hormone fed beef – when you tell me that the problem of the trade preferences given to other countries of the American continent is the subject of discussions in the Council. I should be interested to know a little bit more about the content and the drift of those discussions.

I should also like, in support of what Ms Larive said, to draw your attention to the feeling, which I think is general within the European Parliament – at any rate, in the Committee on Development – that the violations of human rights in Guatemala deserve more than positive encouragement measures, and that, in a case as serious as this, we should go much further and apply sanctions.

*Mr van den Broek:* I can only say that, where Guatemala is concerned, it is certainly not just a case of giving encouraging signals and making positive utterances; a number of very critical statements have been issued in respect of that country recently.

**91/399. Question No H-1119/91 by Ms Banotti concerning the Cambodian peace accord and EC aid**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Following the signing of the Cambodian peace accord (23 October) could the Foreign Ministers inform the House if they would help the peace process by providing EC aid to Cambodia, in particular to the UN Transitional Authority in Cambodia which aims to avoid the return to power of the Khmer Rouge.

*Answer:*

*Mr van den Broek, President-in-Office of European political cooperation:* The Community and its Member States expressed their satisfaction at the signature on 23 October 1991<sup>1</sup> of the political agreement on the conflict in Cambodia by all parties, which, under the joint Presidency of France

and Indonesia, take part in the Paris conference on Cambodia. This agreement means a new start for that country and the Community and its Member States support the important role assigned to the United Nations for its implementation. Self-determination for the Cambodian people through free, honest and internationally supervised elections, as also respect for human rights, are the basic pre-requisites for peace in Cambodia.

The Community and its Member States therefore welcome the fact that effective guarantees have been incorporated in the agreement so as to exclude any return to the policies or practices of the past. The Community and its Member States share the belief that it is essential for Cambodia at this crucial moment that the international community should do everything necessary to promote the process of peace by providing economic and financial aid, with a view to both the repatriation and the rehabilitation programmes and, later, the country's reconstruction. They are ready to contribute to the fulfilment of these objectives. As regards the Community, the Council has asked the Commission to study in what ways the Community can give assistance and to take the necessary measures for their implementation.

*Ms Banotti (PPE):* Mr President-in-Office of the Council, that is fine. We would have been aware of that anyway. The aid we are talking about is specifically development aid. We have, in fact, been sending some food aid to Cambodia all along. But what they need now quite desperately, because they are in fact almost self-sufficient in food, is development aid. What I sought in my question directly was to ensure real development aid for that country, not just a bit of window-dressing in the form of food aid, but aid that will build the roads, that will build the sanitation systems. The main city is in absolute ruins.

While I thank you for your answer, Mr President-in-Office, I have to say it is more or less what we could have read in the newspaper any day. Of course we all support it. But please, please tell us what specifically we are going to do in terms of real, concrete development aid.

*Mr van den Broek:* I very well remember the discussion of this point in the Council. It was not then about food aid at all. It was about the request to the Commission to come up as soon as possible with specific proposals regarding rehabilitation and reconstruction. So that is indeed the form of development aid to which the honourable Member is alluding.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/324.

#### **91/400. Question No H-1124/91 by Ms Dury concerning European political cooperation within the UN**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Article 30(7) (a) of the Single European Act lays the basis for European political cooperation, notably within the international institutions of which the Community States are members. How many times and on what occasions has this mechanism been used within the UN, and what has been the outcome?

*Answer:*

The attitude and approach of the Twelve towards the United Nations and its institutions is marked by intense cooperation and an increasing level of Community cohesion.

It has become normal practice for the Community and its Member States to host and participate in many Ministerial meetings during the first week of the General Assembly. During the opening week of the 46th UNGA, the Troika met the Ministers of Foreign Affairs of China, Japan, the Central American Countries and the NAM; the Twelve and the Vice-President of the Commission had discussions with Secretary of State Baker, Soviet Foreign Minister Pankin and the Ministers of Foreign Affairs of the Rio Group and the Gulf Cooperation Council; the President-in-Office met the Secretary-General of the League of Arab States.

On the same occasion, political directors of the Twelve and the Commission meet to finalize the speech to be delivered by the Presidency and the traditional Memorandum of Community positions on issues addressed within the framework of EPC. Heads of Mission in the UN capitals and their experts also meet regularly to coordinate the Twelve's positions. Reports are prepared jointly on issues of particular interest and relevance. At expert level working groups meet at regular intervals in Brussels, Geneva, Vienna and New York to review, assess and prepare the work of the various UN forums.

Each year, following the UNGA, a report is prepared by Heads of Mission in New York reviewing the past session. Equally, as part of the preparation of the upcoming session of the UNGA, a so-called 'Early Warning Report' is produced yearly by the Permanent Representatives in New York, signalling areas of particular interest at the next session. Assessment of the role of the Twelve, as well as questions and consequences of coordination and coherence are an important part of these reports.

It may be observed that over the years, the consultative structure of the Twelve has been enhanced, thus stimulating their cohesion and external visibility. Following the political changes in the East, the Twelve have become a firm point of reference to other delegations, mainly the Central and Eastern European countries, but no less other western countries.

The positions of the Twelve are constantly elaborated, adjusted and harmonized. In New York, during the 45th UNGA, 273 coordination meetings were held, leading to 113 common declarations or explanations of vote. The Twelve have given proof of the ability to take the initiative and influence positions, especially in rationalizing texts and adapting them to intervening international circumstances.

They should continue their successful efforts towards promoting common positions in areas where their combined influence can be felt and where they can have an impact on the deliberations and decision-making process of the United Nations. They should avail themselves of the opportunities given by the improved international climate and the increased stature of the UN in order to promote well-prepared common initiatives.

**91/401. Question No H-1126/91 by Mr Martin concerning harassment and intimidation of Ms Smeranda Enache – a leading activist in the Romanian opposition**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Are the Foreign Ministers meeting in European political cooperation aware that it has been claimed that Ms Smeranda Enache, a leading activist in the Romanian opposition, has been harassed and intimidated by the secret police, dismissed from her position as director of the Children's Puppet Theatre and disqualified as a candidate in the elections of May 1990 because of her advocacy of ethnic co-existence? Is the President-in-Office prepared to intervene in order that



Ms Enache might be reinstated to her employment and allowed to partake in the legitimate opposition on which all democracies depend?

*Answer:*

The human rights policy of the Community and its Member States and the importance they attach to it in their relations with third countries are known by the Romanian authorities. The Community and its Member States are generally positive about recent developments in the human rights situation in Romania. However, in the light of recent events in Bucharest, the Community and its Member States concluded on 30 September that the pressure for effective reform in Romania should be maintained. They also decided that sufficient guarantees concerning the democratization process were needed before further steps could be taken on the negotiation of an Association Agreement. On 3 October a statement was adopted condemning the use of force and urging the Romanian authorities to continue the political and economic reform which is indispensable for the development of the country.

The Community and its Member States will continue to follow the situation closely and will not fail to make representations wherever these are deemed appropriate.

The case mentioned by the honourable Member has not been discussed within European political cooperation.

**91/402. Question No H-1130/91 by Ms Van Putten concerning European 'volunteers' in Croatia**

Date of issue: 20 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Whereas 'volunteers' from different Member States including France and the Netherlands, have gone to Croatia to join armed militias in that country, or are even now being recruited for that purpose, is the Council prepared to take immediate action to put a stop to these activities? Does the EPC not share the view that the presence of 'volunteers' who belong to extreme right-wing groupings will tend to escalate the conflict and undermine European peace-making efforts in that nationals of the Community could well end up confronting each other on opposing sides?

*Answer:*

*Mr van den Broek, President-in-Office of European political cooperation:* I must to my regret inform the honourable Member that the question she has put does not fall within the competence of European political cooperation.

*Ms van Putten (S):* I suppose I could rather have expected such an answer, but I deliberately put this question because I believe that the situation is in the first place so serious at the moment, when we see what is happening in a number of Member States, with volunteers going off from Spain, France and, now, possibly the Netherlands and Germany to fight alongside the Croatians. There are rumours that these men are being paid in marks; I am saying nothing more, but those are the rumours. Then you wonder if that is not an appallingly serious situation and whether it cannot be taken up – that is my supplementary question – in the deliberations on the formulation of European citizenship. What does European citizenship signify? What does European citizenship signify for entering the service of another military force outside Europe?

*Mr van den Broek:* I recognize the importance of the problem and I apologize if the answer sounds all too evasive. I certainly believe too that when we discuss Yugoslavia in the framework of EPC

it is entirely fitting that this problem be pointed up and that we at all events urge one another to take measures against this at national level, for it is indeed at national level that these matters have to be tackled. It may, incidentally, be of interest to the honourable Member, in so far as she is speaking of possible clauses or provisions in the articles concerning European citizenship, that for instance in my and her country the provision whereby entry into the service of a foreign military force is punishable with loss of nationality has been deleted.

**91/403. Statement in the Second Committee of the UN General Assembly concerning environment, desertification and drought, and human settlements [agenda items 77(E), (F) and (G)]**

Date of issue: 20 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its Member States on agenda items 77(E), (F) and (B). on 'Environment', 'Desertification and Drought' and 'Human Settlements'.

Mr Chairman, in the general debate at the start of this session of the Second Committee, the Netherlands Minister for Development Cooperation speaking on behalf of the European Community and its Member States, underscored the importance of the concept of joint responsibility.<sup>1</sup> He stated that we all have a joint responsibility to strive for the social and economic well-being of all individuals. The issues of the environment, desertification and drought and human settlements are certainly areas where the concept of joint responsibility is applicable in its true sense.

In the field of the environment, our common responsibility is very clear. Environmental problems are often transboundary or even global and these problems can only be solved by means of concerned and cooperative efforts on the part of all countries. It is particularly important that we in the industrialized world should set a strong example.

A clear sign of such concerted action was given at the 16th session of UNEP's Governing Council, held in May of this year in Nairobi. The Governing Council agreed on 47 substantive decisions. The report of the Governing Council is before this Assembly, and we hope that the report will receive favourable consideration by the General Assembly.

Undoubtedly one of the major challenges that we are facing is the United Nations Conference on Environment and Development. Many UN organizations and agencies are participating in the preparations for UNCED and so is UNEP. At its 16th session the Governing Council of UNEP clearly stated that UNEP should play a crucial role in the preparations for UNCED. The most effective contribution UNEP can make is by providing UNCED with substantive inputs.

We all expect that the convention on climate change and related protocols, and the convention on biological diversity will be ready for signing during the conference. The political will of the negotiating parties will be vital in order to bring these negotiations to a successful completion. So will a strong and sustained input of UNEP and other relevant UN bodies. It is obvious that a successful completion of the conventions is one of the yardsticks for measuring the success of the UNCED conference.

In addition to its contribution to the negotiations on the two conventions I have just mentioned, UNEP is preparing three substantial reports for UNCED: on the State of the Environment, on the Plan of Action to Combat Desertification and on the follow-up and implementation of Resolutions 42/186 and 42/187. The 'State of the Environment Report' is to be a comprehensive statement on

the condition of our planet. This report may shock the world, as it is expected to show the environmental degradation that is continuing to take place. It should provide an important scientific basis for action to be taken at UNCED on the various issues. UNEP's report on the implementation and financing of the 'Plan of Action to Combat Desertification' is expected to give new impetus to the struggle against desertification and drought, from which so many countries are suffering. Since the UNCED Secretariat is in the process of drafting proposals for action on desertification in the framework of Agenda 21, UNEP should work closely together with the UNCED Secretariat in order to produce harmonized texts to the Special Session of the Governing Council of UNEP in February 1992 and to the Fourth Meeting of the Preparatory Committee.

In general UNEP should strengthen its role in the field of coordination, dissemination of information and research in the field of desertification.

Mr Chairman, the European Community and its Member States have repeatedly expressed their commitment to supporting the struggle against desertification and drought. Desertification and drought, and sustainable land use, are high on the agenda of UNCED and we are confident that in Agenda 21 appropriate attention will be given to these issues. Until now many of the action programmes to combat desertification have been analytical and not very action-oriented. We therefore urge that in the years to come all efforts should be directed towards concrete implementation of action programmes in the field, for which adequate financial resources must be made available. The activities of existing organizations, such as UNSO, CILSS and the Club du Sahel, should be strengthened. With interest we note the initiative to establish the Observatory for the Sahara and Sahelian region.

Before the Second Committee is the report of the Executive Director of UNEP on the implementation of the Plan of Action to Combat Desertification. We welcome the fact that desertification and drought have a prominent place on the agenda of the General Assembly, and we hope that this Assembly will give its full support to making the Plan of Action to Combat Desertification fully effective in assisting governments in halting the process of desertification, in particular in the Sudano-Sahelian region.

Desertification and drought should be seen in the broader context of land degradation and its direct and indirect causes. These causes are of both a technical nature, such as poor management and use of soils, and of a social and economic nature.

We believe that combating desertification should be part of dryland development, fully included in an integrated approach to the planning and management of land resources, and in strategies addressing the issues of population pressure and poverty. What is needed is the formulation of a set of realistic and operational policy options. It is important to recognize that a substantive increase in the carrying capacity of croplands cannot be achieved in arid lands. On the contrary, combating desertification is vital in order to sustain their productivity. Priorities need to be worked out at the national and local levels, since they are location-specific.

Sustainable land use should be at the centre of the formulation of any policy aimed at fighting desertification and at increasing food production on land currently in production in developing countries. Sustainable land use should apply to all forms of agriculture and should lead to a balanced input of energy, capital and other means. In this context we wish to underline the importance of integrated planning and management of land resources. This also includes the use of fertilizers and pesticides and the role and use of traditional technologies.

These issues should be discussed further, taking into account local conditions, levels of expertise, land structure and cultural patterns. Specific programmes to combat desertification and to promote reforestation should therefore be worked out at the national level, or, in some cases, at the regional and local level.

Mr Chairman, I now come to the subject of human settlements.

Especially during the last decade, many cities, in the developing countries in particular, have grown explosively and there is no indication that the urbanization process will stop or can be reversed. All factors and data point to human settlements becoming a major issue of concern in the 1990's and beyond. As the 1990 World Development Report concludes, urban poverty will become the most significant and politically explosive problem in the next century. Nevertheless we should not only look at cities as fast growing problem areas which the public sector can no longer handle [on] its own, but also as potential engines for social and economic development and growth.

Government policies must therefore become both comprehensive and more enabling. The United Nations Commission on Human Settlements (UNCHS) is and has been the main actor in constantly guiding and innovating this exercise. The revamped Human Settlements Programme, centred now on the Global Shelter Strategy and based on the enabling approach, has been instrumental and catalytic in bringing about changes in conception and approach.

The European Community and its Member States support the work of UNCHS and welcome the results of the 13th session of the Commission on Human Settlements, held in May of this year in Harare. We specially welcome its readiness to take an active part in the preparation for the forthcoming United Nations Conference on Environment and Development and the fact that the issue of Human Settlements will be dealt with as a distinct component of the UNCED Preparatory Process. Agenda 21 should indeed contain programmes and actions, which clearly highlight and promote the integration of environmental concerns in Human Settlements Development policies and programmes and activities as promoted and undertaken by UNCHS (Habitat) and others, in the context of, *inter alia*, the UNCHS/WB/UNDP Urban Management Programme.

We welcome the Third UNCED Preparatory Committee followed this approach and we look forward to the report which the Secretary-General of the Conference, in cooperation with the Executive Director of UNCHS, is requested to present to the Fourth Meeting of the Preparatory Committee.

Mr Chairman, we hope and expect that the Conference in Rio will ensure a full 'greening' of human settlements activities. All factors and data point to human settlements becoming a major issue of concern in the 1990s and beyond. The European Community and its Member States therefore note with interest the proposal for a Conference in 1997. More than 20 years after the Vancouver Conference on Human Settlements, such a Conference would allow for putting new approaches to the test and setting the path ahead. It could, *inter alia*, review heads in policies and programmes undertaken by countries and international organizations, conduct a mid-term review of the implementation of the Global Strategy for Shelter to the year 2000 and make recommendation for future action at national and international levels. The 13th session of the Commission of Human Settlements called for such a World Conference in its report, which was endorsed by ECOSOC at its session last July.

We look forward to the report that the Secretary-General, in consultation with the Executive Director of UNCHS, is requested to make to the 47th United Nations General Assembly on the objectives, content and scope of such a conference, and on the practical preparations and the financial implications of convening such a conference.

In its summer session of this year ECOSOC endorsed the Report and Decisions of the 13th Session of the Commission on Human Settlements, in the understanding that the Committee of Permanent Representatives to UNCHS, referred to in Commission Resolution 13/3, remained of a purely informal character. We hope that this General Assembly will do the same.

Finally, Mr Chairman, I would like to inform you that the Community recently took a decision to end drift-net fishing with nets longer than 2.5 kilometres in Community waters, and on the high seas. This decision will take effect on 1 June 1992 and in the North-East Atlantic by 31 December 1993, unless it can be demonstrated on the basis of scientific information that there is no risk to

the environment. This decision will be implemented by legislation and constitutes an important step forward in the protection of living marine resources.

Thank you, Mr Chairman.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/291.

**91/404. Statement in the Sixth Committee of the UN General Assembly concerning the additional protocol on consular functions to the Vienna Convention on Consular Relations [agenda item 133]**

Date of issue: 20 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van de Velde:* Mr Chairman, speaking on behalf of the twelve Member States of the European Community I should like to address briefly item 133 of the agenda 'Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations'.

General Assembly Resolution 45/47 concerning this subject was adopted by consensus. Pursuant to operative paragraph 3 of the resolution, the Secretary-General of the United Nations has asked the Member States and other states parties to the Convention on Consular Relations for their views on the proposal, which was introduced during the 45th General Assembly by Austria and Czechoslovakia. This joint proposal aims at supplementing and clarifying the provisions of the Vienna Convention on Consular Relations by an additional Protocol thereto, concerning consular functions. The present non-exhaustive enumeration of the most important consular functions in Article 5 of the convention was considered at the time to be a compromise, characterized by a certain lack of precision. The question that we must answer is, therefore whether there is a need to maintain this compromise. It must be assumed that a certain number of states would not favour too precise a specification and would, if the necessity of an explicit definition of consular tasks in the relationship between two countries should arise, favour regulating these consular functions in a bilateral agreement.

The delegation of Luxembourg has already responded to the Secretary-General's request on behalf of the twelve Member States of the European Community. This joint reply by the Twelve can be found in the Secretary-General's report in document A/46/348.

In their reply the Twelve note that many states parties to the Vienna Convention have also concluded a number of bilateral consular agreements, which describe in more detail the functions listed in the convention, and sometimes other functions as well. States which have a network of bilateral consular agreements might have no particular need for a new multilateral instrument on consular functions. However, the Twelve are well aware that not every state party to the Vienna Convention has such a network of bilateral consular agreements and that for this reason some states may see advantages in an Additional Protocol on Consular Functions.

With regard to the advantages of uniformity, the Twelve are of the opinion that uniformity would have to be weighed against a possible limitation on freedom to negotiate with other states on a bilateral basis. Article 16 of the draft Additional Protocol states that the provisions of the Protocol shall not affect other international agreements in force as between states parties to them, nor would they preclude states from concluding international agreements confirming or supplementing or extending or amplifying these provisions. As a result the key legal consequence of becoming a Party to the Protocol appears to be that of being precluded from agreeing that consuls

perform a lesser number of functions in their relations with another specific State Party than those listed in the Additional Protocol. Even if Article 16 were to be deleted, the listing of consular functions in the Additional Protocol would assume a 'residual character', thus giving a definite advantage, in bilateral negotiations, to states which oppose a reduction of the consular functions.

Mr Chairman, the Twelve submit that careful consideration of the advantages to be reaped from an Additional Protocol, and of the possibilities of success in negotiating it, is called for. This assessment should take into account not only the problems of harmonization of domestic legislation but also the important political question indicated above. Before embarking on this exercise the advantages of progressive development of international law and of concluding further multi-lateral instruments in the field of consular relations should be assessed against the possible disadvantages of a limitation on states wishing to negotiate consular treaties, tailored to specific circumstances, on a bilateral basis.

Mr Chairman, so far only a limited number of states have reacted to the Secretary-General's request for their views. Before deciding on the best approach to deal with the issue in the future, a sufficient number of replies should be awaited. The 47th General Assembly could take stock and respond accordingly.

Thank you, Mr Chairman.

#### **91/405. Statement concerning Kenya**

Date of issue: 21 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States note with concern the present restraints on freedom of expression in Kenya and that critics of the political establishment have been consistently denied the opportunity to exercise their right of freedom of assembly. Those who have attempted to do so, have been systematically arrested, most recently on 15 and 16 November last in relation to a rally of the opposition.

The Community and its Member States, being collectively the most important partner in trade and aid of Kenya, are concerned at these developments and urge the Kenyan Government to take urgent steps to release those still detained and to press ahead with further political reforms to reflect the global trend towards multi-party democracy and respect for human rights.

They note the ideas, which were lately expressed in this respect by the President on several occasions, most recently in his speech held in Kiambu district on 14 November last, where he stated that he was willing to accept a possible change to a multi-party system and added a time-table (two to three years) for the implementation of such a change. They encourage President Moi to take action along these lines.

The Community and its Member States call on the Kenyan Government and all interested groups in Kenya to work for a dialogue in the interest of greater participation, pluralism and accountability in the political and economic decision-making process.

#### **91/406. Statement in the First Committee of the UN General Assembly concerning questions of international security [agenda item 67 and 68]**

Date of issue: 21 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

**Mr Hiensch:** Mr Chairman, I have the honour to make a statement on behalf of the European Community and its twelve Member States on the items 67 and 68 of the agenda concerning international security.

The subject of our deliberations today concerns the very heart and the main purpose of the United Nations: the maintenance of international peace and security.

The European Community and its Member States believe that peace and security can only be achieved through full observance of the principles as set out in the Charter of the UN and in other relevant international obligations of international law. They wish to recall the primary responsibility of the Security Council for the maintenance of peace and security as well as the obligation of all member States to implement its resolutions.

The European Community and its Member States are convinced that ultimately there cannot be an alternative to dialogue, negotiations and peaceful solutions when dealing with international problems and conflicts. This does not imply, however, that when international law has been transgressed and the transgressor fails to respect the norms of international law, that other options cannot be considered or applied. The resolute approach of the Security Council during the Gulf crisis has shown that the Council constitutes an essential instrument to assert and restore international peace and security once it has been violated. The moral and political authority the organization has gained should be built upon in order to further enhance the effectiveness of the Council.

The improved international climate enables the Security Council to exercise fully its responsibilities under the Charter. This has not only been demonstrated by the response of the Council during the Gulf crisis, but also by its role in the solution of other regional conflicts, *inter alia*, through the increasing deployment of peace-keeping operations. The European Community and its Member States welcome this development and call upon the member States of the UN to combine their efforts to reinforce the positive development we have witnessed over the last year. One of the main opportunities that is provided by the increased political efficacy of the Security Council and its ability to act in concert lies in the area of the peaceful settlement of disputes. The options the council has at its disposal, for instance the dispatch of fact-finding missions, are differentiated enough to suit the different threats to international peace and security.

The increasingly important role of the Security Council also provides new opportunities for the Secretary-General in the area of peaceful settlement of disputes. The European Community and its Member States take this opportunity to pay tribute to the patient and persistent ways in which the Secretary-General, with the untiring support of his staff, has successfully taken initiatives in order to find peaceful solutions in the past and the ways in which he continues to promote peaceful solutions to existing international problems as well as to prevent the emergence of new conflicts.

Mr Chairman, the maintenance and enhancement of international security depends on responsible behaviour in the relation between States. Such behaviour should take account of the provisions contained in article 2, paragraph 4 of the UN Charter prohibiting the threat or the use of force as well as other, wider considerations. However, the responsible conduct of international affairs by states aimed at the maintenance of international and national security requires more than just refraining from aggression.

The European Community and its Member States are therefore pleased to note that in the wake of events in recent years, international relations can be characterized by a sense of common values and shared responsibilities. This development is to be welcomed as the world is becoming more and more interdependent, not least when it comes to security. New prospects for international co-operation should therefore be realized for the benefit of all.

Mr Chairman, although many regional conflicts have been resolved during the last years, some remaining and other newly emerging conflicts are posing a threat to international peace and secu-

ity. In this world where the community of nations is interdependent, these problems place a heavy burden on all. Dialogue and cooperation are the best answers to security problems at both global and regional levels. The European Community and its Member States trust that serious efforts to that end will be undertaken at every regional level, making use of the experience of others in this regard.

The European Community and its Member States consider security also to be a matter of regional concern, as recognized by Chapter VIII of the Charter.

In the Conference on Security and Cooperation in Europe the 38 European and North American member states have developed norms of behaviour which, while being based on the principles of the UN Charter, clearly go beyond them in scope and commitment. The Charter of Paris, concluded by the CSCE Summit of November 1990, spells out the new democratic consensus in Europe, declaring *inter alia* the observance and full exercise of human rights and the foundation of freedom, justice and peace as well as economic liberty, social justice and environmental responsibility indispensable for prosperity. Strengthening not only the norms but also the mechanism for crisis management of the Conference on Security and Cooperation in Europe is a priority of the European Community and its Member States. The use that has been made of the emergency mechanism of the CSCE since the start of the crisis in Yugoslavia further highlights the importance of regional arrangements dealing *inter alia* with security issues.

The assertion of national interests should not detract from the concept of security based on cooperation and shared values. The CSCE approach to security indicates that security in itself is a concept that has various dimensions, not limited to its military aspects. Respect for human rights and the need for economic and social development are also important dimensions if security is to last and have true meaning. The advancement of human rights and fundamental freedom we have witnessed over the last few years cannot but serve to enhance international security. The effective exercise of the protection and promotion of human rights is, in the view of the European Community and its Member States, inseparable from the pursuit of international peace and security.

The European Community and its Member States welcome in this light the proposals made by the Mediterranean nations to increase cooperation in the region. The Twelve note in this context the proposal for the convening of a Conference on Security and Cooperation in the Mediterranean. The European Community and its Member States consider it worthwhile that the countries of the Mediterranean cooperate more closely based on principles and measures capable of enhancing stability and security, and encouraging economic and social progress.

Mr Chairman, states should demonstrate respect for international peace and security by refraining from the threat or the use of force. They should do also do this by engaging in measures of arms control, arms reduction and confidence-building.

The European Community and its Member States are convinced that the experience of the intensive arms control negotiations has highlighted the relevance of a regional dimension to security, based on a process of dialogue and negotiations. Although some countries in their respective regions may still find themselves at the beginning of such a process, it is clear that a regional approach to arms control remains as important as ever to achieving regional or even international peace and security.

Mr Chairman, I would like to conclude this intervention by stating that it remains essential for the international community to stimulate and deepen current awareness of the common interests in strengthening international peace and security. The Member States of the European Community reaffirm their commitment to this end as well as their willingness to cooperate with others in order to explore further ways to strengthen international peace and security.



**91/407. Statement in the Special Political Committee of the UN General Assembly concerning the Report of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian People and other Arabs of the Occupied Territories [agenda item 73]**

Date of issue: 21 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its Member States.

The maintenance of the human rights of the Palestinians in the Occupied Territories remains of great concern to the European Community and its Member States. Although in many parts of the world the human rights situation has steadily improved, the recognition or maintenance of those rights by the Israeli authorities in the Occupied Territories is still lacking. The latest report of the Special Committee to investigate Israeli practices presented by its distinguished Chairman, Mr Daya Perrera, provides us with ample information on the actual situation in the Occupied Territories. However, given the fact that the members of the Special Committee are prevented from visiting the Occupied Territories the Twelve avail themselves of other sources supplied by their local representatives, by the reports of the Secretary-General in pursuance of S[ecurity] C[ouncil] Resolution 681 and by the views expressed on these matters by Israel and other delegations.

Mr Chairman,

The Community and its Member States wish to reiterate their position that the Fourth Geneva Convention of 1949 relating to the protection of civilians in time of war is fully applicable to the territories occupied by Israel since 1967, including East Jerusalem. The Security Council has repeatedly confirmed the applicability of the Fourth Geneva Convention, most recently in its Resolutions 672, 681 and 694. Following a request of the Security Council in Resolution 681, the Secretary-General has put forward some ideas and ways to enhance the protection of Palestinians in the Occupied Territories, which the Twelve in general support.

The Twelve call upon Israel to recognize the applicability of the Fourth Geneva Convention to the Occupied Territories and to abide by its provisions.

The European Community and its Member States have repeatedly stated that the settlement policy is illegal, being a clear violation of the provisions of the Fourth Geneva Convention, and is an obstacle to peace. The Twelve also believe that the establishment of new settlements, or the enlargement of existing ones, in the Occupied Territories threatens to change their demographic structure. Hence the Twelve once again call on Israel to halt its settlement activity in the Occupied Territories. This would also satisfy the need for confidence-building measures to create the stable environment that is required for progress in the negotiating process following the Middle East Peace Conference in Madrid. Finally, the Twelve wish to restate that the United Nations Charter rules out the acquisition of territory by force which in relation to the Arab-Israeli conflict was recalled by Security Council Resolution 242, one of the basic tenets for the peace process.

The Twelve reaffirm the right of the freedom of movement in accordance with the provisions of the International Covenant on Civil and Political Rights. In this regard, they support the right of Jews, who wish to do so, to emigrate. However, they reiterate their view that this right must not be implemented at the expense of the right of the Palestinians in the Occupied Territories.

The Twelve consider null and void, any unilateral decisions taken by Israel to modify the status of Jerusalem and to impose its law, jurisdiction and administration on the occupied Syrian Golan. They reaffirm the particular importance of Jerusalem, holy city of three religions, and state that the freedom for everyone to have access to places of worship must be safeguarded in any future agreement on Jerusalem. The Twelve have noted in this respect the positive decision of last June by the Israeli authorities to terminate the taxation of the religious communities.

Mr Chairman,

Apparent efforts by the Israeli authorities during the summer of 1990 to reduce their military presence in the Occupied Territories were unfortunately not followed up and thereafter, in fact, we witnessed more violence which was often the consequence of the use of a measure of force by the Israeli security forces which was out of proportion to the violence exerted by Palestinian demonstrators. One alarming development, however, is the spreading of violence to confrontations between Israeli authorities and UNRWA staff and between Palestinians and UNRWA staff and to violence among Palestinians. The Twelve believe that violence breeds violence and call upon all parties to refrain from any such acts in the future. The atmosphere of the Madrid Peace Conference seems to indicate, however, that it is possible to stop the spiral of violence. The Twelve invite, in this respect, Israel and the Palestinians to take full advantage of this important development.

Although abstention from violence on both sides would be an important step to confidence-building between Israelis and Palestinians, we think that more is needed. The repeal by the Israeli Government of its policies in the field of security as well as in the economic and fiscal fields would be significant in this connection. Measures of collective punishment such as economic sanctions, demolition and sealing-up of houses, curfews and restrictions of freedom are still applied. The Twelve regret this. Furthermore, arbitrary arrests, detention without charge or trial and house arrests inflicted upon the Palestinian civilian population are unacceptable under the rules of the 4th Geneva Convention.

Finally, the Twelve denounce the continued policy of deportation of some arrested Palestinians. They deplore the rejection by Israel of all appeals, including those by the Security Council in Resolution 694 on May 24 of this year, to desist from further deportations and allow all those Palestinians deported to return to their homes. The Twelve welcome, however, the recent decision by the Israeli Government to allow the return of a prominent deportee.

Mr Chairman,

It will be recalled that during the Gulf war Iraq launched unprovoked missile attacks on Israel, an act which not only threatened to extend the scope of the war but also created a critical situation in Israel, which necessitated its authorities to take security measures in the Occupied Territories as well. The European Community and its Member States, aware of the extraordinary circumstances during the Gulf war – during which Israel showed remarkable restraint – and the specific responsibilities of Israeli authorities for security and safety on the one hand and respect for human rights in the Occupied Territories on the other, are of the opinion that some measures were maintained too long and could have been lifted earlier.

Collective measures by the Israeli Government in the Occupied Territories during and after the Gulf War aggravated the negative effects of the crisis on the Palestinian community in vital areas such as the economy, social life and education. The curfew adversely affected the economy and households and was lifted after 40 days but replaced by restrictions on the freedom of movement for all Palestinians living on the West Bank and in Gaza and by restrictions for a smaller group of Palestinians. Furthermore, the holding of Palestinian detainees on Israeli territory cannot be accepted in the light of Article 76 of the Fourth Geneva Convention. This also applies to the special permit introduced by the Israeli civil administration in March this year and requested from each

visitor wishing to cross the green line. The Twelve also deplore the continued application of high taxes and fiscal sanctions in the Occupied Territories. All these measures and policies place Palestinians in a generally disadvantaged position for economic enterprise and can only exacerbate economic conditions in the Occupied Territories and hamper development aid to the Palestinian population.

Curfews also affected all the educational institutions in the Occupied Territories since they remained closed for the period under review. The Twelve therefore welcome the permission to reopen given by the Israel authorities to two universities on the West Bank and in Gaza and to all schools and colleges in the Occupied Territories. They hope that the Bir Zeit University, the closure of which was recently renewed, could also be authorized to reopen as soon as possible.

The health-care system in the West Bank and Gaza has also for too long been prevented from functioning efficiently. It is a generally accepted rule laid down in international conventions that hospitals and ambulances and their patients are to be treated with respect.

Mr Chairman, we would like to recall that the European Community and its Member States have taken various measures to help promote the economic development of the Occupied Territories and the Palestinian population in the course of time. Most important in this respect is the duty-free access given by the European Community to its market for all industrial products as well as preferential duty treatment to direct exports of some agricultural products originating in the Occupied Territories. The Community and its Member States trust that the Palestinian population will be able to take full advantage of these measures and hope that the Israeli Government will also allow investments in income-generating or export-oriented projects. Community emergency aid for the Occupied Territories in 1990-1991 amounted to ECU 10.3 million, the equivalent of approximately 12.3 million US dollars. The Community has granted a further ECU 60 million (the equivalent of approximately 73 million US dollars) for exceptional development aid for the occupied territories. In 1992 the Community direct aid for the Occupied Territories will amount to 12 million ECU (14 million US dollars).

Mr Chairman, much has been gained in the past months through intense diplomatic activity. We are encouraged, Mr Chairman, by the peace conference in Madrid and the following first round of bilateral negotiations between the parties in the conflict. The European Community and its Member States call on all parties to refrain from any actions that could jeopardize the prospects for a just settlement of the Palestinian question and thus for the full respect of the human rights of the Palestinians.

Thank you, Mr Chairman.

#### **91/408. Statement concerning Burma**

Date of issue: 22 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Press statement

On behalf of the Community and its Member States, the Heads of Mission of the Twelve residing in Rangoon have, in association with Heads of Mission in Rangoon of Australia, the Czech and Slovak Federal Republic and the United States of America, addressed a message to General Saw Maung, Chairman of the State Law and Order Restoration Council, to express their deep concern about the continued restriction of Nobel prize winner, Daw Aung San Suu Kyi, to her own house and compound where she is held incommunicado.

Stressing that the treatment of Daw Aung San Suu Kyi seriously infringes internationally accepted standards of human rights, they have expressed grave concern for Daw Aung San Suu

Kyi's present well-being. In this connection they have urged the Burmese military authorities to allow right of access to Daw Aung San Suu Kyi by her family as well as her right to medical treatment.

**91/409. Statement at the Plenary Session of the UN General Assembly concerning the question of Palestine [agenda item 33]**

Date of issue: 22 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, I have the honour of speaking on behalf of the European Community and its Member States.

The past months have been characterized by intensive diplomatic activity, culminating in the opening of the Middle East Peace Conference in Madrid at the end of last month. The European Community and its Member States welcome this historic event in which they have participated alongside the two co-sponsors. Bearing in mind our geographical proximity, a widely shared historical heritage and intensive relations across the whole spectrum of political, cultural, economic and humanitarian affairs with the people of the Middle East, the Community and its Member States cannot but have a close interest in the future of a region with which it shares so many concerns. We are resolved to play an active role in the building of peace. The Twelve's guiding principle has been and remains that lasting stability in the Middle-East region can only be achieved when based on Security Council Resolutions 242 and 338: this means the principles of land for peace and that all states in the region have the right to exist within safe, recognized and guaranteed borders. The Twelve have also long supported the principle that all peoples in the region have the right to justice which includes the recognition of the legitimate rights of the Palestinian people including the right to self-determination. The Twelve wish to recall the importance they attach to the principles and guarantees embodied in the United Nations Charter. These principles have in recent years provided universally accepted guidance in the resolving of several regional conflicts. The Twelve believe that the United Nations will have an important role to play in the Middle East peace process. The Twelve are encouraged by the progress made so far at the Middle East Peace Conference in Madrid and express the hope that the negotiation process will soon move on. While work on a comprehensive, just and lasting settlement of the Arab-Israeli conflict and the Palestinian question proceeds, however, continued attention will have to be given to the plight of the Palestinians in the Occupied Territories.

Mr President, the acquisition of land by force is not acceptable under international law and creates new political and humanitarian problems. The Twelve wish to draw attention to the difficult situation Palestinians, particularly in the Occupied Territories and Jordan, find themselves in. The arrival in Jordan of Palestinian refugees from the Gulf region, places an additional burden not only on Jordan, but also on the United Nations Relief and Works Agency, UNRWA.

Mr President, as long as a peaceful settlement has not yet been reached and the territories continue to be occupied, the Fourth Geneva Convention of 12 August 1949 applies to the Occupied Territories. Since one of the main objectives of the Fourth Geneva Convention is the protection of civilians under occupation, the Twelve remain of the opinion that measures to provide for the safety and protection of Palestinian civilians living under Israeli occupation could be considered. The Twelve call on Israel to recognize the applicability of the Fourth Geneva Convention to the Occupied Territories and to abide by its provisions. The lack of security and the unstable educational conditions will affect more than one generation of Palestinians and jeopardize the social and

economic future of the Palestinian population. In this respect the Twelve welcome the decision of the Israeli Government to reopen educational institutions in the Occupied Territories and hope that the University of Bir Zeit will also be included in this positive gesture. They urge the Israeli Government to cooperate with the United Nations by allowing the civilian population in the Occupied Territories to take full advantage of economic and social support provided by the UN and other organizations. The establishment of settlements in the Occupied Territories including East Jerusalem is illegal and contrary to the provisions of the Fourth Geneva Convention. The settlement policy in particular affects the demographic structure of the Occupied Territories. It is clearly an obstacle to the on-going international peace efforts.

The Twelve are aware of the particular importance of Jerusalem as a holy city for three religions. The freedom of everyone to have access to the places of worship must be safeguarded. We consider the status of Jerusalem a fundamental issue that can not be prejudged by any unilateral decision.

Mr President, the use of violence and the threat of violence have, for all too long, been elements of daily life in the Occupied Territories. Mounting tensions in the autumn of 1990 prompted the Security Council unanimously to adopt Resolutions 672, 673 and 681. The Twelve support all efforts undertaken by the Security Council and the Secretary-General to stem any resurgence of violence in the Occupied Territories. The Twelve welcome the recent decline in violent confrontation in the territories and an apparent willingness on both sides to take up olive branches instead of weapons.

The Twelve appeal to all parties to refrain from actions or statements that might jeopardize the peace process.

In this connection the Twelve deplore attacks on and threats against Israeli citizens by some extremist groups. Likewise the Twelve consider the recent large-scale attacks by Israeli forces on Palestinian camps in Southern Lebanon as contrary to the common endeavour to promote peace. Now is rather a time for gradually getting rid of obstacles to constructive negotiations and removing sources of distraction and tension. The Twelve confirm in this context once again their disapproval of Resolution 3379. They think it should be repealed. Apart from that the Twelve look forward to a tangible improvement in the situation in the Occupied Territories. They also believe that a halt to Israel's settlement policy and abandonment of the Arab trade boycott against Israel would help greatly to strengthen the basis of mutual confidence needed in order to make a success of political dialogue.

Mr President, there is now an historic opportunity for solving the Palestinian problem. Since 1988, when the PLO leadership renounced terrorism and accepted the Security Council Resolutions 242 and 338, the Palestinians have shown an increasing readiness, as at the last meeting of the Palestinian National Council, to take part in dialogue. Israel for its part has taken an important step in the peace process, by embarking on a Middle East Conference and direct bilateral and multilateral negotiations.

Mr President, the Palestinian question will remain a major source of instability in the region if we do not succeed in achieving a just, comprehensive and lasting settlement. Such a settlement can only be just when all states in the region recognize the rights of the Palestinian people, and can only be comprehensive when all countries throughout the area accept responsibility for their share in the solution. Once such a settlement is achieved the European Community and its Member States, for their part, are prepared to support the peace building process and the economic recovery of all peoples and states in that part of the Middle East region and to consider ways and means of enhancing economic cooperation between these states and peoples.

Thank you, Mr President.

**91/410. Explanation of vote in the Sixth Committee of the UN General Assembly concerning the progressive development of the principles and norms of international law relating to the New International Economic Order [agenda item 126]**

Date of issue: 22 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States. In their intervention on 25 September last on the item of 'Progressive development of the principles and norms of international law relating to the New International Economic Order',<sup>1</sup> the European Community and its twelve Member States expressed their opinion that because of the many complex and rapidly changing problems encountered in the field of international economic relations, it is not appropriate to undertake a codification process in this field. The Twelve have repeatedly stated that they favour a flexible attitude towards cooperation rather than a codification of law in this field. Therefore there is no need for the establishment of a working group. It is for that reason that the Twelve will vote against operative paragraph 3 of draft resolution L.6 rev 1.

Mr Chairman, since this item was last discussed two years ago, the foundation was laid for a more pragmatic dialogue on international economic relations in the 18th Special Session of the General Assembly, the Paris Conference on the Least Developed Countries and the International Development Strategy for the Fourth United Nations Development Decade. The European Community has itself developed a series of important instruments of cooperation such as the Lomé Convention and the Generalized Special Preferences Scheme. The present draft resolution does not take the results of these above-mentioned conferences or the decisions adopted during these meetings into account, nor does the resolution, or the manner of its drafting, reflect in any way the spirit and forms of cooperation which prevails in international economic relations today. Draft resolution A/C.6/46/L.6/ rev.1 limits itself to referring to the international development strategy for the Third United Nations Development Decade, which was adopted more than 10 years ago. It was to be hoped that the renewal of the international dialogue on international economic cooperation would be reflected in the text of this resolution. On the contrary the fourth preambular paragraph ignores the progress realized recently and implies that no active negotiations are taking place on the subject of international economic cooperation. Since draft resolution L.6 rev.1 fails to reflect the improved climate of international dialogue in economic cooperation the twelve Member States of the European Community cannot support this resolution.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/287.

**91/411. Statement concerning the unilateral end to offensive actions in El Salvador by FMLN**

Date of issue: 26 November 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States warmly welcome the announcement made by the FMLN on 14 November stating that it will cease all offensive operations in El Salvador at

midnight 16 November. They are also encouraged by the positive response of President Cristianini to this announcement.

However, the European Community and its Member States are concerned at reports of continuing acts of violence by both sides, including actions carried out by units of the Salvadorian army, following the new situation created by the unilateral announcement by the FMLN. These acts might jeopardize the negotiating process under way.

The European Community and its Member States are convinced that restraint and goodwill on both sides are necessary if an end to bloodshed and the agreement on a permanent cease-fire are to be achieved. They express the strong hope that both parties will pursue their endeavours to reach an overall political solution so as to lead the negotiating process to a successful conclusion.

### 91/412. Report to the Council of Europe

Date of issue: 26 November 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Statement in international forum

#### *Central and Eastern Europe*

The European Community and its Member States were among the first to support the democratic process initiated in the Soviet Union. They fully support the endeavours to accelerate the reforms undertaken and to ease the Soviet Union's integration into the world economy. The process of liberalization underway represents for the European Community and its Member States a sign of hope and they most sincerely desire that it will continue.

The European Community and its Member States have with great satisfaction and relief witnessed the collapse of the *coup* in the Soviet Union in August 1991.<sup>1</sup> They welcomed the reinstatement of President Gorbachev and the restoration of constitutional order and democratic freedoms. They believe that these events create new opportunities for the new leadership at Union and Republic levels alike to press ahead with reforms.

It is up to the leadership and people to seize these opportunities: only they can mobilize the vast resources of their own country and realize its inherent wealth. The European Community and its Member States do not underestimate the difficulties of the situation in the Soviet Union. With a view to helping the country to overcome such difficulties and to contribute to the success of the reforms, the European Council in Rome expressed in a concrete way the readiness of the European Community and its Member States to extend and strengthen economic and financial cooperation between the European Community and the Soviet Union.<sup>2</sup> In this spirit, the European Community is also ready to consider talks on a major agreement between the European Community and the USSR.

The European Community and its Member States welcomed the independence of the Baltic States and congratulated them on the resumption of their rightful place in the international community. They immediately decided to reestablish diplomatic relations with the three countries, and also stressed the willingness of the European Community as such to do the same. They, furthermore, expressed their readiness to help the Baltic States become members of all relevant international organizations at the earliest possible date.

The Community and its Member States also expressed their willingness to explore together with the three Baltic States all avenues to assist them in their democratic and economic development. Right from the start, the European Community and its Member States have adopted a clear policy of helping the countries of Central and Eastern Europe to succeed with their political and

economic reforms. They are aware of their special responsibility towards these countries at a time when their efforts to achieve structural adjustment, together with the transition to a market economy, are meeting with additional difficulties due to external economic constraints. They consider that, in these circumstances, the European Community has a duty to help consolidate and develop the general process of reform being undertaken in these countries.

In this context, the European Community and its Member States conducted an intensive and constructive political dialogue with the USSR and with most of the countries of Central and Eastern Europe. In the same spirit, the association agreements under discussion with Poland, Hungary and Czechoslovakia will be concluded soon. These agreements mark a new stage in the Community policy of developing increasingly close relations with those countries. They also underline their commitment to further expand cooperation with Bulgaria.

In the light of recent events in Bucharest, the Community and its Member States concluded on 30 September that the pressure for effective reform in Romania should be maintained. They also decided that sufficient guarantees concerning the democratization process were needed before further steps could be taken on the negotiation of an Association Agreement. On 3 October they condemned the use of force and urged the Romanian authorities to continue the political and economic reform which is indispensable for the development of the country.<sup>3</sup> They hope that the new Government of Romania under Prime Minister Stolojan, which took office in October, will take further steps towards democratization and change in that country.

The European Community and its Member States recall their strong interest in the development of the process of democratization in Albania. They continued to give their encouragement to any progress towards democracy in accordance with the principles of the rule of law, respect for human rights and fundamental freedoms. They also stress their readiness to cooperate closely with Albania in its effort to develop its economy.

### *Yugoslavia*

The crisis and the ensuing armed clashes in Yugoslavia are a matter of deep concern to the European Community and its Member States, and have led to unprecedented intensive involvement in the process of finding a peaceful solution. To this end, the Twelve have assisted in reaching a cease-fire and are facilitating negotiations between the Yugoslav parties on their future. They have – and since 1 September together with four other CSCE participating States – in full agreement with the Yugoslav parties, embarked on a mission to monitor the implementation of agreements on a cease-fire, both in Slovenia and in Croatia. They have also extended the activities of the Monitor Mission to Bosnia-Herzegovina and the Hungarian side of the border between Yugoslavia and Hungary.

Furthermore, they have convened the Conference on Yugoslavia which brings together Federal and Republican Authorities as from 7 September 1991 in The Hague,<sup>4</sup> and have established an Arbitration Commission in its framework. The European Community and its Member States and all Yugoslav Federal and Republican Authorities represented at the highest level on 7 September 1991, agreed that their common aim is to bring peace to all in Yugoslavia and to find lasting solutions which do justice to their legitimate concerns and aspirations. They also agreed that a peaceful settlement must be based on all the principles and commitments agreed upon in the CSCE-process and expressed their determination never to recognize changes of any borders which have not been brought about by peaceful means and by agreement. The outcome of the Conference must take into account the interests of all who live there.

On 4 October in The Hague, the Yugoslav parties agreed that a political solution should be sought in the perspective of recognition of the independence of those republics wishing it, at the end of a negotiating process conducted in good faith and involving all parties. In the light of heavy



fighting continuing in Yugoslavia, the Community and its Member States demanded from all parties to implement such agreement in all its aspects.<sup>5</sup> Failing that, they agreed they will take restrictive measures to be applied against those parties continuing to flout the desire of the other Yugoslav parties as well as the international community for a successful outcome of the Conference on Yugoslavia.

On the same occasion, the Community and its Member States rejected the seizure of the Federal Presidency by Montenegro and Serbia, which had already been condemned by other Republics of Yugoslavia. They condemned this illegal action against the Constitution of Yugoslavia and the Charter of Paris. They stress that they are not prepared to acknowledge any decisions taken by a body which can no longer pretend to speak for the whole of Yugoslavia.

In this context, on October 18, the Community and its Member States adopted a common declaration with the United States and the Soviet Union.<sup>6</sup> The three parties stressed their common desire to promote a speedy and complete halt to all military activities as an essential precondition to a settlement. They condemned the use of force for the settlement of political differences. They also rejected the use of force to change established borders. They will not accept any outcome which violates the principles of CSCE with regard to borders, minority rights and political pluralism. The US and the USSR reiterated their full support for the efforts of the European Community and its Member States, under mandate by the CSCE, to mediate a peaceful resolution to the Yugoslav crisis. They also expressed their readiness to support restrictive measures applied by the EC to help achieve a successful outcome of the conference in Yugoslavia.

During recent weeks, the Community and its Member States were dismayed that heavy fighting [was] continuing in Yugoslavia in spite of the successive agreements reached in The Hague. They noted that the violence and breaches of cease-fire agreements were committed by all parties in the conflict. They were alarmed in particular at reports that the JNA, having resorted to a disproportionate and indiscriminate use of force, has shown itself to be no longer a neutral and disciplined institution. The European Community and its Member States strongly condemned the continuous JNA attacks on Croatian cities. They called on JNA to end the siege of Dubrovnik and to allow for relief supplies to be brought to the beleaguered population of the city.

At the extraordinary Ministerial meeting held in Rome on 8 November 1991<sup>7</sup> to assess the Yugoslav crisis, the Community and its Member States took note of the evaluation presented by Lord Carrington of the 8th plenary session of the Yugoslav Conference which took place in The Hague on 5 November. They were deeply concerned at the fact that the fighting and indiscriminate bloodshed continued in spite of repeated cease-fire commitments. They also noted with great concern that the basic elements of the proposals on behalf of the Twelve put forward by Lord Carrington, aimed at a comprehensive political solution, had not been supported by all the parties. As a consequence, the negotiating process had been put in jeopardy.

In the light of the seriousness of the situation, the Community and its Member States decided to take the following measures:

- immediate suspension of the application of the trade and cooperation agreement with Yugoslavia and a decision to terminate the same agreement,
- restoration of the quantitative limits for textiles,
- removal of Yugoslavia from the list of beneficiaries of the General System of Preferences,
- formal suspension of benefits under the Phare programme. Yugoslavia has not been invited to take part in the next Ministerial meeting of G-24 on 11 November 1991.

Furthermore the Community and its Member States asked those Member States which are also members of the Security Council of the United Nations to invite the Security Council to reach agreement on additional measures to enhance the effectiveness of the arms embargo. They also decided to invite, in the same way, the UN Security Council to take the necessary steps towards imposing an oil embargo.

The Community and its Member States decided that positive compensatory measures will be applied *vis-à-vis* parties which do cooperate in a peaceful way towards a comprehensive political solution on the basis of the EC proposals.

The Community and its Member States remain firmly committed to such a comprehensive political arrangement. They stress that the only way out of the crisis is through negotiations in good faith without the use of force. Despite the continuous violations of the cease-fire, the Conference is the only place where talks on a peaceful solution can continue among all parties. The Community and its Member States launch an urgent appeal to the parties concerned to create the necessary conditions for an early continuation of the Conference. They urge other countries to support their positions.

They also recall that the prospect of recognition of the independence of those Republics wishing it, can only be envisaged in the framework of an overall settlement, that includes adequate guarantees for the protection of human rights and rights of national or ethnic groups. They urge parties concerned to prepare forthwith legal provisions to this end.

The Community and its Member States are also extremely concerned about the humanitarian aspects of the crisis and insist that all parties involved allow emergency aid to reach the communities in need and the many persons displaced by the fighting. On November 13, they agreed to conduct joint operations with UNICEF in order to establish humanitarian peace and security corridors, to allow for assistance and possible evacuation of Yugoslav children in the framework of balanced operations.<sup>8</sup>

On the same occasion, the Community and its Member States noted that for the first time both the rump Presidency and the Government of Croatia had called for the deployment of international peace-keeping forces in the crisis areas. In response, the Community and its Member States invited Lord Carrington explore whether an agreement on such deployment can indeed be reached. Any deployment of peace-keeping forces will be contingent on the prior establishment of an effective cease-fire.

### *CSCE*

The European Community and its Member States attach great importance to the comprehensive nature of the CSCE process, which deals with a large range of subjects in a balanced manner while bringing together the governments and peoples of Europe as well as of those of the United States and Canada.

Within this context, they welcome the admission by the CSCE Council of Ministers in Berlin (19 to 20 June 1991) of Albania as a participating state of the CSCE and are confident that this country will continue the process of democratization and the promotion of respect for human rights, thus complying with the commitments subscribed to when joining the CSCE.

They are, furthermore, satisfied that Estonia, Latvia and Lithuania, after having regained their independence, were admitted to the CSCE process as full participating states on 10 September 1991, allowing these countries to participate in their own right in the Third Meeting of the Conference on the Human Dimension in Moscow (10 September – 4 October 1991).

Since 1989, new procedural arrangements within the CSCE have allowed for the presence of the Community, alongside that of the Member States, to receive formal recognition from the other participating states. Those arrangements reflect a practice which has been developing since the signature of the Helsinki Final Act in 1975.

The possibility for the Community and its Member States to play a leading role in the CSCE has been considerably enhanced by the historic changes which have occurred in Central and Eastern Europe. Against this background, the Community, along with the participating states, has

lent its weight to the convening of the Paris Summit of November 1990. In this connection, the Presidency wishes to highlight that the first Summit of the Heads of State and Government of the CSCE participating states since the signature of the Helsinki Final Act in 1975 was in itself already proof that the CSCE has to deal with a new phase in its development.

The Paris Summit had as its primary objective to give new direction to the CSCE process in the changed circumstances of the 1990's. It adopted the Charter of Paris for a New Europe, a common vision of society and of relations between states and outlined the principles and guide-lines which should govern the conduct of the participating states, including human rights, the rule of law and democracy. The Community and its Member States supported the proposal to invite the Secretary-General of the Council of Europe to make a contribution to the Summit. It should be noted that, in addition, representatives of the Council of Europe made contributions to the CSCE meetings in Cracow (cultural heritage, May 1991), Geneva (minorities, July 1991) and Moscow (human dimension, September – October 1991). It also provided for regular political consultations among the CSCE participating states, based on the newly-established CSCE Ministerial Council as well as on the Committee of Senior Officials (CSO). The Community and its Member States were instrumental in setting up CSCE institutions in Prague, Vienna and Warsaw. The role of these institutions is currently being reflected upon among the participating states, notably the Community and its Member States, and will be reviewed at the Helsinki Follow-up Meeting in the light of the experience gained in the meantime. In this process, the Community and its Member States will avoid a development of the new CSCE institutions which would lead to duplication of activities.

There is a major challenge which the CSCE is asked to deal with, i.e. to ensure the continuation of the dynamics of the rapprochement between the participating states at a time when East-West relations have undergone a change from confrontation to cooperation. A notable consequence of this change is that the efforts to conciliate East and West are no longer the most salient features of the CSCE process. A number of new priorities have emerged within the CSCE process, as illustrated by the themes of the meetings that had been agreed upon at the CSCE Summit in Paris: the protection of national minorities (Geneva, July 1991), and the promotion of democratic institutions (Oslo, November 1991). Furthermore, negotiations in the field of military security have been given further thought in Vienna. In addition, the principles agreed upon at the Bonn CSCE Conference on Economic Cooperation (March – April 1990) are of particular relevance in the current process of economic and social change in Central and Eastern European countries.

It is important, particularly at the present juncture in international affairs, to underline that the Member States of the Community have made a substantive contribution to the elaboration of the rules of procedure of the so-called emergency mechanism on the basis of which political consultations among the CSCE participating states can be held at short notice. It was to a large extent due to the coordinated efforts of the Community and its Member States that at the Berlin meeting of the CSCE Ministerial Council this emergency mechanism could be established. The extremely disturbing situation in Yugoslavia has since then necessitated the convening of four emergency meetings of the Committee of Senior Officials (CSO) in Prague, which have proved the value of this newly created mechanism.

Through the CSCE, the good will and friendly concern of other states have been brought to bear on a tense situation and the actions of those most directly involved have been placed firmly in the perspective of values and principles shared by all the participating states. The Council of Europe naturally has a substantive role to play in the defence and promotion of shared values and principles of human rights, democracy and the rule of law.

Faithful to their ideals, the European Community and its Member States firmly commit themselves to strengthening the CSCE process. Following preparatory discussions at the 22 to 24 October regular meeting of the CSO and in the light of future major CSCE venues such as the Ministerial Council of January 1992 and more particularly the Helsinki Follow-up Meeting in the spring of 1992, which are called to outline and confirm the future developments of the Conference

for Security and Cooperation in Europe, the Community and its Member States will seek a common approach likely to foster the reinforcement of CSCE structures and institutions in all relevant fields.

The CSCE will endeavour to pursue its efforts aimed at establishing conditions likely to favour the economic and social welfare, particularly in those parts of the continent which are presently facing severe challenges of an economic nature. It has become a shared view with the CSCE participating states that the responsible and creative activity of individuals, exercised with the respect for human dignity and in a context of social justice, will foster prosperity throughout the CSCE nations.

In this connection, the Community and its Member States rightly maintain that the effective exercise of human rights is the legitimate concern of the international community. Ample proof of this affirmation has been given on the occasion of the recent Moscow meeting of the Conference on the Human Dimension. Respect for human rights and the promotion of democratic institutions will remain major ambitions of the CSCE process.

### *Cyprus*

The Community and its Member States continue to follow with concern developments in Cyprus, a member of the European family. They reaffirm their support for the unity, independence, sovereignty and territorial integrity of Cyprus, in accordance with the relevant UN resolutions.

In this context, they note the Security Council Resolution 716 on the report by the Secretary-General of 8 October 1991 on his mission of good offices in Cyprus, which indicates that some progress has been made in preparing a set of ideas as the basis for arriving at an agreed overall framework agreement on Cyprus. However, the difficulties encountered don't permit the convening of the high-level international meeting foreseen in the statement by the President of the Security Council of 28 June 1991.

They hope that the resuming, this month, of the Secretary-General's discussions with the two parties in Cyprus and Greece and Turkey will permit to remove the remaining obstacles to the convening of a high-level international meeting on Cyprus under UN auspices before the end of this year.

### *Middle-East*

#### *Arab-Israeli Conflict*

The Community and its Member States warmly welcomed the fact that, for the first time all the parties involved in the Arab-Israeli conflict and the Palestinian question were sitting together at the Conference table in Madrid, confirming their commitment to a just, comprehensive and lasting settlement. They commend the United States which, in partnership with the Soviet Union, has mounted the effort to bring them together.

From the outset the Twelve have given their full support to this peace initiative. They consider that the Madrid Conference is an outstanding achievement. As a participant in the Conference, the European Community and its Member States aim to make a full contribution to negotiations between the parties. They will continue to work closely alongside the United States and the Soviet Union as they share their overriding interest in the success of the negotiations.

The Community and its Member States consider it of the utmost importance that the parties concerned have committed themselves to the road map of the Conference: direct negotiations on the basis of Resolutions 242 and 338 along two tracks, between Israel and the Palestinians on the one hand and between Israel and its Arab neighbours on the other.

The Twelve's guiding principles throughout the negotiating process are those which have since long governed their position. These principles are Security Council Resolutions 242 and 338, the principle of land for peace, the right of all states in the region, including Israel, to live within secure and recognized boundaries and the proper expression of the right to self-determination by the Palestinian people. Their position on issues relating to the Occupied Territories, including East-Jerusalem, is equally well-known. A comprehensive settlement should encompass these principles.

In the view of the Community, what is essential now is that the way be opened to movement on substance. For this reason they stress that the early adoption of confidence-building measures is vital. These measures will make an essential contribution to creating the stable environment which progress in the negotiations requires. A halt to Israel's settlement activity in the Occupied Territories is such an essential contribution. Renunciation of the Arab trade boycott of Israel is another. With regard to the situation in the Occupied Territories, it is important that both sides show restraint and that Israel abide by the provisions of the Fourth Geneva Convention. The Community and its Member States look forward to a tangible improvement in the situation in the Occupied Territories, even before the putting in place of interim or other arrangements.

Early movement along the parallel track of the negotiations between Israel and its Arab neighbours is equally indispensable. Progress towards a durable peace between Israel and its neighbours Jordan and Syria will be crucial to the success of the overall peace process. Much will depend on the early establishment of a basis of confidence on both sides. Progress will undoubtedly contribute to further restoration of stability and sovereignty to Lebanon, and to the implementation of Security Council Resolution 425.

Progress in the bilateral talks will need to be assisted and underpinned by multilateral negotiations on regional cooperation in fields of mutual interest, that will yield the practical and visible benefits of peace. Regional cooperation cannot progress faster than movement towards a political settlement. But the political and regional agendas should go hand in hand, each one reinforcing the other. Given its close ties with all the parties involved, the Community and its Member States undertake to make an active practical contribution to progress in this important area of regional cooperation. The Community will also endeavour to associate EFTA nations, Canada, Japan and the GCC States and others in a framework of closer economic cooperation.

### The Situation in Iraq

The European Community and its Member States are deeply concerned about the situation of the civilian population in Iraq, notably the Kurds and the Shi'ites. They consider that the UN have a major role to play in the protection of the civilian population in Iraq, especially in the North and the South. They support fully the action undertaken by the UN Security Council and the Secretary-General in the framework of Resolution 688.

As to the short-term, the Community and its Member States have cooperated with the UN Secretary-General contributing to a swift and effective response to the problem of refugees. The European Council agreed on April 8 a Community aid of 150 M[illion] ECU under the heading of humanitarian assistance.<sup>9</sup> It also launched the proposal for the establishment of a security zone under UN supervision in northern Iraq which has been successfully implemented. Following these decisions, the Community and its Member States have participated actively and substantially [in] the international humanitarian effort aimed at securing protection for the refugees, enabling a large number of them to return. In this context, several Member States sent troops to northern Iraq as well as to Turkey.

The contingent of 500 United Nations guards was fully deployed. To facilitate this deployment, the European Council undertook to meet the uncovered expenses of this operation until the end of

the year. It also acknowledged with satisfaction the contribution in men and material which certain Member States have made to the contingent of UN guards.

The Community and its Member States have been following the negotiations between the Iraqi authorities and leaders of the Kurdish population on Kurdish autonomy and democratic reform in Iraq. They note that, at this stage, these negotiations have not led to a satisfactory agreement.

The Community and its Member States will continue to follow closely the situation in Iraq, in particular in order to ensure full compliance by the Iraqi authorities with the relevant UN Security Council Resolutions, notably 678 and 688 as well as 706 and 712. In this context, they stress that the non-compliance by the Iraqi Regime with UN Security Council Resolution 706 affects directly the well-being of the Iraqi people, for which the regime in Baghdad is fully responsible.

The Community and its Member States have also been following the negotiations between the Iraqi authorities and leaders representative of the Kurdish population on Kurdish autonomy and democratic reform in Iraq. They note that, at this stage, these negotiations have not led to a satisfactory agreement. However, they consider that it would be appropriate for the international community to give its support to such an agreement on the basis of Resolution 688 of the Security Council.

In the long term, the Community and its Member States consider that only in the framework of a renewed Iraq, united, democratic and respectful of the legitimate aspirations of the population groups of which the country is made up, the Kurdish problem can find an appropriate solution.

#### Lebanon

The European Community and its Member States express their satisfaction at the implementation of the security plan in the greater Beirut area and a large part of Lebanon, the progressive disbandment of the militias and the extension of the control of the Lebanese army in Southern Lebanon. They hope that these developments will also contribute to the full implementation of Security Council Resolution 425.

They express the hope that recent developments will foster a process of national reconciliation and lead to the full implementation of the Ta'if agreements, thus bringing about the restoration of the sovereignty, independence, unity and territorial integrity of a Lebanon free of all foreign troops, and enabling the Lebanese people to express their will through free elections.

They welcome the recent releases of some of the hostages held in Lebanon, but remain concerned at the plight of those still being held and call upon the parties concerned to bring about their immediate, unconditional and safe release.

#### Maghreb

The European Community and its Member States attach great importance to cooperation and political dialogue between the countries of the Arab Maghreb Union and themselves. They support the establishment of the AMU and its commitment to regional integration, with a view to bringing about a true partnership. At their Ministerial meeting with the AMU countries on 4 November, they agreed on the need to continue and strengthen political dialogue on issues of mutual interest requiring common solutions, including the democratic process, human rights, development of their societies, security and immigration. They also agreed to explore the various proposals concerning economic EC/AMU cooperation.

#### *Western Sahara*

The European Community and its Member States noted with satisfaction the progress made in the process of the Saharan people towards self-determination, to which the cease-fire agreement of 6

September is an important contribution. In particular they warmly welcomed the adoption of the report of the Secretary-General by the Security Council and the General Assembly, as well as the establishment of the UN Mission for the Referendum in Western Sahara (MINURSO).

They believe these to represent an important step towards a just and lasting settlement of the conflict in Western Sahara, based on the self-determination of the population. The European Community and its Member States will continue to provide assistance to the process underway and will firmly support all further efforts of the Secretary-General of the United Nations and his special representative to fully implement the United Nations Plan, which is in its operational phase.

### *South Africa*

The policy of the Community and its Member States with regard to South Africa remained committed to the complete abolition of the unacceptable system of apartheid by peaceful means and its replacement by a democratic system in which all South Africans can participate in peace and harmony, regardless of colour and race.

It is to be recalled that in light of the impressive positive developments that took place in South Africa in 1990, the European Council in Rome [on] 15 December 1990<sup>10</sup> decided a gradual review of the existing restrictive measures, lifted the ban on new investments and decided to strengthen the programme of positive measures and to adjust it to the requirements of the situation of the day including those related to the return and resettlement of the exiles. After the tabling by the South African Government of the Bills that repealed the 'Group Areas Act', the two 'Land Acts' and of the 'Population Registration Act', the Twelve decided to lift the remaining restrictive measures, decided upon in 1986, subject to a parliamentary waiting reserve entered by one Member State.

This encouraging trend has been confirmed by recent developments. Therefore, the European Council in Luxembourg on 28 and 29 June,<sup>11</sup> noting with satisfaction the progress achieved in de-segregation in the field of sports, decided to support the principle of renewing sporting contacts with South Africa at the international level on a case by case basis, where unified and non-racial sporting bodies have been set up.

However, the European Council of Luxembourg also noted that a number of obstacles on the path to negotiations remained unresolved and expressed the hope that a rapid solution could be found to the problem of the release of political prisoners and the return of exiles. It reiterated furthermore its concern about the continuing violence in South Africa and called upon all parties to show restraint and upon the South African Government in particular to spare no effort to maintain law and order.

The Community and its Member States noted with interest the statement by President De Klerk on 30 July last in answer to revelations of secret funding by the South African Government of political and related organizations in South Africa and the alleged involvement of elements of the SADF and security forces in these acts of violence.<sup>12</sup> They expressed the hope that this statement would contribute to re-establishing a climate of trust, which is essential to achieve further progress towards negotiations. On 22 August<sup>13</sup> the Community and its Member States welcomed the agreement reached between the South African Government and the United Nations High Commission for Refugees, which removed an important obstacle to negotiations.

On 16 September 1991,<sup>14</sup> the Community and its Member States welcomed the signing of the National Peace Accord of 14 September 1991 and expressed the hope that this Agreement would finally open the path towards a definite end of senseless bloodshed, which delayed substantive negotiations on a new Constitution. Furthermore they urged all parties to subscribe to the principles laid down in the National Peace Accord and to assure its enforcement at all levels.

The European Community and its Member States have repeatedly called on all parties to resolve the outstanding questions in order to enable negotiations between all political forces to begin as soon as possible. In this context, by their statement on 3 October,<sup>15</sup> they expressed their concern that no solution has yet been found to the question of the continued detention of political prisoners in the so-called independent homelands and insisted on the release of all political prisoners without delay.

### *Latin America*

In recent years, considerable progress has been made in the democratization process throughout Central and South America, sustained by a tendency towards greater respect for human rights and the application of the principles of the rule of law. In some countries however there is still considerable room for improvement. The Latin American countries are in the process of developing more market-oriented economies and have identified, as one of the ways to achieve this, the development of new forms of regional cooperation. The Community and its Member States believe that the reinforcement of democracy, the promotion of social justice and the efforts towards regional and international cooperation will offer new prospects for prosperity and stability.

They will continue to examine ways and means to further strengthen relations between the two regions, through political dialogue and programmes of economic cooperation and technical assistance, mainly with a view to promoting processes of regional integration. The Community and its Member States welcome further encouraging steps by some countries of South America in the field of disarmament and nuclear cooperation.

In the framework of the San José process, the European Community and its Member States have pursued, together with their Central American partners, regular consultations on a wide range of issues of mutual interest and concern. The Seventh Ministerial Conference, which took place in Managua on 18 and 19 March 1991,<sup>16</sup> represents an important step forward in this respect. The Community has stated its willingness to continue to support the efforts towards national reconciliation, full respect for human rights, and economic and social progress. Unfortunately the human rights situation remains disturbing in a number of Central American countries. It is to be hoped that the Governments and peoples of the region will continue to display their determination to attain the objectives of the regional peace process fully through national reconciliation and respect for and promotion of human rights and fundamental freedoms. The Ministers of the European Communities agreed to introduce, in close cooperation with other existing competent bodies, multi-annual programmes for the promotion of human rights in Central America.

The effective functioning of the UN Observer Group on Central America and other monitoring bodies such as the OAS/CIAU are a welcome illustration of the validity of the multilateral approach adopted by the Central American countries.

In accordance with the provisions of the Rome Declaration of 20 December 1990,<sup>17</sup> the first institutionalized Ministerial meeting between the European Community and the Rio Group was held in Luxembourg on 26 and 27 April 1991.<sup>18</sup> This meeting represented an opportunity for Ministers of Foreign Affairs to have in-depth exchanges of views on a number of political and economic topics and to conclude that it would be in the interest of both the European Community and its Member States and the Rio Group to further strengthen their solidarity and their cooperation in the political, economic, cultural and social fields. The second institutionalized Ministerial meeting between the EC and the Rio Group, in late spring of 1992 in Santiago de Chili, will provide ample opportunity to assess the follow-up of decisions reached in 1991, while at the same time enabling both parties to work in a future-oriented manner and enhance cooperation and exchanges in a variety of fields.

In the framework of Latin American regional integration, the European Community and its Member States welcomed the signature of the Treaty on the Establishment of a Common Market



in the Southern Cone of the South American Continent ('MERCOSUR') by the Presidents of Argentina, Brazil, Paraguay and Uruguay at their meeting of 26 and 27 March in Asuncion.<sup>19</sup> They are convinced that the revival of the various processes of integration underway in Latin America will contribute to the consolidation of democracy in the countries of the region, to their economic development and to the strengthening of their role in the world.

The Community and its Member States welcome the integration efforts carried out by the Andean Pact aimed at the establishment of a free-trade zone as of 1 January 1992.

On the occasion of the first anniversary of the elections which made a democratic transition of government in Nicaragua possible, the European Community and its Member States were in a position to reiterate their support for pluralist democracy in this country.<sup>20</sup> They will continue to extend economic assistance. It remains of crucial importance that all political and social forces in Nicaragua help to bring about progress in the democratic process and national reconciliation through constructive dialogue, including the delicate problem of reintegration into civil life of refugees and displaced persons.

The Community and its Member States pay tribute to the efforts of the Secretary-General of the United Nations and his personal representative, Mr Alvaro de Soto, to reach a negotiated settlement to the conflict in El Salvador. They were most encouraged by the agreement signed in New York on 25 September 1991 between the parties which constitutes a major step forward in the achievement of peace in El Salvador.<sup>21</sup> The announcement by the FMLN that it will cease all offensive operations on 16 November 1991,<sup>22</sup> and the positive response by the government, raise the hope that a permanent cease-fire and an overall political solution to the conflict can be reached soon.

The Community and its Member States remain greatly concerned at the continuing reports of human rights violations at a time when negotiations aimed at peaceful reconciliation raise hopes of a lasting solution, and have already led to an agreement on human rights and the establishment of a United Nations Observer Mission (ONUSAL), dealing initially with monitoring the human rights situation in El Salvador.

The Community and its Member States welcomed the democratic character of the elections in Guatemala and the first transfer of power from one civilian President to another in the recent history of this country. These are important and encouraging signs for the peace process and the consolidation of democratic institutions in Central America.<sup>23</sup>

They encourage the Government of Guatemala and the Guatemalan National Revolutionary Union (URNG) to pursue their negotiations and bring them to a conclusion in the same flexible spirit which made possible the agreement on democratization reached in Mexico in August 1991.<sup>24</sup>

They acknowledge the important contribution to these negotiations of the Guatemalan National Reconciliation Commission (CNR), the conciliator and the Personal Representative of the UN Secretary-General.

Even though the Government of Guatemala has adopted measures to promote respect for human rights and fundamental freedoms, the human rights situation in that country continues to cause the Community and its Member States deep concern.<sup>25</sup> In addition they draw special attention to the plight of the street children of Guatemala-City.

The Community and its Member States welcome the Statement by the President of the Republic of Guatemala on 5 September 1991,<sup>26</sup> in which the Government of Guatemala recognized the independence of the State of Belize. President Serrano's decision constitutes a major step forward towards the resolution of a bilateral difficulty of long standing. It also removes a source of international tension and should strengthen regional stability.

The Community and its Member States have been mindful of events in Haiti, particularly since fair and orderly elections of December 1990 offered the country the chance of a major breakthrough in its long struggle towards the establishment of a society built on the rule of law, respect for human rights and the promotion of social justice and economic progress.<sup>27</sup> They therefore unreservedly condemned the military *coup* against the country's first democratically elected President.<sup>28</sup> The Community and its Member States expressed their strong support for the legitimate authorities as well as for the democratic forces in the country and call for an immediate return to the rule of law and the reinstatement of those legitimate authorities. Pending that, the Community and its Member States decided to suspend their economic assistance. They expressed their support for the resolution adopted by the United Nations General Assembly. The Community and its Member States are at present examining other measures to ensure that democracy be restored in Haiti.

On the occasion of the first anniversary, on 11 March 1991,<sup>29</sup> of the investiture of President Aylwin, which marked Chile's return to democracy, the European Community and its Member States expressed satisfaction at the peaceful and constructive atmosphere in which that first year had passed and reiterated their full support for the re-establishment of the rule of law in Chile and for the task which faces the Chilean Authorities and political parties trying to consolidate democratic structures in the country.

The European Community and its Member States strongly condemned the military *coup* in Suriname on 24 December 1990.<sup>30</sup> They stated their conviction that those events ran contrary to the strengthening of democracy throughout the world, in particular in South America, and would further isolate Suriname from the other members of the international Community.

They associated themselves with the statements issued by the OAS and CARICOM in that respect and urged the new authorities of Suriname to return rapidly to democratic legality, in accordance with its promises, so that Suriname might recover its proper place in the international community. After the free and fair elections which took place on 25 May 1991,<sup>31</sup> they were in a position to congratulate the Surinamese people on having taken an important step back on the road to democracy. They subsequently expressed the hope that the new government would do justice to the clearly expressed will of the people of Suriname.

The Community and its Member States noted with satisfaction the democratic election of a new President, Mr Ronald Venetiaan. They issued a statement on the occasion of his installation on 16 September 1991,<sup>32</sup> in which they expressed their confidence that Suriname now has regained its place as a respected member of the international community.

### *Asia*

The Community and its Member States issued a Joint Declaration with Japan on their future relations on 18 July,<sup>33</sup> on the occasion of the first Summit meeting between the Community and Japan during Prime Minister Kaifu's visit to the Hague. The Joint Declaration envisages wide-ranging political dialogue, including on such issues as terrorism, international drug trafficking, protection of the environment and respect for human rights. It also envisages dialogue and practical cooperation on economic issues, such as trade and industrial matters, science and technology. The Community and its Member States believe that this new dialogue will intensify and broaden the scope of EC/Japan relations. They also see it as a welcome signal of Japan's willingness to assume a greater political role in international affairs.

There have been a number of positive trends in the Asia-Pacific region in the course of the year. The Community and its Member States welcomed the signature of the Comprehensive Political Settlement of the Cambodia conflict on 23 October.<sup>34</sup> They support the important role assigned to the UN in the implementation of the settlement and continue to stress the need for self-determination for the Cambodian people through free, fair and internationally supervised elections

and full respect for human rights. These are fundamental principles for lasting peace. The Commission is examining modalities for Community assistance in Cambodia, both for the repatriation and rehabilitation programmes and later for the reconstruction of the country.

In the Korean Peninsula, the Twelve welcomed the accession to the UN of North and South Korea in September 1991. They also welcomed the reopening of a direct political dialogue between North and South Korea and hope that the talks will help reduce tension and lead to concrete progress.<sup>35</sup> They have repeatedly urged North Korea to implement all NPT obligations without further delay, notably the IAEA Safeguards Agreement.

India and Pakistan have also taken positive steps to defuse tension between their two countries, including agreements reached in April on various confidence building measures. The Community and its Member States hope that the authorities of both countries will redouble their efforts to reach a peaceful resolution of the Kashmir problem, creating conditions under which the population of Kashmir can enjoy its fundamental rights and prosper in peace.

In Afghanistan, the Community and its Member States welcomed the US/Soviet Agreement of 13 September to end arms supplies to the combatants with effect from 1 January 1992, and have urged other governments to follow suit. They consider such steps as further support to the endeavours of the Secretary-General and continue to hope that a cease-fire acceptable to all parties, an essential part of the transitional process, will be implemented soon.

Elsewhere, Bangladesh and Nepal have taken important steps towards guaranteeing democracy and accountable government.

The new international climate has also given ASEAN renewed impetus and possibly new direction in regional cooperation. The EC has begun discussions with ASEAN on the scope of future cooperation, recognizing ASEAN's increasing importance on the world stage and the need for closer links and a broader dialogue on a wide range of international issues.

The Community and its Member States welcomed the agreement between the British, Hong Kong and Vietnamese Governments on the return to Vietnam under procedures agreed with the UN High Commissioner for Refugees of Vietnamese immigrants in Hong Kong determined not to be refugees.<sup>36</sup> This agreement is a major step forward in the full implementation of the Comprehensive Plan of Action (CPA) for Indochinese refugees adopted at the International Conference on Indochinese Refugees, Geneva, 1989.

Despite these positive trends, trouble spots remain. In Burma, for example, the authorities have, since the May 1990 elections, persistently failed to initiate a democratic process, to respect internationally acknowledged rules of conduct in the field of human rights, to cease the harassment, detention and house arrests of leaders of the opposition (among them Aung San Suu Kyi) and to free political prisoners. In the light of the Burmese Government's continued repressive policies the Community and its Member States have reduced economic and trade relations to a minimum, suspended all non-humanitarian aid programmes and agreed upon a total ban on arms sales to Burma. They are prepared to re-establish constructive relations with Burma, including a resumption of development assistance programmes, once Burma fulfils its obligations in the field of human rights and democracy.

The Community and its Member States also remain concerned about continued reports of killings and disappearances in Sri Lanka. The appointment last November by the Government of Sri Lanka of a Special Task Force and other bodies to monitor human rights was a positive move. The Community and its Member States continue to encourage the Sri Lankan Government to ensure that these bodies are allowed to be effective.

The European Community and its Member States expressed their grave concern about the reports that on 12 November members of the Indonesian armed forces in Dili killed and wounded a

considerable number of demonstrators,<sup>37</sup> an incident which they vehemently condemned as being in clear contravention of the most fundamental human rights. They urged the Indonesian Government to ensure that members of the Indonesian armed forces and police in East Timor immediately refrain from using violence and that the responsible members of the armed forces and police would be brought to trial. This incident occurs in a context of a deteriorating human rights situation in East Timor.

The European Community and its Member States view favourably the authorization that was given to the special UN Rapporteur on torture to visit the area, and are looking forward to receiving his findings. They expressed the hope that a just, comprehensive and internationally acceptable settlement may be found, in accordance with the principles of the United Nations Charter, including the respect for human rights and fundamental freedoms, taking full account of the legitimate interest and aspirations of the people of East Timor.

Human rights concerns also remain at the forefront of the dialogue with China. The Community and its Member States take every opportunity to encourage the Chinese authorities to respect the rights of all their citizens and to pursue economic and political reforms and a policy of openness, in the belief that these are essential prerequisites for sustained social and economic development within China itself and for China's relations with other countries. The Community and its Member States continue to attach importance to the smooth implementation of the Sino-British Joint Declaration on Hong Kong and the Sino-Portuguese Joint Declaration on Macao.

#### *Judicial Cooperation*

A Convention on the Enforcement of Foreign Criminal sentences was agreed among member States of the Community and signed during the Meeting of Ministers of Justice on 13 November 1991.

#### *Human Rights*

The Community and its Member States have continued to defend internationally accepted principles of human rights in the course of 1991. The Declaration on Human Rights adopted by the Luxembourg European Council in June 1991 is a comprehensive statement of EC policy.<sup>38</sup> In that declaration the Community and its Member States reiterate their belief that respecting, promoting and safeguarding human rights is an essential part of the conduct of international relations and one of the cornerstones of their relations with other countries. They also reiterate that raising human rights cases cannot be considered as interference in the internal affairs of a State but rather is a legitimate concern under international law.

The Community and its Member States' commitment to raise human rights violations regardless of where they occur is reflected in their frequent *démarches* in individual cases, and in their efforts and interventions in appropriate international fora. In the course of the last six months, the Community and its Member States carried out over 50 *démarches*, which for the most part were confidential, on individual cases of violations of human rights. They also issued about 75 declarations which were widely distributed.

The inter-relationship between human rights, democracy and sustainable development has become more and more evident and is a central concept in the Community's aid programmes.

#### *Terrorism*

The Twelve continue to be deeply concerned about the frequency and gravity of terrorist activities world-wide. They believe that, given the scale of the threat, states must continue to concert their

responses to terrorism as closely as possible, if they are to combat terrorism effectively. In this context the establishment of an internal market without internal frontiers within the European Community by 1993 will require an increase in cooperation between the Twelve's police forces. States must also continue to exercise maximum vigilance to protect their citizens.

### *Drugs*

In accordance with the European Council of Dublin [on] 25 and 26 June 1990, which stated that drug addiction and drug trafficking are sources of great damage to individuals and society, as well as to states and hence represent a major menace to Europe and the rest of the world, the Community and its Member States have intensified their cooperation in combating drug abuse, notably through the establishment of a High Level Group of Coordinators (CELAD). Both at Community level and within larger European and international fora such as the Pompidou Group of the Council of Europe and the United Nations, no efforts have been spared over the last twelve months to achieve coordination and efficiency in the international efforts to combat drugs and drug trafficking.

On 14 December 1990,<sup>39</sup> on the occasion of the European Council of Rome, CELAD submitted to the Heads of State and Government a general strategy which was adopted as the 'European plan to combat drugs'. The European Council concluded that the considerable importance attached to a systematic and continuous strengthening of the action by the Community and its Member States in combating drugs and organized crime called for the competent bodies to rapidly implement the programme elaborated by CELAD, with particular regard to the objective of reducing the demand. The European plan, the last part of which deals with 'Actions at the International Level', stresses three sectors in particular:

- the implementation of UN Conventions and the global plan of action;
- cooperation with the main producer and transit countries;
- cooperation with other developed consumer countries, both within the Pompidou Group and other fora.

The most recent UN Convention is the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which has been signed by all the Member States of the European Community. The timely ratification of this Convention is a major objective by the Twelve. The European Commission, for its part, ratified the Convention on 31 December 1990.

The European Community and its Member States believe that all States, be they producer, transit or consumer countries, have a shared responsibility in preventing and reducing the spread of drugs. At the international level, the Community and its Member States consider the UN as the most important organization for global cooperation and coordination in the fight against drug abuse. Numerous important conventions and other texts confirm this role of the UN.

The Community and its Member States welcome the establishment of the new United Nations International Drug Control Programme (UNDCP) in which the three existing UN drug control structures are integrated into one United Nations Drug Control Programme, in line with Resolution 179/45 of last year's General Assembly. The Community and its Member States will continue to provide financial support to the programme's projects and invite all States to strengthen the financial capacity of the UNDCP through an increase of their voluntary contribution.

In the framework of a particularly fruitful cooperation with the Pompidou Group of the Council of Europe and acting on the conclusions of the European Council of Dublin of 25 and 26 June 1990, the European Ministers responsible for drugs control met in Oslo on 9 and 10 May 1991. This Conference was the first regional Conference aimed at combating drug abuse at a pan-European level. In particular, attention was given to:

- (a) the reduction of demand, notably through prevention of drug addiction among the young, AIDS prevention amongst addicts, the organization of preventive services, the treatment and reintegration of addicts into society as well as cooperation programmes in this field, and
- (b) the reduction of supply, notably through actions against drug trafficking (in particular heroin trafficking via the Balkan route), the control of chemicals used for drug manufacturing (precursors) and the fight against money laundering.

With regard to the follow-up to the Oslo Conference, it is to be noted that this venue did not result in the establishment of new additional structures, but that preference had been given to concrete actions to be implemented jointly by CELAD and the Pompidou Group. Those were in particular the strengthening of pan-European cooperation between law enforcement agencies on drugs issues and anti-drugs agencies, exchange of information, the establishment and use of 'drug' liaison officers, the firm implementation of delivery controls and possibly financial assistance.

Furthermore, the final Declaration adopted at the pan-European Conference of Oslo made reference in particular to the Association Agreements to be concluded before the end of the year between the European Community and Poland, Hungary and Czechoslovakia and which should provide for specific forms of cooperation in the field of action against illicit drug abuse and trafficking.

It is worth retaining that the Norwegian authorities will transmit to the participants to the Pan-European Conference a document explicating its follow-up by addressing the full range of items listed in the Final Document. On the basis of this document, the Pompidou Group is expected to settle its programme of action in view of the implementation of the results of the Conference. On a more general level, it would be useful if both the Pompidou Group and CELAD discussed ways of improving Central and Eastern European countries' participation in the work of the Pompidou Group.

Regarding the fight against drug trafficking and organized crime, the European Council of Luxembourg of 28 and 29 June<sup>40</sup> agreed on the objectives underlying proposals submitted to the European Council for the establishment of a European Criminal Investigation Office and requested Ministers with responsibility for drugs matters to submit proposals before the next meeting of the European Council in Maastricht. The European Council of Luxembourg emphasized again the importance of ensuring that European Community action is taken in close cooperation with the United Nations International Drug Control Programme.

- 1 *EPC Bulletin*, Doc. 91/249.
- 2 *EPC Bulletin*, Doc. 90/468.
- 3 *EPC Bulletin*, Doc. 91/293.
- 4 *EPC Bulletin*, Docs 91/256, 91/257 and 91/258.
- 5 *EPC Bulletin*, Doc. 91/295.
- 6 *EPC Bulletin*, Doc. 91/312.
- 7 *EPC Bulletin*, Doc. 91/349.
- 8 *EPC Bulletin*, Doc. 91/359.
- 9 *EPC Bulletin*, Doc. 91/098.
- 10 *EPC Bulletin*, Doc. 90/472.
- 11 *EPC Bulletin*, Doc. 91/199.
- 12 *EPC Bulletin*, Doc. 91/242.
- 13 *EPC Bulletin*, Doc. 91/248.
- 14 *EPC Bulletin*, Doc. 91/281.
- 15 *EPC Bulletin*, Doc. 91/294.
- 16 *EPC Bulletin*, Doc. 91/090.
- 17 *EPC Bulletin*, Doc. 90/474.

- 18 *EPC Bulletin*, Doc. 91/123.
- 19 *EPC Bulletin*, Doc. 91/094.
- 20 *EPC Bulletin*, Doc. 91/066.
- 21 *EPC Bulletin*, Doc. 91/290.
- 22 *EPC Bulletin*, Doc. 91/411.
- 23 *EPC Bulletin*, Doc. 91/012.
- 24 *EPC Bulletin*, Doc. 91/166.
- 25 *EPC Bulletin*, Doc. 91/250.
- 26 *EPC Bulletin*, Doc. 91/259.
- 27 *EPC Bulletin*, Doc. 90/477.
- 28 *EPC Bulletin*, Doc. 91/005.
- 29 *EPC Bulletin*, Doc. 91/072.
- 30 *EPC Bulletin*, Doc. 91/007.
- 31 *EPC Bulletin*, Doc. 91/156.
- 32 *EPC Bulletin*, Doc. 91/280.
- 33 *EPC Bulletin*, Doc. 91/228.
- 34 *EPC Bulletin*, Doc. 91/324.
- 35 *EPC Bulletin*, Doc. 91/369.
- 36 *EPC Bulletin*, Doc. 91/335.
- 37 *EPC Bulletin*, Doc. 91/358.
- 38 *EPC Bulletin*, Doc. 91/194.
- 39 *EPC Bulletin*, Doc. 90/468.
- 40 *EPC Bulletin*, Doc. 91/193.

**91/413. Statement at the Plenary Session of the UN General Assembly concerning the situation in the Middle East [agenda item 35]**

Date of issue: 26 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, I have the honour to address you here today on behalf of the European Community and its Member States.

Mr President, since the last General Assembly the Middle East has passed through a period of both despair and hope. On the one hand we have witnessed the events of the Gulf War and its aftermath. On the other hand we have witnessed what we hope are important steps on the path towards a comprehensive and lasting settlement of the Arab-Israeli conflict and the Palestinian question.

I shall first touch upon the situation in Iraq and the problems that arose in the wake of the war. Subsequently I will speak on the problems of the region as a whole, in particular on the Arab-Israeli conflict and the Palestinian question, the situation in the Occupied Territories, on Iran-Iraq and on Lebanon.

Mr President, reports of the Secretary-General gave evidence of the critical situation in which large segments of the Iraqi population still find themselves, in particular in Northern and Southern Iraq. The European Community and its Member States actively participated in international efforts to address the problems of the displaced persons in Iraq and the refugees in the region resulting from the situation in Iraq. We appreciate the efforts that were made by neighbouring states to shoulder a large part of the burden of supporting Iraqi citizens who were seeking refuge in their countries. We actively supported the international action undertaken on the basis of Security Council Res[olution] 688. It paved the way for the establishment of the UN guards contingent in Iraq and the arrival of international humanitarian relief.

Following the recent visit to Baghdad of Prince Sadruddin Aga Khan, the Executive Delegate of the Secretary-General, the Twelve welcome the renewal of the Memorandum of Understanding on the United Nations humanitarian operation in Iraq for a further six months and the renewal of the UN guards scheme. Personnel and material have been made available to the UN guards contingent from among the Twelve. The European Community and its Member States pledged to meet the contingent's original budget deficit of 7 million dollars. We appeal to the Iraqi Government to allow the UN guards to help the Iraqi people concerned to take full advantage of international assistance. We commend the Secretary-General and the Executive Delegate of the Secretary-General and his staff, for their efforts in this regard. The European Community and its Member States call upon Iraq to permit the establishment of UN humanitarian centres in Kirkuk and the marshes in Southern Iraq. The Twelve welcome the negotiations between the representatives of the Kurdish population and the Government of Iraq. They call upon all parties to reach a settlement which guarantees the Kurdish people security and respect for their political and civil rights. The Twelve hope these rights will equally be respected with regard to all communities in Iraq, including the Iraqi Shi'ites.

In March of this year the Human Rights Commission in Geneva endorsed a resolution, in which the grave situation prevailing in Iraq was addressed. The UN rapporteur, who was appointed by the Secretary-General following that resolution, has now submitted an interim-report which is presently being discussed in the Third Committee and which gives no reasons to allay our fears.

Mr President, the adoption of Security Council Resolution 687, on 9 April of this year, marked an important point in the development of the United Nations, entrusting this organization and its Secretary-General with a comprehensive and important task. Resolution 687 provides the United Nations with an important instrument, unparalleled in the history of the United Nations, which requires Iraq to live up to its international responsibilities. The Twelve wish to commend the Secretary-General and his staff for the way they perform their demanding task. We should like also to commend and encourage the work done by the Special Commission of the Security Council with regard to the implementation of the provisions of Resolution 687 concerning inspections and the elimination of Iraq's mass destructive weapons.

The Twelve deplore the lack of cooperation of the Iraqi authorities with respect to the implementation of some essential parts of Security [Council] Resolution 687. This applies in particular to the implementation of the provisions with regard to the elimination of Iraq's weapons of mass destruction and missiles. The European Community and its Member States are deeply concerned about the reports by the Director General of the IAEA that the Government of Iraq has failed to comply with its obligations under its safeguards agreement with the Agency.

The European Community and its Member States remain deeply concerned by the food and health situation of many segments of the Iraqi population. They urge the Iraqi Government to cooperate with the Secretary-General on the implementation of Resolutions 706 and 712. They condemn the failure of the Government of Iraq to meet the humanitarian needs of its population by not implementing these resolutions and hold the regime in Baghdad fully responsible for the consequences. Last August the Security Council endorsed the report of the Secretary-General on the financing of humanitarian supplies through the exports of Iraqi oil. If the Iraqi authorities were to export oil, as provided for in the aforementioned resolutions, a major part of the Iraqi oil income could be spent on food and other humanitarian supplies for the Iraqi people.

Mr President, we can not and must not forget the human tragedy and the material destruction which have been inflicted upon Kuwait by the Iraqi armed forces. The serious impact of the burning oil wells still has to be assessed in detail. This is also true for the deliberate oil spills in the sea that have resulted in serious deterioration of the environment, as well as of the living conditions in the country and the surrounding region. All of this is also a direct consequence of the brutal acts of



military authorities of Iraq, for which the regime in Baghdad is held fully responsible. It must pay for the damage, as has been stated in the relevant Security Council resolutions.

While the Twelve regret the difficulties that emerged in Kuwait in the post-war situation. They were preoccupied by the plight of the Palestinian community in Kuwait about which they expressed their concerns. The Twelve welcome recent improvements in relations between the Government of Kuwait and the Palestinian Community in Kuwait and would like to encourage the Kuwaiti Government to pursue a policy of tolerance and respect for human rights.

Mr President, before I turn to the situation in other parts of the Middle-East I should like to mention the situation between Iraq and Iran. The Twelve wish to stress the importance of the full implementation of Security Council Resolution 598 which has important implications for the security in the region as a whole.

Prospects for a solution to the Arab-Israeli conflict and the Palestinian question have improved. Political will from all parties concerned has brought about the convening of the Middle East Conference in Madrid at the end of last month. In Madrid the European Community and its Member States have pledged their constructive partnership in all phases of the negotiating process, contributing to the efforts to reach a comprehensive, just and lasting settlement of the conflict. We continue to be guided by the principles which have since long governed our position. These principles are Security Council Resolutions 242 and 338, the principle of land for peace, the right of all states in the region, including Israel, to live within secure and recognized boundaries and the right to self-determination by the Palestinian people. Our position on issues relating to the Occupied Territories, including East-Jerusalem, is equally well-known. A comprehensive settlement should, in our view, encompass these principles. However, we do not claim to prescribe to the parties involved in the current negotiation process how these principles should be put into practice on the ground.

Furthermore, the Twelve reiterate that the Fourth Geneva Convention of 12 August 1949 relative to the protection of civilian persons in time of war is fully applicable to the Occupied Territories. We call upon Israel to abide by its provisions and to cooperate with the United Nations. The European Community and its Member States underline the need for Palestinians and Israel to contribute to a climate of mutual trust. The European Community and its Member States strongly deplore the Israeli policy of building new settlements and enlarging existing ones in the Occupied Territories, thus changing the demographic structure in the Occupied Territories including East Jerusalem. We reiterate our appeal to Israel to stop its illegal settlement policy. We also restate our commitment to assist the social and economic development of the Palestinian population of the Occupied Territories. The situation in these territories was further aggravated by the consequences of the Gulf Crisis.

Mr President, let me now turn to the situation in Lebanon. The European Community and its Member States welcome the improvement of the situation in that country. The European Community and its Member States stress the importance of the full and strict implementation of the Ta'if agreements by all parties concerned, thus bringing about the complete restoration of the sovereignty, independence, unity and territorial integrity of a Lebanon free of all foreign interference and all foreign troops. We welcome the progressive disbandment of the militias and the efforts of the Lebanese Government to restore its authority in Southern Lebanon. The Twelve stress again the need of the full implementation of Security Council Resolution 425 which *inter alia* calls upon Israel to respect Lebanese territorial integrity and to withdraw its forces from all Lebanese territory. The Twelve reaffirm their support for the role of UNIFIL, the UN peace-keeping operation to which the Member States of the European Community contribute three contingents. They deplore any actions which endanger the lives and safety of personnel serving with that force. The Twelve call upon all Member States of the United Nations to meet their financial obligations and thus safeguard the continuation of the operation.

The Twelve warmly welcome the recent release of hostages in Lebanon and commend the Secretary-General for his continuing efforts in this respect. However, we remain deeply concerned about the fate of those still detained. The Twelve call upon all parties concerned to bring about their immediate release.

Mr President, in view of all the elements regarding the Middle East mentioned in my intervention, allow me to conclude by underlining once more the commitment of the European Community and its Member States to contribute its share to bring about lasting peace and stability in the region.

Thank you, Mr President.

**91/414. Statement at the Plenary Session of the UN General Assembly concerning cooperation between the United Nations and the Organization of African Unity [agenda item 30]**

Date of issue: 26 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, my delegation has the honour of addressing this Plenary Meeting of the General Assembly on behalf of the European Community and its Member States on agenda item 30 concerning cooperation between the United Nations and the Organization of African Unity.

The value the Twelve attach to regional cooperation is well-known to everyone. There is no harm, however, in underlining once more the benefits that are to be reaped from regional cooperation. The experience of the Twelve allows them to testify on this issue.

In view of their own development process in terms of regional cooperation, the Twelve welcome and applaud the efforts towards greater cooperation amongst the countries of the Organization of African Unity. These efforts merit the full support of the United Nations. It is with great satisfaction that the European Community and its Member States note the good relations that exist, and are continuing to develop, between the United Nations and the Organization of African Unity in many fields of mutual interest.

The Twelve consider that the role played by the Organization of African Unity in the consolidation of national independence, both politically and economically, and in the development of the nationhood of its members, is an important one. They believe that the way in which African countries are working together deserves the full support of the United Nations. The Twelve also believe that, where conflicts occur, the countries most directly concerned should be encouraged to find solutions. This applies not only to political problems, but also to economic, social and environmental issues.

Mr President, the Twelve fully support efforts aimed at finding regional solutions to African problems. They once again endorse the activities undertaken by the Organization of African Unity with regard to a number of complex issues. They note with interest that, during this year's summit of the Organization of African Unity, discussions took place on African cooperation in the field of security. The Twelve also fully support the cooperation between the Secretary-General of the United Nations and the Acting President of the Organization of African Unity in their quest for peaceful solutions to African problems. They welcome the joint effort of the United Nations and the Organization of African Unity to solve the long-standing issue of Western Sahara.

Mr President, the Twelve noted with interest the statement by the current Chairman of the Organization of African Unity to the 46th session of the General Assembly, in which he informed the Assembly of the results of the summit which the organization held this year in Abuja. He stated in particular that African countries should fully embrace democratic culture, in order to enable their peoples to enjoy fundamental human rights and to participate effectively in decisions that affect their lives and well-being. In this regard the Twelve warmly welcome the exemplary democratic conduct of the elections held in Zambia six days ago, for which all contributors are to be commended.

The Twelve welcome the fact that a growing number of African countries is moving rapidly towards political liberalization. These changes indicate a new African awareness that the continent is primarily responsible for its own fate. This awareness is reflected within the deliberations of the Organization of African Unity: over the last two or three years more attention has been paid to economic recovery and good governance. The necessity of popular participation, the creation of free and democratic institutions and the solution of acute economic restructuring problems were recognized as simultaneous tasks to be addressed in the process of development. The Twelve welcome this growing consensus on the need for full respect for universally recognized human rights and fundamental freedoms and for the establishment of a democratic pluralistic society and of a government which is responsive to the wishes and needs of its people.

The Community and its Member States hope that the Organization of African Unity will continue to contribute to this process of change by inspiring their members in this direction. Realizing that new policies cannot be established overnight, the Twelve reaffirm their commitment to assist the African countries in the process of political change.

Mr President, although Africa has been endowed with vast (often still untapped) resources, it still faces a critical economic situation. This is particularly true for the least developed countries, the largest number of which are African. The Twelve will continue, as they have in the past, to seek ways and means to help alleviate the suffering of Africa's populations caused by economic problems. The European Community and its Member States have, during the past years, provided over half of the total development aid received by the African countries. They will naturally continue to pursue actively their contacts and good relations with African countries and to contribute to the search for appropriate solutions to their economic problems.

The European Community and its Member States have played an active role in the final review and appraisal of UNPAAERD. The Twelve believe that the results of this review provide a useful framework for the development efforts of the African countries themselves, as well as of the international community. The European Community and its Member States will certainly try and do their utmost to honour the commitments undertaken in this respect.

In order to overcome their difficulties, however, African countries are in need of adequate assistance from the international community as a whole. The Twelve reaffirm their undertaking to pursue their efforts to provide additional resource flows to Africa which will complement domestic efforts and financial resources. The important contribution of the European Community and its Member States to the continent underlines their attachment to the ultimate goal of the development of Africa.

In view of their attachment to these goals, the Twelve intend to cooperate with all relevant organizations in order to promote the economic growth and development of the continent. To this end they attach particular importance to cooperation with the Organization of African Unity, regional organizations, African governments, as well as with non-governmental organizations.

The Twelve trust that the Organization of African Unity will continue to play an important role in African and world affairs in harmony with the guiding principles of the United Nations Charter.

The Twelve are equally convinced that the strong bonds of friendship and cooperation that unite the members of the Organization of African Unity and the Member States of the European Community will continue to intensify in all their various aspects over the years to come.

Thank you, Mr President.

**91/415. Explanation of vote at the Plenary Session of the UN General Assembly concerning Cooperation between the United Nations and the Organization of African Unity [agenda item 30]**

Date of issue: 26 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

*Mr van der Lugt:* Mr President, the European Community and its Twelve Member States have already been able to explain the importance they attach to the cooperation between the United Nations and the Organization of African Unity.

In that spirit they have in the past always supported the resolutions on that subject. They have, also this year, joined the consensus on this resolution.

However, the draft resolution A/46/L.19 submitted to the 46th General Assembly presents a number of difficulties.

With regard to the economic aspects, the Twelve – while underlining that the primary responsibility for their development lies with the African countries themselves – would have welcomed a reference in the draft resolution to the considerable and continuing efforts by the international community and the donor countries in support of the actions undertaken by African countries.

**91/416. Explanation of position in the Third Committee of the UN General Assembly after the vote concerning the second decade to combat racism and racial discrimination [agenda item 92]**

Date of issue: 26 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, I have asked for the floor to make an explanation of position on behalf of the Members of the European Community on draft resolution L.9 Rev. 1 on the Second Decade to combat racism and racial discrimination.

We would like to underline that we support the United Nations efforts to combat racism and racial discrimination, and in particular the Second Decade to combat racism and racial discrimination.

It is therefore that we established contact with the authors of this resolution at a very early stage and proposed, *inter alia*, to redraft operative paragraph 18 which did not take into account the positive developments in South Africa.

The European Community and its Member States appreciate the constructive attitude adopted by the African Group, in particular with regard to operative paragraph 18, which enabled us to support this resolution as in previous years.

**91/417. Statement in the Sixth Committee of the UN General Assembly concerning the report of the Committee on relations with the Host Country [agenda item 132]**

Date of issue: 26 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*M. van Schaik:* Monsieur le Président, j'ai l'honneur de prendre la parole au nom des douze Etats membres de la Communauté Européenne.

Permettez-moi tout d'abord de présenter mes compliments au Président du Comité des Relations avec le Pays Hôte, l'Ambassadeur Constantin Moushoutas, de Chypre, pour son introduction du rapport. Les Douze voudraient également remercier le Président et les membres de ce Comité pour le travail réalisé au cours de la dernière année. L'œuvre accomplie montre une fois de plus que le Comité des Relations avec le Pays Hôte prouve sa capacité à traiter les questions souvent délicates qui lui sont soumises. Sa méthode de travail, tout comme sa composition, nous semblent parfaitement adaptées à sa mission. Dans ce contexte les Douze ne sont pas en faveur de la proposition faite par un observateur lors de la 153e session, d'élargir le Comité.

Depuis sa création par l'Assemblée général en 1971, le Comité des Relations avec le Pays Hôte a apporté des solutions à des problèmes concrets, en conformité avec les règles juridiques applicables, qui ont permis d'améliorer considérablement les conditions de séjour à New York, le travail au siège de l'Organisation des Nations Unies et le fonctionnement de celle-ci.

Comme dans les rapports précédent, le rapport qui nous est soumis (A/46/26), présente les questions traitées par le Comité, notamment celles touchant à la sécurité des Missions et de leur personnel ainsi que les problèmes soulevés par l'application de l'accord de siège entre l'Organisation des Nations Unies et les Etats-Unis d'Amérique. Enfin, une partie substantielle du rapport concerne les responsabilités des Missions permanentes et de leur personnel, notamment en ce qui concerne la question de l'exigibilité des créances et la procédure à suivre pour résoudre les problèmes qui s'y rattachent. C'est effectivement un grave problème quand des missions, pour une raison ou pour une autre, ne reçoivent pas de leur Gouvernement les fonds nécessaires pour s'acquitter de leurs obligations financières.

Les Douze ont pris note avec satisfaction de la création d'un groupe de travail chargé d'étudier tous les aspects de la question et, par la suite, les solutions suggérées par le Comité des Relations avec le Pays Hôte en ce qui concerne les problèmes d'endettement de certaines missions. Les solutions proposées pour traiter des problèmes liés à l'exigibilité des créances nous paraissent appropriées. Toutefois il conviendrait de prendre des mesures concrètes pour les quelques cas spécifiques ou de véritables besoins se manifestent. Il conviendrait que le pays Hôte informe en temps utile le Comité des Relations avec le Pays Hôte si de tels cas se pressentent.

Dans ce contexte les Douze notent avec appréciation la livraison de 100 colis alimentaires à une mission qui n'avait pas reçu de fonds de sa capitale depuis près d'un an. La mission du pays Hôte a pu effectuer cette livraison, en coordination avec le Secrétariat des Nations Unies, grâce à l'assistance de la Commission de la Ville de New York pour les Nations Unies et le Corps consulaire, des autorités de la ville de New York qui s'occupent des ressources humaines et du Church Centre for the United Nations.

Monsieur le Président, en ce qui concerne plus particulièrement les questions de transport et d'application du code de la route, les douze Etats membres de la Communauté Européenne souhaitent rappeler à nouveau l'importance qu'ils attachent à l'application des articles IV et V de l'accord de siège de 1947 et des articles 29 à 31 de la Convention de Vienne de 1961 portant sur l'inviolabilité et l'immunité de juridiction pénale, civile et administrative vis-à-vis de l'Etat

accréditaire. Ils attendent du pays Hôte qu'il prenne les mesures appropriées pour s'acquitter complètement des obligations auxquelles il est, a cet égard, tenu. Le règlement des questions souvent délicates touchant à l'application de l'accord de siège exige aussi bien de la vigilance que de la courtoisie. Ces questions, qu'elles soient de principe ou d'ordre pratique, doivent en outre être traitées dans le plein respect du droit international.

Monsieur le Président, finalement nous voudrions réitérer ici notre appréciation pour les efforts déployés par la Commission de la Ville de New York pour les Nations Unies et le Corps Consulaire pour répondre aux besoins de la Communauté diplomatique.

#### **91/418. Statement concerning the 26th international conference of the Red Cross and the Red Crescent**

Date of issue: 27 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States regret that the 26th international conference of the Red Cross and Red Crescent, which was scheduled to take place in Budapest from 29 November to 6 December 1991, had to be postponed. This decision was influenced by concerns that political issues would dominate the conference. Politicization of the Conference is contrary to the fundamental principles of the Movement of the Red Cross and the Red Crescent.

The Community and its Member States have been actively involved in efforts to enable the Conference to proceed without disturbance. They invite the Movement of the Red Cross and the Red Crescent to continue preparations for an early Conference, in order to address humanitarian issues of common concern.

#### **91/419. Report to the European Parliament on Progress towards European Union [EPC aspects only]**

Date of issue: 27 November 1991  
Place of issue: Brussels  
Country of Presidency: The Netherlands  
Status of document: Progress Report on European Union

##### *Introduction*

In 1990, the Community and its Member States have been particularly active on the international scene. Against a background of rapid and profound change in Central and Eastern Europe, the Community has been recognized both as a source of political equilibrium and as an important partner for Eastern European countries undergoing major and difficult transitions. Beyond Europe, there have been a number of developments of particular concern to the international community, whether offering signs of progress, as in South Africa and Cambodia, or threatening, as in Iraq's invasion of Kuwait. Moreover, the Community has pursued a regular dialogue on international issues with a greater number of interlocutors than ever before. Events in 1990 have also underlined the indispensable role of the United Nations, as well as the enhanced potential for multilateral co-operation in Europe within the CSCE.

The Community and its Members States have responded to these opportunities and challenges in an increasingly cohesive and effective way. In elaborating common positions and actions, the successive Presidencies and the Commission have devoted special attention to ensuring consis-

tency between the external relations of the Community and the policies developed in the context of Political Cooperation. On a number of major international problems, the practice has arisen of considering all aspects of a situation in a global manner, both at the political level and through appropriate coordination among the preparatory bodies. A similar consistency of approach has been maintained in the implementation of policy.

These developments not only conform to the letter and the spirit of the Single European Act, but illustrate in a very practical way the scope for strengthening the unity and coherence of the international action of the Community, as envisaged in the mandate for the Inter-Governmental Conference on Political Union.

Across the full range of international issues, Parliament has been associated through a variety of procedures with the development of the Community's approach. The constructive dialogue with Parliament has been a source of encouragement and support to successive Presidencies in the carrying out of their responsibilities.

### *Relations with Western Partners*

Over the past year, the Community and its Member States have intensified their relations with their western partners in all fields.

With the EFTA countries, negotiations have been conducted with a view to a comprehensive new association agreement which could include also a structured political dialogue. In the meantime, a regular political dialogue has been pursued with the EFTA countries, as well as within the wider context of the Council of Europe.

Consultations with the United States have been further developed at the highest level. The President of the European Council met with the President of the United States in February this year. In November, the President of the European Council with the President of the Commission met again with President Bush. These meetings followed the interest expressed by the US Administration on a number of occasions in the development of the Community's role. The February meeting was seen by both sides as the first step in an evolving process. The November meeting confirmed this trend and was followed by the adoption of the Declaration on EC/US Relations<sup>1</sup> through which those relations have been endowed with a new and long-term perspective that will serve to strengthen transatlantic solidarity.

A similar declaration, with similar objectives, has been agreed with Canada.<sup>2</sup> The texts of the joint declarations have been transmitted to the Parliament.

### *Central and Eastern Europe*

Events of the last year in Central and Eastern Europe are the most significant in our recent history. The European Council in Strasbourg<sup>3</sup> and the subsequent European Council in Dublin<sup>4</sup> have set firm guide-lines for the contribution that the Community will make to the development of closer relations with the other countries of Europe. The European Council in Dublin welcomed the continuing progress being made in Central and Eastern European countries in establishing pluralist democracy founded on the rule of law, full respect for human rights, and the principles of the market-oriented economy. It welcomed in particular the holding of free elections in Central and Eastern Europe and expressed the hope that these will lead to a fuller realization of democratic ideals which, of course, entail full respect for the rights of the opposition parties. It reaffirmed the right of individual citizens to participate fully in this process and called on all States to observe this principle without reservation. The Community expressed its deep satisfaction at the progress already made and in prospect towards overcoming the divisions of Europe and restoring the unity of the continent whose peoples share a common heritage and culture. Given the legitimate aspira-

tions of the Baltic peoples, the Community and its Member States continue to give their full support to the dialogue initiated between the representatives of the three Baltic peoples and the Government of the USSR, aimed at a political settlement.

In this spirit, the Community and its Member States conducted an intense and constructive political dialogue with the USSR and with most of the countries of Central and Eastern Europe. The Community adopted or put in place this year a wide range of measures including the Agreement on the European Bank for Reconstruction and Development, the conclusion of trade and cooperation agreements with most of these countries, the Community programmes in the field of professional training and student exchange and important actions in the context of the G24 cooperation. This action of G24 had been extended, following a decision by Ministers on 4 July, to the GDR, Czechoslovakia, Yugoslavia, Bulgaria. The next step in Community relations with Eastern countries will be the negotiation of association agreements which could include a free trade area, financial assistance and an institutional framework for the political dialogue.

Despite these positive changes, in some countries the situation remains worrying. As stated by the European Council held in Rome,<sup>5</sup> the Community is aware of its special responsibility towards these countries at a time when their efforts to achieve structural adjustment, together with the transition to a market economy, are meeting with additional difficulties due to external economic disturbances. The European Council considered that, in these circumstances, the Community has a duty to help consolidate and develop the general process of reform being undertaken in these countries.

In this context, the European Council hoped that the economic reforms and democratic developments in Yugoslavia would meet with success within the framework of increased respect for human rights and the preservation of the country's unity and territorial integrity.

It also stressed the importance that the Community and its Member States attach to the success of the structural reforms undertaken by the Government of the Soviet Union. It expressed the will that the Community should make a substantial, concrete contribution to the success of these efforts by means of cooperation in various areas. The European Council stressed the importance of close cooperation between the Community, the competent international organizations and the other countries wishing to support the endeavours of the Soviet Government.

Among the numerous urgent problems arising in Central and Eastern Europe, the European Council, in response to a submission from the Hungarian Government, expressed its solidarity with Hungary's efforts to solve its acute economic problems and to steer its transformation into a market-oriented economy.<sup>6</sup> It reaffirmed its determination strongly to support Hungary on its path towards democracy, stability and economic development, which implies the refusal of violence and respect for legality. In this context, the Community and its Member States will help Hungary to overcome its problems in the framework of the G24. They will also endeavour to make bilateral assistance available at short notice.

The Community and its Member States followed with the greatest attention the developments in the field of human rights and the Troika of Political Directors visited Romania twice, urging the Romanian Government to commit itself to peaceful dialogue with political opponents following the events of last June. Serious concern remains also concerning Albania. The Troika of Political Directors also visited Tirana, urging the Albanian authorities rapidly to adopt the reforms and measures necessary for Albania to become engaged in a process of democratization bringing about a situation in which human rights are fully respected.<sup>7</sup>

### *German Unification*

The Community warmly welcomed and supported, since the beginning, the process of German unification. In Strasbourg in December 1989, the European Council recalled that the Community



seeks the strengthening of the state of peace in Europe in which the German people will regain its unity through free self-determination. At its special meeting in Dublin in April, the European Council looked forward to the positive and fruitful contribution that all Germans can make following the forthcoming integration of the territory of the German Democratic Republic into the Community.<sup>8</sup> On 3 October, the day of German unification, the territory of the German Democratic Republic became an integral part of the Community, where Community law applies with only some transitional arrangements. In the view of the EC, Germany's regained unity facilitates the task of the Community and its Member States in consolidating, through the CSCE process and on the basis of the shared values of freedom and democracy, the climate of trust and friendly cooperation now extending throughout Europe.<sup>9</sup>

### CSCE

Events in Central and Eastern Europe, including the unification of Germany, have been fully reflected in a transformed CSCE process. The historic meeting of the 34 CSCE Heads of State and Government in Paris in November formally marked these developments. The past year has seen a number of successful meetings within the CSCE: the Sofia Meeting on the Environment, the Bonn Economic Conference, the Copenhagen Meeting on the Conference on the Human Dimension, the Palma Meeting on the Mediterranean, and the twin negotiations in Vienna on Conventional Forces and CSBMs, culminating in the signature of a CFE Treaty.

As a new quality of interdependence develops in Europe following the movement to restore freedom and democracy in Central and Eastern Europe, it is clear that the CSCE process will play a fundamental role as a source of stability and a framework within which to identify ways forward. The Summit of Heads of State or Government of the CSCE participating states held in Paris on 19 to 21 November<sup>10</sup> was the first meeting of its kind since the signature of the Helsinki Final Act in 1975 and an event of considerable significance in setting directions for the future of Europe.

The Community and its Member States have played a major role in developments within the CSCE over the past year. The special meeting of Foreign Ministers convened in Dublin in January accepted the principle of a CSCE Summit in 1990. At its meetings in April, January and October, the European Council set out in detail the position of the Community and its Member States on the future development of the CSCE, enabling them to play an important role in the preparations for the Summit, as it did in the various intersessional meetings. The meetings in Sofia, Bonn, and Palma addressed a number of subjects of specific Community competence.

The President of the European Council has already reported in detail to the European Parliament on the main achievements of the CSCE Paris Summit. The concluding Document of the Summit was signed, in the signature block 'Italy/European Community', by both the President of the European Council and the President of the Commission.

The CSCE Summit provided *inter alia* for a new institutional framework within which further to develop dialogue within the CSCE. A Council of Ministers of Foreign Affairs was established, supported by an administrative secretariat, in order to provide the central political forum for a new phase of the CSCE. A Committee of Senior Officials will prepare the meetings of the Council and carry out its decisions. The Community and its Member States also attach importance to the parliamentary dimension of the CSCE process through the creation of a CSCE Parliamentary Assembly, as provided for in the Charter of Paris. This new phase will also be marked by the creation of a Centre for the Prevention of Conflict, whose functions can be developed over time, and an office for free elections.

The Community and its Member States continue to attach great importance to the comprehensive nature of the CSCE which brings together the States of Europe, the United States and Canada and covers the full range of cooperation between peoples and governments.

Within the CSCE, the Community and its Member States have always maintained that the effective exercise of human rights is the legitimate concern of the international community. Respect for human rights will remain a cornerstone of the CSCE process.

The CSCE will also contribute to the establishment of conditions favourable to economic and social development, in particular in those parts of the continent facing severe challenges of an economic nature. It is increasingly a shared view within the CSCE that the responsible and creative activity of individuals, exercised with respect for human dignity and in a context of social justice, will be the path to the spreading of prosperity throughout our nations.

The Community and its Member States look forward to a more structured process of negotiation and cooperation in the military field, after the Helsinki follow-up Meeting, open to all CSCE participating states, in a climate in which offensive military action by one participating state against another would be unthinkable.

At the same time the CSCE will in future also address factors of instability whose implications for security are real, if difficult to address in terms of traditional concepts of defence. Full use should be made of the meeting which will be convened in La Valletta early next year [on] the peaceful settlement of disputes. The Community and its Member States welcome the prospect of a first CSCE meeting exclusively devoted to the question of national minorities.

#### *Arms Control and Disarmament*

In recent years, arms control and disarmament negotiations have intensified and achieved unprecedented progress due to the continuing improvement in East-West relations and the relaxation of international tensions. Sadly this trend is not general. When considering the wide area of arms control and disarmament, we stress that for the Twelve all relevant elements of military balance – nuclear and conventional – are of the utmost importance. Nuclear arms control remains one of the Twelve's highest priorities. The Twelve have repeatedly stated that conventional arms control and disarmament are equally essential and should urgently be pursued as an integral part of the disarmament process, in which all states should be actively involved.

The Twelve welcome the unprecedented Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, as well as new approaches to substantial confidence and security building measures. They are confident that the implementation of the CFE Treaty providing for the elimination of the capability for launching surprise attacks and for initiating large-scale offensive action, together with the adoption of further confidence-building measures, will contribute to strengthen stability and security in Europe. Concrete, verifiable measures of arms control and confidence-building measures contribute to an overall climate of trust, which in turn makes it easier to agree on further security measures. The negotiations on conventional forces in Europe and on CSBM will continue with their present mandate, with a view to conclusion at the follow-up meeting in Helsinki in 1992. We look forward to a more structured cooperation on security matters. We welcome the agreement at the Paris Summit to engage in discussions and consultations among the 34 for the establishment, after the Helsinki follow-up meeting, of new negotiations open to all CSCE participating states on disarmament and confidence and security building measures.

The Twelve wish also to see the achievement of substantial and balanced reductions in the global level of nuclear weapons, beginning with those of the USSR and the USA, which have a crucial responsibility in this field. The Twelve support the United States and the Soviet Union in their current efforts in this field. While the INF Treaty is being successfully implemented, the Twelve believe in the need for further progress in nuclear arms control and disarmament. They look forward to the start of new negotiations between the United States and the Soviet Union on

the reduction of their short-range nuclear forces, beginning early next year. They welcome the prospect of an early conclusion of a START agreement, announced by Presidents Bush and Gorbachev at the Washington Summit of last June. They take note of the conclusion of protocols on verification of the two threshold Treaties of 1974 and 1976, making possible their early ratification.

The Twelve also attach the utmost urgency to the objective of concluding a global, comprehensive and verifiable ban on chemical weapons. They therefore regret that only limited progress was made in the multilateral negotiations this year in Geneva. The Twelve express the hope that the recent agreement between the United States and the Soviet Union on the drastic reduction and final elimination of their respective chemical weapons arsenals may influence the multilateral negotiations in a positive way.

As they stated in the Declaration on Non-proliferation adopted by the European Council in Dublin last June,<sup>11</sup> the Twelve also strongly support and are fully committed to the objective of nuclear non-proliferation. They believe that the further spread of nuclear weapons or other explosive devices would endanger stability and threaten regional and global security. They attach the greatest importance to the maintenance of an effective international nuclear non-proliferation regime and encourage the participation of further countries in the regime. The Treaty on the Non-proliferation of Nuclear Weapons (NPT) is an important element in that regime. Upon conclusion of the 4th NPT Review Conference, the Twelve note that in spite of the fact that the Conference could not produce a consensus on a concluding document, it did not permit a thorough and positive review of the implementation of the Treaty.

### *Middle East*

#### *Iraqi aggression against Kuwait*

On 2 August, immediately following the military aggression by Iraq against Kuwait, the Community and its Member States strongly condemned the use of force by one UN member against the territorial integrity of another. The cornerstone of the Community's position on the Gulf crisis has been the rejection of Iraq's announced annexation of Kuwait as contrary to international law and therefore null and void, as stated in UN Security Council Resolution 662. The common position of the Community has been expressed in a series of public statements culminating in the deliberations of the European Council on 27 and 28 October,<sup>12</sup> which issued detailed declarations on the Gulf crisis and the situation in the Middle East, respectively.

Among the key aspects of the Community's position have been the introduction of mandatory and comprehensive sanctions against Iraq, full support for all UN Security Council resolutions, the avoidance of any act which might be considered as implicit recognition of the authorities imposed in Kuwait by Iraq, assistance to countries seriously affected by the strict implementation of the embargo, and efforts to secure the safety of all foreign citizens held against their will in Iraq and Kuwait.

On 4 August,<sup>13</sup> pending a UN Security Council resolution, the Community immediately adopted a set of measures against Iraq, including an embargo on oil imports, measures aimed at freezing Iraqi assets, an embargo on military sales, and the suspension of certain forms of cooperation with Iraq. Following the adoption of Security Council Resolution 661 introducing mandatory and comprehensive sanctions against Iraq and Kuwait, on 8 August,<sup>14</sup> the Community swiftly introduced legislation to implement that resolution.

Meeting at ministerial level on 7 and 17 September,<sup>15</sup> the Community and its Member States took the necessary decisions to provide substantial economic assistance to the countries most seriously affected by the strict implementation of the embargo, notably Egypt, Jordan and Turkey. These commitments of the Community fall within a framework of concerted action by industrial-

ized countries and countries of the Gulf region. The Community also considers it essential that the relevant international institutions play their full role.

In view of the unlawful Iraqi demand to close diplomatic missions in Kuwait and the illegal pressure brought to bear by Iraq to this end, the Community and its Member States decided on 17 September to expel military personnel attached to Iraqi Embassies in the Community and to limit the freedom of movement of other members of the staff of these Embassies. The close cooperation established between Community Embassies in Kuwait in very difficult circumstances, in particular concerning the mutual protection of nationals, could prove to be an example of some significance for the future. Although the personnel of most of the EC Embassies has now been withdrawn from Kuwait, this has been brought about only by the material impossibility of staying on, and the Community considers that the Embassies formally remain open.

The Community and its Member States have unreservedly condemned, in accordance with the relevant resolutions of the UN Security Council, the Iraqi practice of holding foreign nationals as hostages and keeping some of them in strategic sites. They have reminded Iraq of its international obligations in this respect and have underlined that they hold the Iraqi Government fully responsible for the safety of those who are held against their will. The European Council in October affirmed the determination of the Community not to send Government representatives in any capacity to negotiate with Iraq the release of foreign hostages and to discourage others from doing so.<sup>16</sup> They asked the Security Council to continue its efforts to achieve the immediate departure of all hostages and they encouraged the Secretary-General to send a Special Representative to Iraq to this end.

Throughout the crisis, in the face of Iraq's violation of international legality and destructive occupation of Kuwait, the goals of the Community have been Iraqi withdrawal, the restoration of the legitimate Government of Kuwait and an end to the holding of foreign hostages and the violation of conventions governing diplomatic relations. These goals have been pursued through support for the UN Security Council Resolutions and through contact with other governments including Arab Governments. As stated by the European Council, the international consensus in support of UN Security Council Resolutions needs to be preserved in order for a peaceful solution of the crisis to be achieved. The Community and its Member States are determined scrupulously to adhere to the embargo and to the other measures decided by the Security Council and call on all other states to act in the same way. They are also prepared to consider additional steps consistent with the UN Charter.

#### Peace Process in the Arab-Israeli conflict

The European Council in Rome reaffirmed its long-standing commitment to a just solution to the other problems of the region and the determination of the Community and its Member States to spare no efforts to that end. In this context, it intends to work for a comprehensive, just and lasting settlement of the Arab-Israeli conflict and the Palestinian problem in conformity with the relevant resolutions of the UN Security Council and the principles set out by the Community in its previous declarations. To this end, it repeated once again its support for the principle of the convening, at an appropriate time, of an international peace conference.

The lack of any progress in the search for a peaceful settlement of the Arab-Israeli conflict is a source of deep concern to the Community and its Member States, who are determined to encourage all efforts to promote dialogue between the parties directly concerned.

The Community and its Member States stress that all parties have a responsibility to refrain from actions or statements which might impede steps towards dialogue and negotiation. The taking of human life and violence, whatever the circumstances, can play no part in achieving peace

and reconciliation. They have consistently condemned both threats and acts of violence in the region, whatever their origin.

The European Council in Rome also considered that all opportunities should be taken for the solution of the conflicts in the region.<sup>17</sup> It is convinced that relations of trust and cooperation must be fostered among the countries of the region so as to establish a situation of stability, security, economic and social welfare and respect for civil and political rights, to prevent the recurrence of crises, to curb the arms race and to prevent the proliferation of weapons of mass destruction. The Community and its Member States are ready to cooperate with the countries concerned in the search for principles, rules and structures to that end and to contribute to the success of the task entrusted by relevant resolutions to the UN Secretary-General to examine measures to enhance security and stability in the region.

### Occupied Territories

The Community and its Member States remain seriously concerned at the situation in the Occupied Territories, which adversely affects the living conditions of the people, compromises in a lasting way the future of Palestinian society and prevents the economic and social development of the Territories.

The lamentable position concerning the observance of human rights in the Occupied Territories has led the Community and its Member States to set out repeatedly their concern. They are resolved to step up their already significant support for the protection of the human rights of the population of the Occupied Territories. In this connection, they also call for further action, in accordance with the 4th Geneva Convention, to ensure that protection. They remain concerned to ensure that the occupying power fulfils its obligations to the people of the Territories and to comply with its international responsibilities, notably in the area of health and education. In the present situation, and particularly with regard to the protection of the population, the UN, too, can and should play a useful role. The Community and its Member States support such a role of the UN.

On the basis of the Strasbourg Declaration,<sup>18</sup> the Community and its Member States have taken a range of actions in order to arrest the deterioration of the economic and social situation in the Occupied Territories and to help to preserve the future of Palestinian society. They confirm their determination to double direct Community aid by 1992. As an expression of the importance which they attach to facilitating the speedy and efficient implementation of the Community's expanding programme for the benefit of the population of the Occupied Territories, the European Council in Dublin invited the Commission to appoint a representative to the Occupied Territories for this purpose.<sup>19</sup>

The European Council in Rome welcomed UN Security Council Resolutions 672 and 673,<sup>20</sup> reaffirmed its support for the role the UN can and should play in protecting the rights of the Palestinian people and called once more on Israel to meet its obligations under the Fourth Geneva Convention on the Protection of Civilians and to cooperate with the United Nations. The tragic events that have occurred in Jerusalem show once more that the status quo in the Occupied Territories is unsustainable. Just as the Community and its Member States deplored those events, so they expressed the same feelings concerning the tragic acts of violence committed against Israeli citizens.<sup>21</sup> Reminding all concerned that violence breeds violence, they repeated their appeal for calm and restraint.

The Community and its Member States warmly welcomed the liberalization of Soviet emigration controls, including the freedom of Soviet Jews to emigrate to Israel and elsewhere. They believe that this sentiment is very widely shared in the international community, on the basis that the right of everyone to leave any country, including his own, is enshrined in the international

covenant on civil and political rights. The attainment by Soviet Jews of this right must not, however, be at the expense of the rights of the Palestinians in the Occupied Territories.

### Lebanon

The Community and its Member States have repeatedly expressed their full support for the constitutional order in Lebanon embodied by the President of the Republic and the Government appointed by him. They welcomed the ratification by the Lebanese Parliament on 21 August of the Ta'if Accord.<sup>22</sup> They hope that this historic step will lead rapidly to implementation of all stages of the agreement.

The European Council in Rome expressed its deep dismay at the continuing violence in Lebanon.<sup>23</sup> It hoped that a process of national reconciliation will effectively develop in that country. It reaffirmed its strong support for the implementation of the Ta'if agreements, which must be carried out by all concerned as soon as possible, thus bringing about the full restoration of the sovereignty, independence, unity and territorial integrity of a Lebanon free of all foreign troops. The European Council called on all parties in Lebanon to take part in this process and to cooperate with a view to the immediate restoration of conditions preventing the recurrence of such violence. The Community and its Member States will continue to support that process fully and stand ready to participate in the reconstruction of the country.

The Twelve welcome the release of some hostages held in Lebanon but remain concerned at the plight of those hostages still being held. The Twelve call for their immediate, unconditional and safe release.

### Maghreb

The Community and its Member States are following with great interest the progress being made towards integration in Maghreb. The Community and its Member States and the member States of the Arab Maghreb Union held their first informal meeting at ministerial level on 12 November, as a starting point of a process of cooperation and dialogue.

The Community and its Member States have continued to support the efforts of the UN Secretary-General and his special representative, aimed at convening a referendum for the solution of the Western Sahara problem. They are convinced that the Arab Maghreb Union can contribute significantly to this end.

### Relations with the Gulf Cooperation Council

At the first meeting of the Joint Council between the Community and the GCC countries, held in Muscat on 17 March, Ministers from both sides also discussed regional and international issues of common interest. At their following meeting in New York on 28 September,<sup>24</sup> Ministers discussed the Gulf crisis and adopted a joint communiqué stating their common position on this subject.

### Cyprus

The Community and its Member States remain deeply concerned about the situation in Cyprus, a member of the European family. They reiterate their support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant UN resolutions. They stress the need for the prompt elimination of the obstacles that are preventing the pursuit of effective intercommunal talks aimed at finding a just and viable solution to the question of Cyprus on the basis of the mission of good offices of the Secretary-General.

## Africa South Africa

The Community and its Member States have been actively pursuing their policy of pressure and persuasion towards the South African authorities, with a view to contributing to the total abolition, by peaceful means, of apartheid in that country. Notwithstanding the fact that the legal basis of apartheid remains, they have welcomed a number of important political steps in the direction of the changes called for by the vast majority of the population as well as by the international community.

The period following the election, on 14 September 1989, of Mr De Klerk to the Presidency of the South African Republic has been fertile in political events which are paving the way towards total abolition of the apartheid system and the democratization of the country.

In order to accelerate this process, the Troika at ministerial level visited South Africa in April 1990, conducting a complete range of consultations with the representatives of the Government, the opposition and all the political forces.

The Community and its Member States have welcomed the significant changes which have taken place in South Africa, in particular the release of Nelson Mandela and other political prisoners, the unbanning of political organizations, the lifting of the state of emergency, which was completed on 18 October 1990 with the normalization of those regulations applying to Natal, the commitment by the government to abolish the apartheid system in order to create a democratic, united and non-racial South Africa as well as its willingness to enter into negotiations on the future of the country with the representatives of the majority.

In line with their reflections on the situation in South Africa and on means to advance a peaceful settlement, the Community and its Member States continue to call for the creation of a united, non-racial and democratic state which would offer its entire population the benefit of equal and common citizenship and the guarantee of universally recognized human rights.

Having called on all parties to remove the remaining obstacles to peaceful negotiations in South Africa, the Community and its Member States, in their 9 August statement,<sup>25</sup> expressed satisfaction at the outcome of several rounds of 'talks about talks' between the Government and the ANC. The two parties indeed reached a significant agreement on 6 August 1990 – the so-called Pretoria Minute – which cleared serious obstacles to negotiation, in particular the suspension by the ANC of the armed struggle as well as the decisions on the release of all political prisoners by 30 April 1990 and on an amnesty for exiles. The Community and its Member States therefore hope for a speedy start to negotiations on a new constitution.

The Community and its Member States remain concerned at the high level of violence in the country. They expect the authorities to curb the violence in an impartial manner and, in their 20 August statement,<sup>26</sup> urged the parties concerned to solve their differences by means of dialogue in a joint effort to ease the situation.

Though recognizing the progress achieved in the field of human rights, the Community and its Member States have been maintaining a critical dialogue with Pretoria, notably through direct *démarches* on specific issues such as the 'Conference for a Democratic Future', the alleged death squads, the Disclosure of Foreign Funding Act and the violence in South Africa. They also issued a statement on the suspension of the newspaper 'New Nation'.

The Community and its Member States encouraged all the parties concerned on the path of dialogue through statements on the reforms announced by President De Klerk (2 February 1990),<sup>27</sup> on the liberation of Nelson Mandela (13 February 1990)<sup>28</sup> and on the substantial lifting of the state of emergency (9 June 1990).<sup>29</sup>

In order to carry out in a consistent way their policies in South Africa, the Community and its Member States decided to increase their programme of positive measures and to ensure that it is adapted as necessary to the needs of a changing society, including those connected with the return and resettlement of exiles.

The December 1989 European Council of Strasbourg had decided that the Community and its Member States would maintain the pressure that they exert on the South African authorities in order to promote the profound and irreversible changes which they have repeatedly stood for.<sup>30</sup> In June 1990,<sup>31</sup> the European Council of Dublin affirmed its willingness to consider a gradual relaxation of the pressure maintained on Pretoria when there was further clear evidence that the process of change already initiated continued in the direction called for at Strasbourg in December 1989. In this connection, and taking into account the changes which have already occurred in South Africa, the European Council of Rome adopted on 15 December last a set of decisions aimed at encouraging the process under way.<sup>32</sup> Accordingly, the European Council decided that when a legislative initiative to abrogate the 'Group Areas Act' and the 'Land Acts' would have been taken by the South African Government, the Community and its Member States would relax those measures adopted in 1986.

To this end, and in order to contribute to the fight against unemployment and to improve the economic and social situation in South Africa, the European Council of Rome decided to abrogate the interdiction of new investments.

Furthermore, the Community and its Member States continue to apply the Code of Conduct for Community Companies with Subsidiaries in South Africa. On 20 February 1990,<sup>33</sup> Ministers for Foreign Affairs approved the 9th Synthesis Report on the application of the Code of Conduct, which has been forwarded to the European Parliament and the Economic and Social Committee.

The Community and its Member States believe that the measures taken by European companies in implementing the Code of Conduct have contributed to furthering their policy aimed at achieving the elimination of apartheid by peaceful means.

#### Namibia

The Community and its Member States followed with great attention the positive developments in Namibia over the last two years. Constructive negotiations led to the December 1988 New York Agreement, which engendered a free and fair electoral process and made possible Namibia's accession to the family of free and independent countries, an objective which the Community and its Member States had been firmly and resolutely calling for.

In Namibia, history and democracy have taken their course in an altogether encouraging climate of political stability. As Namibia's accession to the Lomé IV Convention is near completion, the Community and its Member States reaffirm their willingness to assist that country in its future economic and social development.

#### Angola and Mozambique

Encouraging developments in Angola and Mozambique led the Community and its Member States to express their conviction that a settlement of the conflicts in each of the two countries was possible through dialogue. They welcome the negotiations which are taking place under Portuguese and Italian auspices respectively. They reiterate their readiness to provide, within the means available to them, substantial and effective support for reconstruction and economic and social development in both Angola and Mozambique.

#### The Horn of Africa

The Community and its Member States remain deeply concerned at the alarming situation in the Horn of Africa. They are convinced that just and lasting solutions can only be achieved by peace-



ful means and through negotiated political settlements, based on the respect for territorial integrity, independence, the principles of the UN Charter and the need to take into account distinct regional identities and aspirations. The plight of the population affected by famine and deprivation is a source of grave preoccupation to the Community and its Member States, which are continuing to provide extensive food and other emergency aid where possible. In this connection, they repeatedly called for the opening of the port of Massawa, which is crucial for the distribution of food aid.

They are willing to support regional initiatives which would encourage negotiation and reconciliation in Ethiopia, Sudan and Somalia.

### **Liberia**

The Community and its Member States have been concerned at the civil war raging in Liberia and causing considerable loss of life among the civilian population as well as wholesale destruction. They launched an urgent appeal for an end to the sufferings of the Liberian people and to havoc and war in the country and are willing to support the efforts of all those who are working to restore peace in the country.

### *Latin America*

The past year has seen a number of countries in Latin America take significant steps along the path of reconciliation and the full exercise of democracy. Economic difficulties persist, amid courageous efforts in many countries to pursue economic reform, as well as hopes that democratic advances of recent years can be a factor for significant progress in the 1990's. As regards human rights, where the Parliament has played a valuable role in focusing attention on a number of issues, there is a continuing concern among the Twelve at the situation in certain countries.

The Community and its Member States welcome the return of Chile to a State founded on law, and in particular the initiatives of the democratic government aimed at re-establishing full respect for human rights and at giving justice to the victims of the excesses of the previous regime.

The Community and its Member States have expressed their solidarity with the new Government of Peru in its efforts to rediscover the path of peace and development, in full respect of human rights.<sup>34</sup>

The Community and its Member States are heartened that the agreement reached in Colombia in March between the government and the armed opposition is a first step to peace and reconciliation in that country.

They are also following closely the courageous measures of economic and financial stabilization adopted by the new administration in Brazil.

The Community and its Member States are supporting the efforts of those Governments in Latin America, in particular the Colombian Government, which are most directly involved in the struggle against the evils of illicit drug production and trafficking. This is the background to the measures adopted by the Council in late October in favour of Colombia, Bolivia, Ecuador, and Peru.

The Community and its Member States share the concern of Latin American Governments over other socio-economic problems, including those related to the servicing of external debt, a problem to which the European Council explicitly drew attention in 1989.<sup>35</sup> They consider that all parties concerned should contribute to solutions in this area within the competent multilateral financial bodies.

The Community's relations with Latin America over the last decade and prospects for a more comprehensive and efficient cooperation in the future were major topics of discussion at the

EC/Rio Group meetings which took place in Dublin in April and in New York in the margins of the General Assembly in September. There is a growing sense on both sides of the benefits of giving a global character to this dialogue and of deepening and integrating its content. The Presidency has convened a high-level conference in Rome on 20 December at which it is hoped that a significant Declaration can be adopted on relations between the Community and eleven countries of Latin America.<sup>36</sup>

The Esquipulas Peace Process, reinforced by the Summit in Montelimar in April and by the Economic Summit in June, continues to reflect the determination of the Central American countries to build a future based on democracy, respect for human rights, social and economic progress, and regional cooperation. The effective functioning of the UN Observer Group on Central America (ONUCA) is a welcome illustration on the validity of this multilateral approach. The Community and its Member States will continue to support the peace process in every way possible as is clearly illustrated by the Political and Economic Communiqués adopted at the San José VI Ministerial Conference on 9 and 10 April,<sup>37</sup> as well as by the signature in Dublin on that occasion of the Agreement on a Central American Payments System.

The process of national reconciliation and democratization in Nicaragua is crucial for encouraging positive developments in neighbouring countries. The free and fair elections held in Nicaragua are of particular importance in this context.

The Community and its Member States continue to attach great importance, in the context of the search for national reconciliation in El Salvador and Guatemala, to the achievement of demonstrable improvements in the human rights field. In El Salvador, a key case is that of the six Jesuit fathers and their two co-workers who were murdered in November 1989. The Community and its Member States expressed their grave concern regarding the absence of real progress in the judicial investigation as well as the lack of cooperation on the part of certain sections of the armed forces. In their view, the clearing up of these cases should lead to a just and exemplary sentencing for those responsible. However, this case cannot be seen in isolation from the continuing reports on human rights violations in El Salvador. The Community and its Member States urged all parties concerned to spare no efforts to improve the human rights situation in that country.

On 22 December 1989<sup>38</sup> in a statement on Panama, the Community and its Member States called for an early restoration of civil peace and safety so that a return to constitutional and democratic order could be secured.

### *Asia*

The Community and its Member States participated at the Eighth Meeting of Foreign Ministers of ASEAN in Kuching (Malaysia) and was represented by the Troika at the subsequent Post Ministerial Conference in Diakarta. A joint declaration was issued by the ASEAN/EC dialogue partners in Kuching covering a wide range of international political and economic issues, among which ASEAN/EC relations.<sup>39</sup>

The Community and its Member States kept up their strong and clear stand with regard to the human rights situation in China. For the first time since June 1989, the Troika at Ministerial level met with the Foreign Minister of China on 28 September in New York. Following this meeting, the Council in Luxembourg on 22 October adopted measures allowing for bilateral ministerial and high-level contacts, as well as a gradual resumption of programmes of a cultural, scientific, technical and developmental nature. However, in the light of the human rights situation still existing in China, it decided not to lift the embargo on arms sales and military cooperation agreed by the European Council in Madrid in June 1989.<sup>40</sup> The Community and its Member States will continue to follow closely the developments in China.

With regard to the continuing conflict in Cambodia, they have fully supported the New York framework for a comprehensive political settlement agreed by the Permanent Five on 27 and 28

August. They also welcomed the agreement by the Cambodian parties in Diakarta on 10 September to the New York framework in its entirety as the basis for settling the Cambodian conflict and the formation of the Supreme National Council. The Community now also welcomes the consensus achieved among the Permanent Five and the two co-Chairmen of the Paris International Conference on Cambodia at their meeting in Paris on 23 to 26 November on the draft comprehensive political settlement document.<sup>41</sup> The Community urges the Cambodian parties to settle their differences over the chairmanship of the SNC and stop fighting so that the Paris Conference can be reconvened at the earliest possible date in order to consider and adopt this draft agreement.

It is positive to note that due to favourable developments with regard to the question of the Vietnamese boat-people, obstacles to the establishing of relations between the Community and Vietnam have at last been removed.

The Community and its Member States have welcomed the manner in which the people of Burma exercised their democratic right to vote in the elections.<sup>42</sup> The results of the vote indicate a clear desire on the part of the people for a democratic multi-party system of government. They have repeatedly called on the present rulers of Burma to act upon the results of the elections by handing over power without delay to a government chosen by the newly elected Parliament.<sup>43</sup> In this context, they urged the present government to put an end to the harassment, detention and house arrest of opposition leaders and to release political prisoners immediately so that they can play a full part in the process of democratization.

Once the proper conditions have been established, the Community and its Member States look forward to participating in the major task that lies ahead of assisting economic reconstruction and development.

The decision of His Majesty the King of Nepal to remove the prohibition on political parties and to carry out the necessary constitutional reforms to facilitate the establishment of a multi-party democratic system of government was warmly welcomed.<sup>44</sup>

The tension between India and Pakistan over Kashmir continued to cause serious concern. The Community and its Member States enjoy excellent relations with both countries and welcome and encourage efforts to de-escalate the state of tension between them in the hope that this will lead to a fuller dialogue and a peaceful resolution of their differences.<sup>45</sup>

In response to political developments in Pakistan, the Community and its Member States expressed the hope that the process of re-establishing democracy initiated in November 1988 would not be put into question. A new government has in the meantime been installed after general elections were held on 24 October 1990.

The uncertain situation in Sri Lanka remained a source of particular concern for the Community and its Member States. Although recognizing the serious difficulties faced by the Sri Lankan Government, the Community and its Member States in their approaches to the Sri Lankan authorities, urged them to observe Sri Lanka's international obligations in the field of human rights.<sup>46</sup> While expressing their strong support for the efforts of the democratically elected Sri Lankan Government to overcome the challenge posed by terrorist activities, they have nevertheless drawn the attention to the fact that Member States will be considering their future assistance to the development of Sri Lanka's economy with reference, among other factors, to the government's performance in regard to human rights.

Developments in East Timor, including the human rights situation were followed closely. The Community and its Member States reiterated their support for the contacts being held between Portugal and Indonesia under the auspices of the Secretary-General. They have expressed the hope that a just, comprehensive and internationally acceptable settlement may be soon achieved, in accordance with the principles of the UN Charter, thus fully respecting the legitimate interests of the East Timorese.

The Community and its Member States have welcomed the discussion between the United States and the Soviet Union this year on means of promoting a settlement in Afghanistan. In achieving the goal of an independent and non-aligned Afghanistan they underline the need for an intra-Afghan dialogue with a view to establishing a fully representative Government in which all segments of the Afghan people will take part. They confirm their support for the UN Secretary in his efforts to facilitate a settlement.

The re-opening of a direct political dialogue between the two Koreas has been welcomed.

The Community and its Member States continues to monitor closely the human rights situation in some countries in the region.

### *Human Rights*

For the Community and its Member States, the defence of human rights in specific cases and situations as well as the promotion of the relevant concepts, principles and values form an integral and crucial part in the conduct of international affairs. This is illustrated by their efforts and interventions in international fora as well as by bilateral initiatives under the CSCE/CDH mechanism and by other *démarches* on specific cases. Human rights issues figure prominently in contacts between the Community and its Member States and third countries or groups of countries. Human rights are an important element of dialogue and cooperation with developing countries. In raising these issues, the Community and its Member States react not only to violations, but take care also to welcome and stimulate positive developments.

Over the last twelve months, the Community and its Member States have carried out approximately one hundred and twenty (120) *démarches*, most of which were of a confidential nature, and issued some ninety (90) declarations, which were widely publicised.

Human rights policy, which was substantially reinforced in the course of 1990, notably at the 46th Commission on Human Rights<sup>47</sup> and at the United Nations 3rd Committee,<sup>48</sup> where several interventions were made by the Presidency on behalf of the Twelve and where increasing cohesion is evident in the sponsoring of resolutions, will remain a central element of the Community's external action.

### *Terrorism*

In the last year, the Community and its Member States have continued to develop and strengthen their cooperation in the fight against terrorism. Given the fact that the frequency and gravity of terrorist activities is a subject of utmost concern nationally and internationally, the attitudes of states should remain firm and the responses to the terrorist threat should be concerted to the largest extent possible. With the establishment, by 1993, of the Community area without internal frontiers, increased cooperation between the Twelve's police forces must be considered an imperative goal. The Community and its Member States believe that under present circumstances the terrorist threat does not allow for any slackening of vigilance.

### *Drugs*

The European Council of Dublin concluded that drug addiction and traffic in drugs are sources of great damage to individuals and society as well as to States and constitute a major menace to Europe and the rest of the world.<sup>49</sup> In view of the extent of this scourge and in the perspective of a Europe without internal frontiers the Heads of State and Government agreed on the need for a coherent and effective policy at the European level. In this connection, they reiterated the necessity to reinforce international and transcontinental cooperation in the combat against drugs and, in the

Community context, considered that effective action by each Member State, supported by joint action of the Twelve and the Community, should be a main priority over the coming years.

Cooperation within the EC is assured by CELAD, the high-level Coordinators Group on drug issues and by a Working Group which was set up earlier this year in the framework of EPC to consider the international aspects of the problem. As suggested by Heads of State and Government in Dublin, the Community and its Member States are contributing to the early convening of a Conference of Western and Eastern European countries under the auspices of the Pompidou Group and have also set up an informal consultative group (the Dublin Group) to coordinate the international action on drugs issues with the United States and other developed countries.

CELAD, in close consultation with the Commission and in cooperation with the EPC Drugs Working Group, has prepared a plan for the European Council in Rome which should, *inter alia*, provide for an active European role in international action, bilaterally and in multilateral fora.

- 1 EPC Bulletin, Doc. 90/432.
- 2 EPC Bulletin, Doc. 90/431.
- 3 EPC Bulletin, Doc. 89/314.
- 4 EPC Bulletin, Docs 90/185 and 90/263.
- 5 EPC Bulletin, Doc. 90/468.
- 6 EPC Bulletin, Doc. 90/396.
- 7 EPC Bulletin, Doc. 90/271.
- 8 EPC Bulletin, Doc. 90/185.
- 9 EPC Bulletin, Doc. 90/353.
- 10 EPC Bulletin, Doc. 90/407.
- 11 EPC Bulletin, Doc. 90/268.
- 12 EPC Bulletin, Docs 90/398 and 90/399.
- 13 EPC Bulletin, Doc. 90/297.
- 14 EPC Bulletin, Doc. 90/307.
- 15 EPC Bulletin, Docs 90/313 and 90/321.
- 16 EPC Bulletin, Doc. 90/399.
- 17 EPC Bulletin, Doc. 90/470.
- 18 EPC Bulletin, Doc. 89/315.
- 19 EPC Bulletin, Doc. 90/267.
- 20 EPC Bulletin, Doc. 90/470.
- 21 EPC Bulletin, Docs 90/356 and 90/062.
- 22 EPC Bulletin, Doc. 90/310.
- 23 EPC Bulletin, Doc. 90/471.
- 24 EPC Bulletin, Doc. 90/340.
- 25 EPC Bulletin, Doc. 90/306.
- 26 EPC Bulletin, Doc. 90/308.
- 27 EPC Bulletin, Doc. 90/051.
- 28 EPC Bulletin, Doc. 90/073.
- 29 EPC Bulletin, Doc. 90/224.
- 30 EPC Bulletin, Doc. 90/318.
- 31 EPC Bulletin, Doc. 90/296.
- 32 EPC Bulletin, Doc. 90/472.
- 33 EPC Bulletin, Doc. 90/101.
- 34 EPC Bulletin, Doc. 90/291.
- 35 EPC Bulletin, Doc. 89/178.
- 36 EPC Bulletin, Doc. 90/474.
- 37 EPC Bulletin, Doc. 90/177.
- 38 EPC Bulletin, Doc. 89/345.
- 39 EPC Bulletin, Doc. 90/093.

- 40 *EPC Bulletin*, Docs 89/178 and 89/180.
- 41 *EPC Bulletin*, Doc. 90/322.
- 42 *EPC Bulletin*, Doc. 90/223.
- 43 *EPC Bulletin*, Doc. 90/296.
- 44 *EPC Bulletin*, Doc. 90/179.
- 45 *EPC Bulletin*, Doc. 90/180.
- 46 *EPC Bulletin*, Doc. 90/393.
- 47 *EPC Bulletin*, Docs 90/033 and 90/102.
- 48 *EPC Bulletin*, Docs 90/355, 90/401 and 90/438.
- 49 *EPC Bulletin*, Doc. 90/185.

**91/420. Statement concerning Somalia**

Date of issue: 28 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are following with deep concern the present situation in Mogadishu.

They deplore the resumption of the fighting and make an urgent appeal for an end to the violence in order to prevent further sufferings by the civil population and destruction.

The Community and its Member States urge most strongly on all parties to pursue a course of reconciliation and dialogue on the future of the country as soon as possible, so that a solution by peaceful means can be found to the current tragic situation.

They express their firm condemnation of the violation and the looting of the Italian embassy by forces apparently controlled by General Aidid and of the unacceptable intimidations and threats to the personnel posted there.

**91/421. Statement concerning South Africa**

Date of issue: 29 November 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States warmly welcome the announcement of a date for the start of the negotiations in the framework of the Multi/All party Conference on a new Constitution establishing a united, non-racial and democratic South Africa. The 'Convention on a democratic South Africa' could be a landmark in the process of reforms taking place in the country.

They express their hope that these negotiations will be conducted in a spirit of reconciliation and compromise.

The Community and its Member States are convinced that only a negotiated settlement will bring lasting peace and prosperity to South Africa thus positively contributing to the general progress of the region.

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**91/422. Explanation of position in the Third Committee of the UN General Assembly concerning the strengthening of the United Nations action in the human rights field through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity [agenda item 98(B)]**

Date of issue: 29 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, the twelve Member States of the European Community have joined consensus on draft resolution L.59 entitled: 'Strengthening of the United Nations action in the human rights field through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity'.

However, the twelve Member States of the European Community want to make absolutely clear that, in their view, the resolution as a whole, or any part of it, should not be interpreted as implying that action performed for the promotion or protection of human rights and fundamental freedoms could be considered as interference in the internal affairs of a State.

In this context, the Twelve recall that Article 55 and 56 of the Charter, respectively, state that the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, and that all Members pledge themselves to take joint and separate action in cooperation with the organization for the achievement of these purposes.

**91/423. Explanation of vote in the Third Committee of the UN General Assembly before the vote concerning alternative approaches and ways and means within the UN system for improving the effective enjoyment of human rights and fundamental freedoms [agenda item 98(B)]**

Date of issue: 29 November 1991  
Place of issue: New York  
Country of Presidency: The Netherlands  
Status of document: Statement in international forum

Mr Chairman, I have asked for the floor to make an explanation of vote on behalf of the Twelve Member States of the European Community on the draft resolution contained in document L.34 Rev. 1 which is now before the Committee.

The Twelve will again abstain this year on the draft resolution. The Twelve do attach the greatest importance to the pursuit of ways and means within the United Nations system for the promotion and protection of human rights and fundamental freedoms. Furthermore we fully realize the importance of certain issues referred to in draft resolution L.34 Rev. 1, in particular the economic difficulties confronting the developing countries, even though, as last year, we cannot agree with the judgement contained in the tenth preambular paragraph. We cannot accept language which implies that there are pre-conditions for the enjoyment of human rights.

We doubt that this resolution, or indeed some of the draft resolutions referred to in the preamble, are useful to achieve the objective expressed in the title.

We regret the persistent tendency of this draft resolution to distort the concept of human rights by emphasizing the collective approach, since it is the individual who is the beneficiary of such

rights. We must also avoid extending the concept of human rights by confusing it with other categories of rights.

Finally in the draft resolution under consideration there is no reference to the concept that all violations of human rights, wherever and under whatever political system they occur are of concern to the international community.

**91/424. Explanation of vote in the Third Committee of the UN General Assembly before the vote concerning the respect for the principles of national sovereignty and non-interference in the internal affairs of states in their electoral processes [agenda item 98(B)]**

Date of issue: 29 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, the twelve Member States of the European Community will vote against draft resolution L.60.

They express in this way, as they did last year, on a similar project, their concern about drawing principles selectively from the Charter and their serious doubts about the appropriateness to consider a controversial project under an item traditionally established in a spirit of cooperation.

This draft does not add any constructive elements to the effort made by many delegations to enhance the effectiveness of the principle of periodic and genuine elections.

Nevertheless, it should remain perfectly clear that the European Community and its Member States are fully committed to the principles of the Charter, to which the draft resolution in question refers. They object, instead, to any use of the Charter to justify the denial to the people of their right to free and democratic elections.

As in all cases related to the promotion and protection of human rights by the United Nations, these principles should be considered in conjunction with articles 55 and 56 of the Charter, which, respectively, state that the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, and that all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of these purpose.

**91/425. Explanation of vote in the Third Committee of the UN General Assembly concerning the situation in Burma (Myanmar) [agenda item 98]**

Date of issue: 29 November 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Monsieur le Président, j'ai demandé à prendre la parole sur le projet de résolution L.43 au nom des délégations suivantes: [...] ainsi que de ma [propre] délégation.

Nos délégations soutiennent sans réserve le projet L.43 qui traduit la préoccupation que nous inspire la situation des droits de l'homme et des libertés fondamentales à Myanmar.

Nous nous associerons donc à un consensus ou, le cas échéant, voterons en faveur de ce projet. Nous remercions le principal co-auteur pour les efforts qu'il a déployés afin de permettre à ce texte important d'être aujourd'hui soumis à l'examen de la commission.



Nous avons toutefois noté avec regret l'amendement qui vient d'être apporté au paragraphe 3 du dispositif et qui équivaut à supprimer toute référence à la privation de liberté des dirigeants politiques démocratiquement élus.

Dans ces conditions, et compte tenu de notre attachement à la libération rapide de ces dirigeants, nous estimons n'être plus en mesure de maintenir notre co-parrainage à ce projet de résolution, auquel, il convient de le répéter, nous apporterons notre soutien.

Je vous remercie, Monsieur le Président.

**91/426. Statement by an EPC Ministerial Meeting concerning the enquiries into Libyan involvement in the bombing of flights Pan Am 103 and UTA 772**

Date of issue: 2 December 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The Community and its Member States have noted the issue of warrants for the arrest of Libyan nationals by the judicial authorities of France, in connection with the bombing of flight UTA 772 in September 1989, and of the United Kingdom and the US in connection with the bombing of flight Pan Am 103 in December 1988. The Community and its Member States take a most serious view of the accusation against officials of Libyan Government organizations.

The Community and its Member States have also noted the demands made of the Libyan authorities by the Governments of France, the United Kingdom and the US on 27 November. In line with their repeated condemnation of terrorism, the Community and its Member States fully endorse these demands and call upon the Libyan authorities to comply promptly and in full.

**91/427. Statement by an EPC Ministerial Meeting concerning Ukraine**

Date of issue: 2 December 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States have taken note of the referendum in Ukraine in which a clear majority expressed itself in favour of independence. They welcome the democratic manner in which the Ukrainian people declared their wish for their republic to attain full sovereignty.

As the transformation of the Soviet Union enters this crucial phase it is incumbent upon the representatives of Ukraine, of the Union and of the other republics to take matters forward in a peaceful, democratic and orderly way. The European Community and its Member States call upon Ukraine to pursue with the Union and the other republics an open and constructive dialogue intended to ensure that all the Soviet Union's existing international obligations and commitments are carried out.

They expect Ukraine to honour all commitments of the Soviet Union under the Helsinki Final Act, the Charter of Paris and other relevant CSCE documents, especially those concerning the protection of persons belonging to national minorities.

The European Community and its Member States in particular expect Ukraine to honour and as appropriate to implement all international obligations of the Soviet Union in respect of arms control and nuclear non-proliferation, and to do nothing which might call into question control of nu-

clear weapons on Ukrainian territory. They expect Ukraine to join the other republics in accepting joint and several liability for the Soviet Union's foreign debts.

**91/428. Statement at the Plenary Session of the UN General Assembly concerning apartheid [agenda item 37]**

Date of issue: 2 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

Mr Chairman, this debate takes place at a moment of historic opportunity for the people of South Africa. Two years ago the French Presidency speaking on behalf of the Twelve Members of the European Community was still obliged to note that 'les autorités de Pretoria n'ont pas encore adopté les mesures nécessaires tendant à favoriser un véritable dialogue national', and that 'les réformes mises en œuvre jusqu'à présent...sont en effet insuffisantes'.

There are few that could have predicted the progress achieved in South Africa over the past years. As a result of this progress the Preparatory Meeting to the Convention for a Democratic South Africa held its first session three days ago.

The International Community offers unstinted and warm support to the process now underway and the Convention scheduled for later this month. The Twelve have at every stage supported that process and worked for the peaceful ending of apartheid and the creation of a united, non-racial and democratic South Africa. After the recent events, there is now every reason for us to hope that the fabric of a country and society long torn and divided, will be restored.

The Twelve congratulate all the parties involved on the courage and statesmanship they have displayed in moving towards formal negotiations on the new South Africa. As these begin, let me pledge on behalf of the Twelve our full support and best wishes.

The Twelve have always condemned apartheid as a form of institutionalized racial segregation and a systematic violation of the principle of equal rights of all human beings, which are enshrined in the Charter of the United Nations and in the Declaration of Human Rights. Through the years the Twelve have called for the immediate and total abolition of apartheid through peaceful means, convinced that the vicious cycle of repression and violence could only be broken through constructive dialogue and negotiations.

Mr Chairman, in the past two years the Government of South Africa has with short intervals taken decisions and announced policy principles that clearly herald the end of apartheid. The list of these events is impressive.

In February 1990 Nelson Mandela was freed, while later a continuing political dialogue between the Government and the African National Congress was started, resulting in the 'Groote Schuur Minute' and 'Pretoria Minute'. Subsequently, the state of emergency was lifted all over the country and discriminating legislation including the separate amenities act repealed.

In the same year the African National Congress for its part proclaimed the suspension of the armed struggle, and entered into discussions and negotiations with the government at all levels.

In 1991 the government introduced legislation in the South African Parliament aimed at the withdrawal of the so called pillars of apartheid notably the Land Acts of 1913 and 1936, the Group Areas Act of 1966, the Development of Black Communities Act and the Population Registration Act of 1950, which were subsequently repealed during the month of June.

As things stand now, it seems clear that an irreversible process has taken shape.

Mr Chairman, the Twelve note that during the last year a considerable number of political prisoners in South Africa have been released. In this context, we are concerned that no adequate solution has yet been found to the question of the continued detention of political prisoners in the so-called independent homelands. In order to improve conditions for the upcoming substantive negotiations on a new constitution for a united, democratic and non-racial South Africa, we insist on the release of all political prisoners without delay.

The European Community and its Member States have already welcomed the agreement reached between the South African Government and the United Nations High Commissioner for Refugees on the return of refugees and political exiles to South Africa. It removed an important obstacle to progress towards substantive negotiations on a new constitution for a democratic and non-racial society in South Africa.

The Twelve remain concerned at the continuing violence in South Africa. We welcomed the signing of the National Peace Accord on 14 September 1991 and expressed our hope that this agreement would finally open the path towards a definitive end of still on-going tragic and senseless bloodshed. Continued commitment to peace is essential for further progress in the process of change in South Africa. Therefore we urge all parties to subscribe to the principles laid down in the National Peace Accord and to assure its enforcement on all levels.

Mr Chairman, the Twelve welcome the convening last Friday of the Preparatory Meeting to the Convention for A Democratic South Africa laying the basis for the Convention itself before the end of the year. We think that this meeting augurs well for the negotiations on a new constitutional order leading to a non-racial democracy, which will form the major challenge ahead. We hope that all partners in the negotiations will show the necessary flexibility and statesmanship that is required for a speedy and positive outcome.

It is up to the parties in South Africa themselves to shape the form of the new South Africa through broad based negotiations. The role for the international community has been and remains to press for the total elimination of apartheid so that the South African people can freely determine their own future.

Mr Chairman, it is well known that we have never subscribed to the idea of total isolation of South Africa. At the meeting of the European Council in Dublin in June 1990, the Twelve affirmed their willingness to consider a gradual relaxation of pressure when there was further clear evidence that the process of change already initiated continued in the direction called for. The situation in South Africa has during the past year led the Twelve to lift some restrictive measures.

The legislative pillars of apartheid have at last been dismantled. But huge challenges remain in South Africa: the challenges of eliminating the socio-economic and cultural barriers and the establishment of a sustainable democracy. A new pluralistic, democratic, united and non-racial South Africa should not be condemned to start on the basis of economic ruin. It is becoming more and more clear that South Africa needs massive financial resources to face its acute socio-economic problems especially in the areas of employment, education and housing, against a background of a high rate of population growth. The lifting of the embargo on new investments and of the measures imposed in 1986, as announced in the statement of the European Council in Rome in December 1990<sup>1</sup> was intended to contribute to combating unemployment and improving the economic and social situation in South Africa.

Now, on the eve of the start of negotiations, it is time for the United Nations to reassess its relationship with South Africa. There is a great deal for the organization and its agencies to do in South Africa, in particular to help address the huge social and economic problems that afflict the people of that country, and that pose a serious threat to their future. The United Nations and its agencies should develop their contacts with the parties in South Africa, and with the South African

Government to work out details of additional supportive undertakings. In this context it should be borne in mind that cooperation already exists between the South African Government and United Nations committees and agencies like UNETPSA, UNHCR, UNESCO and the United Nations Centre for Transnational Corporations that presently undertakes a study for a Code of Conduct in South Africa.

Mr Chairman, in the meantime, a number of other countries, including some from the African continent, have also decided to relax pressure they had imposed on South Africa. The decision of the International Olympic Committee to allow South Africa to participate anew in the Olympic games, as of 1992, is of equal importance. It shows that, increasingly, the opinion is gaining ground that people-to-people contacts can be used as a factor of change in the process of building a new South African nation.

The Twelve will closely monitor the situation in the period ahead and decide, on the basis of developments in the reform process, whether further adapting its programmes of restrictive and positive measures is appropriate.

Mr Chairman, the Twelve remain fully aware of the grave consequences of the destructive apartheid system, which will continue to affect the country in the forthcoming years of transition. The divisions created by apartheid within the South African society will not disappear overnight with the mere abolition of the discriminatory legislation. In the future, it will be of crucial importance that the international community, after having exercised pressure on the Pretoria Government for many years, gradually play a supportive role in the process of social rehabilitation and reconciliation. The United Nations and its agencies should fully commit themselves in a constructive manner to that process.

The Twelve strongly believe that Assembly should, at this important juncture in the history of South Africa, reflect the positive developments which have occurred in the country. Outdated statements, doctrines and resolutions benefit only those opposed to the process towards a democratic and non-racial South Africa. To that extent these are not helpful to the process underway. The Assembly should now send a signal of encouragement and hope to all South Africans, a signal that promotes confidence in their common future and determination to move forward towards the building of a new society, based on freedom and dignity and equal rights for all. The Twelve will spare no effort to contribute to this goal.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/472.

#### **91/429. Statement by an informal meeting of Ministers of Foreign Affairs concerning the situation in East Timor**

Date of issue: 3 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States reviewed the situation in East Timor in the light of the latest reporting available as well as the decisions of the Government of Indonesia to set up a commission to investigate the violent incidents of Dili that cost the life of many innocent and defenceless citizens.

They reiterate their condemnation of these unjustifiable actions by the armed forces of Indonesia.

The Community and its Member States stressed once again the paramount importance they attached to the full respect of human rights as expressed in particular in the declaration of the European Council of Luxembourg on 25 and 26 June 1991.<sup>1</sup>

They also stress in this respect the importance of the resolution and of the regulation adopted by the Development Council on human rights, democracy and development of 28 November 1991.

They call upon the Indonesian authorities to respond to the serious concerns expressed by the international community. They support the demands for a thorough and credible investigation by impartial and independent experts.

The Community and its Member States will review the cooperation between the European Community and Indonesia in the light of the above mentioned orientations and regulation, and taking into account the response of the Indonesian authorities.

The Community and its Member States stress their support for a just, comprehensive and internationally acceptable settlement of the East Timor issue, respecting the principles of the United Nations' Charter, and taking into account the need to defend human rights and fundamental freedoms, and the full respect of the legitimate interests and aspirations of the population of this territory.

<sup>1</sup> *EPC Bulletin*, Doc. 91/194 [of 28/29 June 1991].

**91/430. Statement at the Plenary Session of the UN General Assembly concerning the situation in Central America: threats to international peace and security and peace initiatives [agenda item 31]**

Date of issue: 5 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik*: I have the honour to speak on behalf of the European Community and its Member States.

Mr President, during the past twelve months, further progress has been made towards peace, dialogue and reconciliation in Central America, towards the consolidation of democracy, achieving a more balanced approach towards regional security and towards regional cooperation for economic and social development. The Central American peace process, which has had the full backing of the Twelve and the close attention of this Assembly for many years, at last appears to offer prospects for peace and stability which are so urgently needed for the economic and social reconstruction of the countries of the region.

The recent momentum in the peace process in the framework of the Esquipulas Agreement was made possible by a renewed commitment on all sides, in particular in the conflicts in El Salvador and in Guatemala, to dialogue and negotiation as the surest and most effective road towards a lasting settlement.

A vital contribution was made by the United Nations and its Secretary-General. As a practical indication of the new opportunities for the resolution of regional conflicts created by the reduction of tensions between East and West, the United Nations was in a position to play an active supporting role in the peace effort. By bringing a variety of innovative approaches and institutional ar-

rangements to bear on the process, the Secretary-General played a crucial role, guiding the process to its present stage.

The Twelve warmly welcome the efforts made and the results achieved. They have consistently espoused the principle that solutions for the Central American conflicts must come from within the region and that responsibility for the negotiating process rests primarily with the parties involved. The present course of the peace process, and the apposite role played by the United Nations and its Secretary-General in that context, bear out the continued validity of this approach.

Mr President, major efforts were made to bring to an end the armed confrontation in El Salvador, which during more than a decade of intermittent violence has caused over 70 000 dead, untold human suffering and extraordinary material losses.

An unflinching commitment of both sides to the achievement of a negotiated solution nevertheless enabled the negotiators, with the invaluable assistance of the Special Representative of the Secretary-General and the consistent support of the Friends of the Secretary-General – Colombia, Mexico, Spain, Venezuela – to make substantial progress towards reconciliation. Two important milestones marked the negotiation process in 1991: first, the agreement reached last April in Mexico on a limited package of constitutional reform and reforms in the judicial and military structures, and, second, the ‘New York Agreement’ of 25 September, covering a range of security and economic issues bearing upon the reintegration of former members of the FMLN into civilian life. A new and encouraging development in 1991 was, moreover, the involvement of political parties and major civic institutions as well as the armed forces in a broad national debate on the reform measures under consideration.

The Twelve warmly welcome the announcement made by the FMLN on 14 November that it would cease all offensive operations and are encouraged by the positive response of President Cristiani. They are, however, concerned about subsequent reports of continuing acts of violence by both sides and reiterate their conviction that restraint and goodwill are necessary if an agreement on a permanent cease-fire is to be achieved. In this connection, the Twelve wish to recall the Security Council’s appeal to both parties in its Resolution 714 of 30 September 1991 to pursue the process of negotiations urgently and with flexibility, in order to reach the earliest possible agreement on the realization of the objectives set out in Geneva and Caracas and to bring a definite end to the armed conflict as soon as possible.

They stand ready to provide appropriate assistance, if requested and within their means, to any verification and transitional arrangements which may be contemplated by the Security Council in conjunction with the implementation of a final settlement.

The far-reaching agreement on human rights concluded in July 1990 between the Government and the FMLN testifies to the commitment of both sides to work towards a structural improvement. In the light of this agreement, the Security Council established in its Resolution 693 of 20 May 1991 a verification mission on human rights as the initial component of a larger mission, ONUSAL, which is to carry out the operational tasks incumbent on the United Nations in regard to the peace process in El Salvador. The comprehensive terms of reference of ONUSAL provide for the most extensive human rights mission yet mandated by the United Nations in support of the observance of human rights in any individual member state. While the human rights situation in El Salvador continues to give cause for concern, the Organization’s Rapporteur on the situation of human rights in El Salvador, Pastor Ridruejo, signalled some tangible progress in his most recent report. The second report of the Secretary-General on ONUSAL, dated 15 November 1991, points in a similar direction. As both sides in the conflict extended the assurances of their full cooperation with ONUSAL, the Twelve hope that a lasting improvement in the human rights situation in El Salvador will finally be achieved.

The process of national reconciliation in Guatemala entered a new phase when, last April in Mexico City, the Government of Guatemala and representatives of the National Revolutionary

Council (URNG) reached consensus on 'procedural agreements on the search for peace through political means' and on a 'general programme for negotiations'. Both parties agreed to enter into a process of continuing negotiations for peace, based on political agreements within the present constitutional framework and in conformity with the El Escorial Agreement signed by the political parties of Guatemala and by the joint resistance in May 1990.

The Twelve reaffirm their full support for the Mexico City agreements. The negotiations commenced in June, covering *inter alia* democratization, human rights, the establishment of a definitive cease-fire and incorporation of the URNG into Guatemalan political life, not only create new prospects for a settlement of the armed confrontation as such, but, if successful, will help the Government of Guatemala with the support of all sectors of society to consolidate and strengthen the democratic institutions and ensure the protection of basic human rights and freedoms throughout Guatemalan society. They urge both sides, with the important contribution of the National Reconciliation Committee, the Conciliator, and the Personal Representative of the Secretary-General, to proceed rapidly towards the earliest possible agreement on all outstanding items on their programme for negotiations.

The Twelve warmly welcome the statement by the President of the Republic of Guatemala on 5 September 1991 in which the Government of Guatemala recognized the independence of the State of Belize and established full diplomatic relations between the two countries. They believe that this constitutes a major step forward towards the resolution of a bilateral problem and should contribute to the strengthening of regional stability. The Twelve hope that the Governments of Belize and Guatemala will continue to work for a full and final settlement of this dispute.

In Nicaragua, the demobilization of the resistance forces has been completed in a peaceful and satisfactory manner with the indispensable assistance of ONUCA and in accordance with the agreements reached between the Nicaraguan Government and the resistance in the framework of the Esquipulas process. Invaluable assistance to the demobilization and reintegration of the resistance into the political and economic structure of Nicaragua was provided by the International Commission for Support and Verification (CIAV) set up jointly by the United Nations and the Organization of American States for these purposes.

The Twelve urge that all political and social forces in Nicaragua will remain committed to the spirit of national reconciliation, evinced in the concertation agreements of October 1990 on fostering democracy and the restoration of a viable economy. The Community and its Member States confirm their readiness to support economic and social development in Nicaragua.

Mr President, over the past months, constructive steps have been taken in the promotion of regional security in Central America. The United Nations Observer Group for Central America (ONUCA) continued its monitoring operations, albeit on a somewhat reduced scale, along the frontiers of the Central American countries. While further progress in the regional peace process should gradually reduce the need for deployment of ONUCA observers, the Twelve concur with the observation of the Secretary-General in his report to the Security Council of 28 October 1991 that the presence of ONUCA still constitutes a stabilizing factor in the region. In this light, they welcome the adoption of Security Council Resolution 719 of 6 November 1991, which *inter alia* extended the mandate of ONUCA until 30 April 1992 and also requested the Secretary-General to report to the Security Council within three months on any developments in the region which indicate that ONUCA's present size or its future should be reconsidered.

The Twelve also welcome the objectives and the work of the Central American Security Commission. The agreement reached on confidence-building measures and the decision to draw up inventories of military personnel and material will help to promote a balance of forces and increasing confidence and security in the region. The Twelve reiterate their support for the United Nations and the Organization of American States in their cooperation with the Central American Governments towards the achievement of this balance at the lowest possible level of armaments and forces.

The Twelve agree that special efforts must be made to promote the full and rapid integration of all refugees and displaced persons into their respective communities. To that effect, they reaffirm their willingness to help support the implementation of the Concerted Plan of Action for Central American refugees, returnees and displaced persons. They recognize the importance of the Health Priority Plan for Central America and Panama and will cooperate with Central America in furthering the implementation of the second phase of this plan, on which agreement was reached in Madrid in May 1991. They also have the intention to finance an important programme in the region aimed at improving the chances of survival of both mother and child.

Mr President, as the threat of civil strife recedes and Central America enters a new phase of national reconciliation and regional stability, the international community should not be indifferent to the formidable challenges of economic and social reconstruction.

At the national level in Central America, hard choices will be faced in adopting economic adjustment and stabilization policies. The Community reaffirms its interest in contributing, within the framework of the instruments at the Community's disposal, to the implementation of programmes aimed at alleviating the social effects of the adjustments which the Central American countries are coping with.

While solutions must be found for the particular problems resulting from the servicing of the region's external debt, the availability of new investment capital remains an indispensable requirement for the attainment of economic growth. The Twelve note in this connection that assistance to the region provided by the Community and its Member States has been considerably increased over the last years.

At the regional level, the improved political climate is gradually opening up realistic opportunities for economic and financial cooperation. The Community and its Member States support the commitment of the Central American Governments to the creation of an economic community in the Central American isthmus. They welcome the implementation of numerous projects of regional cooperation and integration which benefit from financial and technical assistance provided by the Community. The Community also fully supports the goals and objectives of the Special Plan for economic cooperation for Central America which it considers of particular importance for the economic and social development of the region.

The Twelve warmly support the objectives indicated in the declaration entitled 'Towards a New International Ecological Order' issued in December 1990 by the President of Costa Rica and are prepared to cooperate with the Central American countries in their efforts to combat abuse of the environment and to restore and maintain the natural ecological balance.

The Twelve attach great priority to the fight against the international illicit drug scourge and reaffirm their willingness to provide support to cooperation projects aimed at the alleviation of drug problems in Central America.

Mr President, the wide range of initiatives taken during the past year for expanding cooperation between the countries of Central America and other countries and regions augurs well for the region's economic and social reconstruction. The joint action by the Group of Three, the agreements of Tuxtla Gutierrez and the newly established links between the Central American countries and the Rio Group of democratic countries in Latin America will foster new bonds with the region's Latin American neighbours.

The Community and its Member States are ready to contribute to efforts aimed at fostering dialogue and assistance and at economic and social development in the Central American democracies. In this respect they reiterate their commitment to the San José process as the main vehicle for cooperation with the Central American countries. Furthermore, they are willing to cooperate with the newly established Partnership for Democracy and Development in Central America.



The Community and its Member States fully acknowledge the importance of growth in their economic cooperation with the countries of Central America. They are convinced that the completion of the European single market in 1992 and the increasing efforts of the Central American countries towards regional economic cooperation and integration will help both regions to achieve the expansion and diversification of their economic relations to which they both aspire.

Mr President, the ties that bind the Twelve and the countries in Central America remain strong. They are deeply rooted in history and culture and based on a shared desire for democracy and political pluralism, the promotion of economic development and social justice and respect for human rights.

Through a political and economic dialogue maintained with the Central American countries since 1984, the European Community and its Member States have sought to promote and strengthen the Central American negotiation process throughout the region. At a time when the need for renewed commitment and sustained assistance is more evident than ever, the Community and its Member States reaffirm their intention to further intensify and deepen this dialogue with a view to consolidating progress made and bringing the peace process to its final conclusion.

#### **91/431. Conclusions of the European Council Meeting in Maastricht, held on 9 and 10 December 1991**

Date of issue: 9/10 December 1991

Place of issue: Brussels

Country of Presidency: The Netherlands

Status of document: Conclusions of the European Council

##### *Treaty on European Union*

The Inter-governmental Conferences on Political Union and Economic and Monetary Union, meeting at the level of Heads of State and Government, reached agreement on the Draft Treaty on European Union based on the texts concerning Political Union and on the Draft Treaty text concerning Economic and Monetary Union. The necessary final legal editing and harmonization of the texts will be completed with a view to signature of the Treaty in the beginning of February 1992. With particular reference to social policy the European Council confirms that the present provisions of the Treaty can be considered an '*acquis communautaire*'.

The European Council notes that eleven Member States desire to continue on the path laid down by the Social Charter in 1989. To this end it has been agreed to annex to the Treaty a Protocol concerning social policy which will commit the Institutions of the Community to take and implement the necessary decisions while adapting the decision-making procedures for application by eleven Member States.

##### *Enlargement*

The European Council recalls that the Treaty on European Union which the Heads of State and Government have now agreed, provides that any European State whose systems of government are founded on the principle of democracy may apply to become members of the Union.

The European Council notes that negotiations on accession to the European Union on the basis of the Treaty now agreed can start as soon as the Community has terminated its negotiations on own resources and related issues in 1992.

The European Council notes that a number of European countries have submitted applications or announced their intention of seeking membership of the Union. The European Council invites

the Commission to examine those questions including the implications for the Union's future development and with regard to the European Council in Lisbon.

### *Uruguay Round*

The European Council notes that the trade liberalization negotiations have entered a conclusive stage. It has been informed about the progress of the negotiations, both in Geneva as well as in the Transatlantic Summit, at The Hague on 9 November 1991. The European Council reiterates its firm commitment to a substantial, balanced and global package of results of the Uruguay Round by the end of the year. This package should cover GATT rules and disciplines, market access, agriculture, textiles, services, TRIPs and the institutional reinforcement of the GATT system, excluding any recourse to unilateral action by any partner. It urges other partners in the Uruguay Round to join in its efforts to finalize the negotiations on this basis. The European Council invites the Commission to elaborate a good negotiated outcome of the Round encompassing substantial and credible results in all major areas, consistent with the objectives of the European Communities.

It asks the Commission to keep the Council closely informed of the results obtained.

### *Cooperation in the Spheres of Justice and Home Affairs*

#### Free movement of persons, immigration and asylum

A. The European Council noted the reports on immigration and asylum drawn up at its request by the Ministers responsible for immigration. It considered that they constituted an adequate basis for measures to be taken in those areas. It agreed on the programme of work and the timetables laid down and invited the Ministers for Immigration to implement them.

B. The European Council took note of the report by the Coordinators' Group on Free Movement of Persons and approved the recommendations made in it.

C. The European Council regretted that it had not yet been possible to resolve the last problem preventing the signing of the Convention between the Member States of the European Communities on the crossing of their external frontiers. The European Council invited the Presidency to collaborate with the two Member States concerned in actively seeking a solution for this problem.

D. The European Council requests the Coordinators to examine what the structure of the European Information System should be and to take care that the technical and legal provisions – including the protection of personal privacy – are being taken to build the system.

In view of the need for a speedy conclusion of these activities, it is desirable in the first place to establish whether the arrangements already existing between certain Member States may also apply to all the Member States.

### Europol

The European Council agreed on the creation of a European police office (Europol) the initial function of which would be to organize the exchange of information on narcotic drugs at the level of the Community's twelve Member States. The European Council instructed the TREVI Ministers, in collaboration with the Commission, to take such measures as were needed to allow Europol to be set up at an early date.

### Drugs

The European Council took note of the report by the European Committee on the Fight Against Drugs.

It invited the Institutions of the European Community to employ all means to ensure that the act setting up the European anti-drug monitoring body could be adopted before 30 June 1992.

In the context of the widest possible information on drug problems the European Council supported the organization, during the second half of 1992, of a European Week to promote the prevention of drug use.

The European Council invited CELAD to continue its function of coordination and to ensure that the various responsible bodies lost no time in implementing the European programme for the fight against drugs adopted by the European Council in Rome on 14 December 1990.<sup>1</sup>

#### Consequences of the draft Treaty on European Union

The European Council instructed the competent Council bodies and the Coordinators' Group on Free Movement of Persons to collaborate with the Commission on the examination of the consequences of the draft Treaty on European Union on proceedings in these areas, so that the relevant provisions of the future Treaty might be effectively applied as soon as that Treaty entered into force.

#### *Food Supply Situation in Moscow and St. Petersburg*

The European Council expressed its preoccupation with the critical food supply situation in Moscow and St. Petersburg, and agreed that the Community should take concrete rapid steps to help the populations of these cities. The Member States will respond positively to requests from the Commission for making logistic experts available. It asked the Commission to come forward with specific proposals and the Council (ECO/FIN) to examine at its session on 17 December 1991 the specific financial aspects of a Community action, including the question of credit guarantee.

#### *European political cooperation*

##### Middle East

– The European Council adopted the declaration on the peace process in the Middle East in Annex 1.<sup>2</sup>

– The European Council welcomes the release of further hostages in Lebanon. It expresses its gratitude to the Secretary-General of the United Nations for his efforts in this respect.

The European Council deplores that the German nationals Heinrich Struebig and Thomas Kemptner are still being detained in Lebanon.

The European Council urges all governments and personalities who are able to contribute to the solution of the hostage problem, to continue their efforts towards an unconditional release of all persons who are detained without legal procedure.

The hostage question in Lebanon will not be resolved until all hostages have been released.

The European Council welcomes the fact that the Secretary-General of the United Nations has declared his readiness to continue his efforts.

##### Developments in the Soviet Union

The European Council discussed recent developments in the Soviet Union and adopted the declaration in Annex 2.<sup>3</sup>

#### Policy regarding new European states

The European Council asked Ministers of Foreign Affairs to assess developments in Eastern Europe and in the Soviet Union with a view to elaborating an approach regarding relations with new States.

**Racism and xenophobia**

The European Council adopted the declaration in Annex 3.<sup>4</sup>

**Enquiries in the bombing of flights PAN AM 103 and UTA 772**

Recalling the declaration issued by the Community and its Member States on 2 December<sup>5</sup>, the European Council takes a most serious view of accusations against Libyan nationals in connection with the bombings of flight Pan Am 103 in December 1988 and of flight UTA 772 in September 1989. The European Council reaffirms its condemnation of all acts of terrorism, wherever and by whomever committed.

The European Council has noted the demands made of the Libyan authorities by the Governments of France, the United Kingdom and the United States on 27 November. It fully endorses these demands and calls upon the Libyan authorities to comply promptly and in full.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/468.

<sup>2</sup> Annex omitted. See *EPC Bulletin*, Doc. 91/433.

<sup>3</sup> Annex omitted. See *EPC Bulletin*, Doc. 91/432.

<sup>4</sup> Annex omitted. See *EPC Bulletin*, Doc. 91/434.

<sup>5</sup> *EPC Bulletin*, Doc. 91/426.

**91/432. Declaration concerning developments in the Soviet Union**

Date of issue: 9/10 December 1991

Place of issue: Brussels

Country of Presidency: The Netherlands

Status of document: Conclusions of the European Council

**Declaration on developments in the Soviet Union**

The European Council took note of the decision of the Republics of Byelorussia, Ukraine and Russia to form a 'Commonwealth of independent States', which other Republics have been invited to join. It also took note of President Gorbachev's statement on 9 December 1991.

The European Council underlines the necessity for a constructive dialogue among all parties concerned to ensure that the process of transformation of the Soviet Union, which has entered a crucial phase, continues in a peaceful, democratic and orderly manner.

The European Council welcomes the fact that the three Republics engaged in this comprehensive process of change have declared that they mutually recognize and respect each other's territorial integrity and the inviolability of the borders existing in the context of their Commonwealth.

The European Council is pleased to note that these Republics have at the same time reaffirmed their readiness to respect the international commitments of the Soviet Union and to ensure single control of nuclear weapons on their territory.

The European Council recalls the importance which the Community and its Member States attach to respect for and implementation by all Republics of all provisions of the Helsinki Final Act, the Charter of Paris and other relevant provisions of the CSCE regarding human rights and the rights of persons belonging to national minorities. It also recalls that according to these provisions, the frontiers of all States in Europe are inviolable and can only be changed by peaceful means and agreement.

Furthermore, the Community and its Member States attach particular importance to necessary measures being taken without delay at the level of the Republics concerned to put into effect the agreements in the field of arms control, nuclear non-proliferation and the effective control and security of nuclear weapons. The Community and its Member States also subscribe to the principle that Republics acceding to sovereignty should, for their part, respect the obligations deriving from the external debt of the Soviet Union.

At a moment when these Republics express democratically and peacefully their will to accede to full sovereignty, the Community and its Member States wish to open with them, in a spirit of cooperation, a dialogue regarding the development of their mutual relationship.

The European Council also expresses the wish that these Republics develop among themselves the structures of cooperation required to facilitate their insertion in the international community under conditions appropriate to ensure the security, stability and legitimate fulfilment of all.

### **91/433. Declaration concerning the peace process in the Middle East**

Date of issue: 9/10 December 1991

Place of issue: Brussels

Country of Presidency: The Netherlands

Status of document: Conclusions of the European Council

#### **Declaration on Peace Process in the Middle East**

The European Council attaches great significance to the Middle East Peace Conference in Madrid, which has launched a process of negotiations on the basis of UN Security Council Resolutions 242 and 338 which should lead to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question. On the basis of the principles which have long governed their position, the Community and its Member States are determined to continue to undertake all possible efforts alongside the United States and the Soviet Union to support this process. In Madrid they pledged their constructive partnership in all phases of the negotiations.

The European Council considers it of vital importance that the momentum gained at Madrid is not dissipated on procedural matters. It noted that the second round of bilateral negotiations has been convened in Washington. These negotiations should be pursued in good faith by all parties. Only then may the way be opened to movement on substance and meaningful confidence-building measures. The European Council considers a halt to Israel's settlement activity in the Occupied Territories an essential contribution to creating the stable environment which progress in the negotiations requires. Renunciation of the Arab trade boycott is another.

With regard to the situation in the Occupied Territories, it is important that both sides show restraint and that Israel abide by the provisions of the Fourth Geneva Convention. The European Council looks forward to a tangible improvement in the situation in these territories, even before the putting in place of interim or other arrangements. In this respect it noted reports indicating that since the Conference in Madrid, the level of violence there has diminished. Indeed, this Conference has led to an atmosphere of hope, both in the Occupied Territories and elsewhere, which should not be disappointed.

The European Council reaffirms the commitment of the Community and its Member States to make an active practical contribution to progress in the multilateral phase of the negotiations on regional cooperation. It expresses the hope that all parties in the region will participate in these negotiations. The European Council considers that the bilateral and multilateral agendas should go hand in hand, each one reinforcing the other. However, regional cooperation cannot progress faster than movement towards a political settlement. Given its close ties with all the parties in-

involved, the Community and its Member States are determined to remain in close contact with all participants and to do all they can to promote significant steps in the direction of a comprehensive, just and lasting settlement.

#### **91/434. Declaration concerning racism and xenophobia**

Date of issue: 9/10 December 1991

Place of issue: Brussels

Country of Presidency: The Netherlands

Status of document: Conclusions of the European Council

The European Council notes with concern that manifestations of racism and xenophobia are steadily growing in Europe, both in the Member States of the Community and elsewhere.

The European Council stresses the undiminished validity of international obligations with regard to combating discrimination and racism to which the Member States have committed themselves within the framework of the United Nations, the Council of Europe and the CSCE.

The European Council recalls the Declaration against Racism and Xenophobia issued by the European Parliament, Council and Commission on 11 June 1986 and, reaffirming its declaration issued in Dublin on 26 June 1990<sup>1</sup>, expresses its revulsion against racist sentiments and manifestations. These manifestations, including expressions of prejudice and violence against foreign immigrants and exploitation of them, are unacceptable.

The European Council expresses its conviction that respect for human dignity is essential to the Europe of the Community and that combating discrimination in all its forms is therefore vital to the European Community, as a community of States governed by the rule of law. The European Council therefore considers it necessary that the Governments and Parliaments of the Member States should act clearly and unambiguously to counter the growth of sentiments and manifestations of racism and xenophobia.

The European Council asks Ministers and the Commission to increase their efforts to combat discrimination and xenophobia, and to strengthen the legal protection for third country nationals in the territories of the Member States.

Lastly, the European Council notes that, in connection with the upheavals in Eastern Europe, similar sentiments of intolerance and xenophobia are manifesting themselves in extreme forms of nationalism and ethnocentrism. The policies of the Community and its Member States towards the countries concerned will aim to discourage strongly such manifestations.

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<sup>1</sup> *EPC Bulletin*, Doc. 90/264.

#### **91/435. Statement in the Third Committee of the UN General Assembly concerning crime prevention and criminal justice [agenda item 94(B)]**

Date of issue: 9 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van Schaik:* Mr President, on behalf of the European Community and its twelve Member States I take the floor to expound our views on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme. We particularly welcome the Statement of Principles

and the Programme of Action for the United Nations Crime Prevention and Criminal Justice Programme, as submitted to the General Assembly by the Paris Ministerial Meeting held in Versailles from 21 to 23 November 1991.

Let me, Mr Chairman, before highlighting our views with respect to decision making regarding the said documents, just briefly indicate the importance we attach to dealing with issues of crime prevention and criminal justice at the level of the United Nations, the expectations we hold in this field and the contributions we have to offer.

In Europe like in other areas of the world crime is increasing and puts an ever growing pressure on the criminal justice system as a whole and its components, the police, the judiciary and the penitentiary institutions and a public which feels less and less safe and which expects the governments to make serious efforts to curb these trends, improve prevention strategies and render better assistance to victims of crime.

Although underdevelopment and its lack of social opportunities and means may be said to generate lawlessness and crime, it cannot be maintained that development as such is a panacea. Increasing development appears to create opportunities for new forms of crime, especially those related to high level industry and economy, including acts causing pollution of the natural environment. This is no argument against stimulation of development. Developing countries, apart from benefiting from general development cooperation, should also take advantage through co-operation and assistance programmes, of the experience gained by developed countries in the field of crime prevention and the administration of justice.

Regarding the Ugandan draft for a resolution on the financing of UNAFRI I can repeat our statement in Paris, that some EC Member States have the intention to make specific assistance available to UNAFRI in order to help that institute in setting up the necessary structure for policy development and training facilities in the African region.

Information about the increasing crime level and outbreaks of violence in countries in Central and Eastern Europe is a matter of grave concern since the adoption of a political system based on pluralistic democracy should result in freedom, security and self-respect. If this is the price they pay for restructuring their societies, we should then be ready to help, lest the situation of these countries may offer more opportunities for those who intend to abuse their rights and freedoms and even threaten the principle of democracy.

The United Nations can and should play an important role in this respect. The European Community and its Member States are fully aware of this and agree that the United Nations system in the field of crime prevention and criminal justice should be improved in order to help meet the challenges crime is posing to developing countries and to pluralistic democracy and its inherent respect for human rights and fundamental freedoms of the individual.

We have noted that in the course of the Paris Ministerial Meeting both developed and developing countries have stressed the need for provision of technical cooperation to member States at their request. It is true that much of the assistance in this field may be rendered through bilateral programmes and projects; but we realize that the United Nations also have an important role to play. In particular by providing policy advice and by serving as a clearing house. Individual projects and their administration may well be financed by voluntary contributions. In their declaration of 28 November 1991, ministers of Development Cooperation of the Twelve indicated that high priority would be given to a positive approach that stimulates respect for human rights. This would include active support for the strengthening of the judiciary, the administration of justice, crime prevention and the treatment of offenders.

We would like to highlight the essential link between a sound system for administration of justice and the realization of human rights. The General Assembly passed resolutions which elaborate on this link. In the same spirit we wish to underline the importance of effective cooperation between the Commission on Crime Prevention and Criminal Justice, soon to be established, and the

Commission on Human Rights and both branches of the secretariat, in order to achieve positive results and consistency.

We regard the Ministerial Meeting on Crime Prevention and Criminal Justice as very successful. We express our gratitude to the government and the people of France for their hospitality. The Paris Meeting built on the final document of the Inter-governmental Working Group that met in Vienna from 4 to 8 August 1991.

The thrust of the new set-up of the UN-activities in this field is the increasing involvement of policy makers in the programme. A new functional commission of ECOSOC will replace the Committee on Crime Prevention and Control and will have an important role to play in setting and monitoring the application of United Nations norms and standards in the field of criminal justice. It may also serve as a body for the development of model bilateral instruments for international cooperation in criminal matters. We all owe a lot to the Committee on Crime Prevention and Control and I wish to state our appreciation to former and present members for their work. Their legacy, an impressive corpus of standards and studies, will for a long time testify to their dedication and competence.

Now I come to the results obtained in Paris. The EC Member States can agree with the draft resolution, the Statement of Principles and the Programme of Action, as amended in Paris, provided these texts are adopted as one single package. We consider the acceptance of the said texts as a constructive compromise; the balance that has been achieved through strenuous and delicate negotiations.

Some issues that were brought to the attention of delegations in Paris will best be dealt with by the new Commission. This would include the question of employing effective mechanisms to facilitate technical cooperation and other initiatives.

The European Community and its Member States trust that it will be possible to establish the new Commission on Crime Prevention and Criminal Justice in the course of the first organizational session of ECOSOC. We support the establishment of such a commission as a new functional commission of ECOSOC as well as its terms of reference and its composition, as laid down in the draft resolution of the Paris meeting. On the basis of decision making by this General Assembly, the Secretary-General can notify states of the upcoming elections in February 1992.

As the Under-Secretary-General, Ms Anstee, indicated in Paris it is feasible to get the commission started in 1992 without too many financial problems. Funds originally allocated to the session of the committee will now be put to use in organizing the first meeting of the commission. In accordance with the Paris conclusions and recommendations the commission is to meet annually; we trust that it will be enabled to meet in 1993 as well. Since it is foreseeable that the first session will be of an organizational nature, such a second session is called for to give early guidance to the programme and to consider proposals for the next congress.

The Twelve would be in favour of a clear agreement on scaling back congresses, to not more than five working days, but will not [...] ask for modifications to the Paris conclusions and recommendations.

We note and support that members of the commission coming from the least developed countries qualify for reimbursement of the travel costs necessary to attend commission sessions, in accordance with the rules and procedures of functional bodies of ECOSOC.

The commission should be served by a secretariat of a size commensurate with the commission's mandate and work. The use of existing secretariat resources needs to be assessed: existing activities may have to be reexamined as well as voluntary contributions for specific projects.

The European Community and its Member States look forward to the adoption, without a vote, of the draft resolution with the annexed Statement of Principles and the Programme of Action.



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**91/436. Statement concerning the activity of the Community and its Member States in the field of human rights in 1991**

Date of issue: 10 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration, Press statement

The European Community and its Member States have continued to defend internationally accepted principles of human rights robustly in the course of 1991. The Declaration on Human Rights adopted by the Luxembourg European Council in June 1991 is a comprehensive statement of EC policy.<sup>1</sup> In this declaration, the Community and its Member States reaffirmed that human rights is a key element in their relations with other countries.

Significant changes have taken place in the human rights issues preoccupying the international community. The collapse of Communist regimes throughout Eastern Europe and the Soviet Union has been accompanied by a dramatic expansion of democratic freedoms. The magnitude of the changes in Europe has to a certain extent overshadowed positive trends elsewhere. In Latin America, Asia and Africa authoritarian and oppressive regimes in some countries have given way to democratically elected civilian governments. Where dictatorial governments remain, demands for democracy and human rights by their people are becoming increasingly vocal.

International instruments exist to protect universally recognized human rights: most importantly, the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights. Regrettably these instruments are not always respected by signatories to them and not all nations have become parties to them. The European Community and its Member States continue to work for effective and universal implementation of existing instruments and the strengthening of international mechanisms of control. Implementation and supervision were stressed at the first session of the preparatory Committee of the World Conference on Human Rights (September 1991, Geneva), and will be a key topic at the World Conference itself, scheduled for 1993 in Berlin. No national, cultural or religious factors can validly be involved to detract from the principles laid down in these international instruments.

The European Community and its Member States also continue to devote considerable attention to the related issues of development, democracy and human rights. The European Commission integrates human rights issues in economic relations and in development cooperation with third countries. In addition it provides direct support to human rights initiatives. The Council and the Member States meeting in the Council adopted an important Resolution on Human Rights, Democracy and Development on 28 November 1991.

The European Community and its Member States maintain that raising individual cases of violations of human rights cannot be considered as interference in the internal affairs of a state, but is a legitimate duty of the international community and all states acting individually or collectively. In 1991, the Community and its Member States issued some 120 declarations and statements referring to specific human rights problems, for example in Iraq, the Territories occupied by Israel, in El Salvador, Somalia, Ethiopia, Burma, Sri Lanka, China and East Timor. These were widely publicised and often brought directly to the attention of the governments concerned. Such declarations and statements serve to raise public awareness of human rights concerns and to put pressure on governments to improve their behaviour.

Besides public declarations and statements, the European Community and its Member States carried out over 150 *démarches* to governments throughout the world on human rights issues. These, for the most part, were confidential, to intervene to help persons suffering from arbitrary treatment or discrimination, or to mark the concern of the Community and its Member States about particularly serious threats to human rights, for example torture and summary executions.

Their confidential nature was designed to engage third countries in a constructive dialogue on human rights rather than in counter-productive public arguments.

Member States of the Community also continue to cooperate closely in monitoring human rights situations in third countries.

The European Parliament plays a significant role in raising public awareness of human rights issues and in contributing to the promotion of respect for human rights, particularly by way of numerous resolutions and parliamentary questions.

Given the universal character of human rights the Twelve pay particular attention to the promotion and protection of those rights in multilateral fora. In the UN, the Twelve have shown in 1991 their cohesion and determination to further the cause of human rights by co-sponsoring resolutions and by an increasing number of joint interventions in the UN Human Rights Commission and the Third Committee of the UN General Assembly on a wide range of issues.

The Helsinki Final Act of 1975 made a specific link between respect for human rights and peace and stability in Europe. It gave enormous encouragement to human rights activists in Eastern Europe. In 1991 the CSCE has focussed on consolidation of the human dimension framework built up during recent years. The Twelve participated actively in the meetings which took place in 1991.

A particularly topical issue within the framework of CSCE is that of minority rights. The report of the CSCE meeting on National Minorities (Geneva, July 1991)<sup>2</sup> reiterates that these rights can only be dealt with adequately within a democratic political framework and notes that issues concerning national minorities are matters of legitimate international concern.

The Moscow meeting of the Conference on the Human Dimension (Moscow, September, 1991)<sup>3</sup> focussed on the implementation of existing commitments undertaken by CSCE participating states. The Moscow document has strengthened and expanded the CSCE human dimension mechanism. Of particular importance is the fact that it is now possible to send a mission of rapporteurs to a participating state even without the state's consent. To further strengthen the implementation of commitments on democracy and the rule of law the Twelve actively participated in a CSCE meeting of experts on democratic institutions (Oslo, November 1991).<sup>4</sup>

Human rights issues are on the international agenda to stay and require the same sort of responsible handling accorded to other items of international cooperation. The European Community and its Member States will continue to press for universal respect for human rights and to raise violations of those rights wherever they occur. They believe that their activities, which aim to be as non-discriminatory, non-political and universal as possible, help to ensure that human rights issues remain at the forefront of international affairs.

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1 *EPC Bulletin*, Doc. 91/194.

2 *EPC Bulletin*, Doc. 91/200.

3 *EPC Bulletin*, Doc. 91/261.

4 *EPC Bulletin*, Doc. 91/336.

**91/437. Question No H-962/91 by Mr Alavanos concerning action to be taken by the Foreign Ministers meeting in EPC following a resolution on the Cyprus issue**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In a resolution adopted by urgent procedure [on 12 September 1991]<sup>1</sup> the European Parliament considered that it was incomprehensible that the European Communities should not be involved in finding a solution to the Cyprus issue and called on the relevant Community institutions to take whatever measures were necessary to ensure that the European Communities were represented at the Conference being prepared by the UN Secretary-General.

What measures do the Foreign Ministers meeting in European political cooperation intend to take to implement this European Parliament resolution?

*Answer:*

The European Community and its Member States continue to follow with concern the developments in Cyprus, a member of the European family.

As reiterated by the Presidency on behalf of the Community and its Member States at the 46th UNGA, they monitor very closely the recent efforts by the Secretary-General, aimed at finding a just and viable solution to the question of Cyprus, and support his mission of good offices. They reaffirm their support for the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant UN resolutions.

They hope that the on-going contacts of the Secretary-General with all parties concerned will permit him to remove the remaining obstacles and to further the convocation of a high-level international meeting on Cyprus under UN auspices.

The Presidency will continue to ensure that the views of the European Parliament, as expressed in its resolutions, will be duly taken into consideration in Political Cooperation work. Nevertheless, as the honourable Parliamentarian will understand, the representation of the Community and its Member States at any international meeting, under the auspices of the UN, would depend first and foremost on the wish expressed by the parties concerned.

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<sup>1</sup> OJ C 267, 14.10.1991, p.121.

**91/438. Question No H-992/91 by Mr Pagoropoulos concerning the siege of the Ecumenical Patriarchate of Constantinople by fanatical Muslims**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Groups of fanatical Muslims, almost certainly acting on instructions from well-known anti-Christian organizations, have besieged the Ecumenical Patriarchate of Constantinople since the morning of Sunday, 25 August 1991, and are preventing the Patriarch, clergymen and worshippers from entering, carrying out their duties and praying. Despite protests from representatives of the Patriarchate, the police are refusing to intervene and disperse the 'besiegers', who are broadcasting fanatical marching songs through loudspeakers.

What are the views of the Ministers meeting in Political Cooperation on such actions and what steps do they intend to take to rescue the seat of the Orthodox Church and ensure that such incidents, which may lead to unforeseeable and dangerous developments for Christianity, do not recur?

*Answer:*

The honourable Parliamentarian will allow me to refer to the answer provided, in September, to the Oral Questions Nos H-865/91, by Mr Ephremidis, on the Blockade of the Ecumenical Patriarchate of Constantinople, H-866/91, by Mr Papayannakis on the Siege of the Ecumenical Patriarchate of Constantinople and H-867/91, by Mr Livanos on the Blockade of the Ecumenical Patriarchate.<sup>1</sup>

The honourable Parliamentarian will be aware that the blockade of the Ecumenical Patriarchate ended some months ago.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/279.

**91/439. Question No H-1013/91 by Mr Habsburg concerning the situation in Andorra**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In reply to my Oral Question H-770/91, I received a brief, non-committal, and quite unsatisfactory answer.<sup>1</sup> What, therefore, was the real reason for the Foreign Ministers' reluctance to address themselves to the problem of democracy in Andorra, a country that lies in the heart of, and maintains fairly close relations with, the Community?

*Answer:*

Considering the well-known special constitutional position of Andorra, this subject does not fall within the competence of the EPC.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/268.

**91/440. Question No H-1111/91 by Mr Romeos concerning illegal export of arms to Israel**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The Hamburg customs authorities recently uncovered an attempt to export twelve former East German army tanks, to Israel, using falsified documents describing them as agricultural machinery.

This incident, which is provoking an outcry in Germany, serves only to heighten tension at a time when talks are being held in Madrid to secure a peace settlement in the Middle East.

Will a reaction be forthcoming from EPC? What steps will be taken in response to future incidents of this nature? Is a ban on exports of decommissioned weapons and weapons systems to third countries envisaged?

*Answer:*

The incident referred to by the honourable Member has not been discussed in the framework of European political cooperation.

The Government in question is investigating this incident as it is its sole responsibility to deal with the occurrence of incidents of this nature.

**91/441. Question No H-1137/91 by Mr Pierros concerning the establishment of a United Nations arms trade register**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The European Community Member States recently submitted to the UN General Assembly a draft resolution on establishing a register of trade in (conventional) arms. If the proposal is adopted, the register will record international dealings in conventional weaponry throughout 1992. This is undoubtedly a positive step which will help ensure transparency in this field. However, this should not be the only object of the exercise, and efforts will have to be made to ensure that the register is used for more practical and functional purposes. What are the views of the Foreign Ministers meeting in EPC on this matter and what steps do they envisage in this connection?

*Answer:*

The First Committee of the General Assembly adopted with an overwhelming majority the revised draft resolution tabled by the Community and its Member States and Japan on transparency in armaments, which provides for the establishing of a UN Register of conventional arms.

The Community and its Member States see this resolution as a significant step to improve confidence-building and security among States by aiming at achieving restraint and transparency in the transfers of conventional weapons. While the Register will initially comprise data on international arms transfers, a report will be prepared by a panel of experts to be nominated by the Secretary-General on the modalities for early expansion of the scope of the Register by the addition of further categories of weapons and inclusion of data on military holdings and procurement through national production. This report will be presented to the 47th session of the General Assembly for any further decision-making.

**91/442. Question No H-1141/91 by Mr De Rossa concerning the kidnapping and imprisonment of Mordechai Vanunu**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Having regard to the contents of resolutions, on the subject of the kidnapping and imprisonment of Mordechai Vanunu, adopted by the European Parliament on 14 June 1990<sup>1</sup>, 22 November 1990<sup>2</sup> and 10 October 1991<sup>3</sup>, what efforts has EPC made, and what efforts does it propose to make to secure more humane treatment and ultimately the release of Mr Vanunu by the Israeli authorities?

*Answer:*

The case of Mordechai Vanunu has not been discussed within EPC. A number of Member States have raised this case bilaterally with the Israeli authorities.

The Community and its Member States frequently bring to the attention of the Israeli Government the importance they attach to the full respect of human rights.

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- <sup>1</sup> OJ C 175, 16.7.1990, p.168.
  - <sup>2</sup> OJ C 324, 24.12.1990, p.211.
  - <sup>3</sup> OJ C 280, 28.10.1991, p.119.

**91/443. Question No H-1147/91 by Ms McIntosh concerning diplomatic representation in Brussels of Czechoslovakia, Hungary and Poland**

Date of issue: 11 December 1991  
Place of issue: Strasbourg  
Country of Presidency: The Netherlands  
Status of document: Answer to Oral Question in the European Parliament

Do the Foreign Ministers agree that the time is ripe to remove the *numerus clausus* restriction on diplomats accredited to the European Community at the missions in Brussels of Czechoslovakia, Hungary and Poland?

*Answer:*

In view of the democratic changes which have taken place in Poland, Czechoslovakia and Hungary, and taking into consideration the political *rapprochement* between the EC and these countries as laid down in the Association Agreements, the time is indeed ripe for adapting the aforementioned restrictions. The necessary steps will be studied.

**91/444. Question No H-1156/91 by Mr Vandemeulebroucke concerning recognition by the EC Member States of the independence of the republics of the former Soviet Union**

Date of issue: 11 December 1991  
Place of issue: Strasbourg  
Country of Presidency: The Netherlands  
Status of document: Answer to Oral Question in the European Parliament

Under what conditions would the EC Member States be willing to recognize the independence of the republics of the former Soviet Union, particularly the European republics (Russia, Byelorussia, Moldavia, the Ukraine, Armenia and Georgia)?

*Answer:*

The Community and its Member States will strive to adopt a common approach in their relations with these republics.

Concerning the republics which would opt for full independence and seek international recognition, the Community and its Member States would adopt a case-by-case common approach,

based on the principles of international law, and bearing in mind that any modification of borders by force is unacceptable as well as the need to respect the rights of minorities.

In this context, the Community and its Member States have taken note of the referendum in Ukraine in which a clear majority expressed itself in favour of independence. They welcome the democratic manner in which the Ukrainian people declared their wish for their republic to attain full sovereignty.

As after the decision of the republics of Byelorussia, Ukraine and Russia to form a 'Commonwealth of Independent States' the transformation of the Soviet Union enters this crucial phase, it is incumbent upon the representatives of these and other republics to take matters forward in a peaceful, democratic and orderly way. The Community and its Member States call upon the republics to pursue an open and constructive dialogue intended to ensure that all the Soviet Union's existing international obligations and commitments are carried out. They expect the republics to honour all commitments of the Soviet Union under the Helsinki Final Act, the Charter of Paris and other relevant CSCE documents, especially those concerning the protection of persons belonging to national minorities.

They in particular expect the republics to honour and, as appropriate, to implement all international obligations of the Soviet Union in respect of arms control and nuclear nonproliferation and to do nothing which might call into question control of nuclear weapons on their territory. They expect the republics to accept joint and several liability for the Soviet Union's foreign debts.

#### **91/445. Question No H-1159/91 by Mr Hindley concerning Haiti**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

What steps have the Ministers undertaken to coordinate an enforcement of the embargo in Haiti? And what other measures are the Ministers taking to ensure the restoration of democracy in Haiti?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* On 2 December the Foreign Ministers meeting in the framework of European political cooperation decided to make a contribution to the restoration of democracy and the rule of law in Haiti by introducing a trade embargo against that country. They asked the Commission to put forward proposals for imposing such an embargo and to produce a report at a subsequent meeting. I take this opportunity of mentioning that it is a somewhat complicated problem in view of the undertakings which the Community has entered into in pursuance of the Lomé Convention, and only recently, with countries such as Haiti.

*Mr Hindley:* I am sure that, like me, the Foreign Ministers have noted the reluctance of the United States to come forward swiftly to demand a restoration of democracy in Haiti, which contrasts quite sharply with their military intervention in other areas of the Caribbean to restore what they regard as democracy. I would not expect the President-in-Office to comment on that, but I am sure he takes my point.

There are two questions that I would like to follow up with. Firstly, is the President-in-Office confident and satisfied that all Member States, and in particular my own country, the United Kingdom, are fully complying with the sanctions and are not, in fact, trying to slow down the application of the sanctions, knowing that the longer the Haitian Government which has taken over remains in control, the more likely it is to gain de facto recognition?

Secondly, concerning the ACP, I am grateful to the President-in-Office for bringing that to the House's attention. Should there be no progress on the question of restoration of democracy, would the Council be in favour of imposing sanctions through the ACP and reducing Haiti's appropriation of ACP/Lomé funds?

*Mr Dankert:* Mr President, on the question about the Member States applying the sanctions, I have to say that there is nothing to be applied yet because there has only been a proposal for a trade embargo against Haiti. We still need a formal proposal from the Commission for this. I said it is rather complicated because of the Lomé aspects involved and so the decision still has to be taken. I would not go into a discussion on further sanctions in the ACP context before I have clarity about this first step which I think would be the first time in the history of Lomé and a major event if it were to take place.

**91/446. Question No H-1160/91 by Mr Spencer concerning sanctions against Serbia**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Will the Foreign Ministers assure Parliament that the Community, after having established a clear difference between the aggressors and the victims, adopt a differentiated approach in applying sanctions in Yugoslavia?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* During the extraordinary ministerial meeting in Rome on 8 November the Community and the Member States expressed their great concern at the continuing fighting and the unrestrained bloodshed in Yugoslavia in spite of the cease-fires agreed with the Members of the Community. They also expressed their concern that no action had been taken with regard to raising the blockade of barracks or the withdrawal of troops of the Yugoslav national army. In addition they noted that the basic principles of the proposals of the Twelve, as presented by Lord Carrington, could not count on support from all parties. That put at risk the negotiating process in the framework of the conference on Yugoslavia. In view of the seriousness of the situation the Communities and the Member States decided to undertake a series of measures against Yugoslavia, including the immediate suspension of the application of the trade and cooperation agreement and the decision to denounce that agreement. That had unfavourable consequences for all the republics. Since that was not the intention – as already stated on 8 November – the Community ministers decided on 2 December – and that is relatively quickly – to take a series of positive compensatory measures in favour of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia.

*Mr Spencer (ED):* Thank you, President-in-Office for that answer. Can you confirm to me that it was only a bureaucratic accident which led to the continuing imposition of agricultural sanctions on Slovenia? The Community appears to have removed two-thirds of its sanctions but for some inexplicable reason – and I never understand agricultural policy in this Community – to have left in place its agricultural sanctions. Secondly, may I ask him what studies are being made to look at the practicality of imposing oil sanctions on Serbia, because oil sanctions are the one thing which could actually bring this fighting to a rapid conclusion?

*Mr Dankert:* On the second question, concerning a possible oil embargo, the Council and the Member States are of the opinion that the desirability of such an embargo is a question for the United Nations and they are discussing it with the UN.



On agricultural sanctions, perhaps I can refer Mr Spencer to the discussion we had earlier with the Council as an instrument of the European Community, because it is not a matter that was dealt with in European political cooperation. Even in that other capacity of a representative of the Council, I have no knowledge of this specific question concerning the negative effect of agricultural sanctions. I promise that I will look into the matter and if I find that there is a reason, perhaps we can inform the honourable Member in writing.

*Mr Habsburg (PPE):* Mr President of Political Cooperation, there was a serious question of the financial implications within what was Yugoslavia, because today everything is still centred on Belgrade. The possibility of establishing special financial relations with Croatia and Slovenia, countries attacked by the Serbs, was being examined. Has the Community continued to study the possibility of establishing special financial relations with those two countries?

*Mr Dankert:* No, Mr President, but we have decided to suspend financial aid for the whole of Yugoslavia and to reinstate it for the republics I mentioned. The same is true of financial cooperation between the Community and Yugoslavia, and there again I say that the list of beneficiaries is now concentrated on the republics I mentioned.

*Mr Arbeloa Muru (S):* I should like to ask the President-in-Office of Political Cooperation whether, seeing that the Community has been severely criticized for its impotence in the face of the problem and conflicts in the former Yugoslavia, he thinks that since the decisions approved at Maastricht, particularly on European external policy, the Community will be in a better position in the near future to face problems such as that of Yugoslavia?

*Mr Dankert:* That is not the case, at least not in a direct sense. Of course we have had some questions concerning the association agreements with three Central and Eastern European countries. I think they have a direct or indirect bearing on the question asked. It is certainly true that in the next few days we shall also have to discuss a number of other items relating to the problem raised by the honourable Member, which was discussed briefly in Maastricht, but which will form an extensive part of the Foreign Ministers' agenda on 16 December, i.e. next Monday.

*Mr Alavanos (CG):* Nobody can make light of the very great responsibilities borne by Serbia and its federal army for the dramatic situation that prevails in Yugoslavia today. However, I remember that when, in Rome, the first decision on sanctions was being taken, the President-in-Office of Political Cooperation and of the Council, Mr Van den Broek, declared that responsibility for what is happening in Yugoslavia does not rest exclusively with one side, and consequently at that time sanctions were not imposed against one side only but against Yugoslavia as a whole. I would like to ask: has something happened since then to change the President-in-Office's view radically, and of course, do the Ministers of Political Cooperation realize the risk that extremist forces, which we know exist in republics other than Serbia as well, may exploit the new arrangements and play a greater role, so undermining the efforts to bring about peace?

*Mr Dankert:* May I say first of all that in his capacity as Foreign Minister of the Netherlands Mr van den Broek is always right. Moreover, when he made his statement he said the same as the honourable Member. I note that since then the situation has deteriorated and that the Yugoslav army's advance on Osijek, for example, is totally contrary to the Community's policy and to the promises made. We have seen the attack on Dubrovnik, which is a clear indication of what I might venture to call a qualitative change in the situation, justifying the action as the Community understands it.

*Mr Maher (LDR):* I do not want to make the task of the President-in-Office more difficult but it is not true that sanctions very often affect those who are least responsible for the problems that are created, for example, in Yugoslavia, and do not affect those who are the cause of the problem; and secondly, that sanctions take a long time, anyway, to have an effect?

Have the Ministers meeting in Political Cooperation contemplated taking an initiative with the UN to organize a buffer force or peace-keeping force so that the fighting in Yugoslavia could be stopped, which, if it happened, would of course bring about an immediate improvement?

*Mr Dankert:* I fully agree with the remarks made by Mr Maher concerning the effects of sanctions. I think we are fully aware of that as well. We support the idea of having UN peace-keeping forces in Yugoslavia. I think it would be extremely desirable, but peace-keeping forces can only function there if certain conditions are fulfilled, one of them being a cease-fire. We now have the Vance mission in Yugoslavia. I hope that that mission will conclude that conditions for a cease-fire are such that a peace-keeping force becomes a possibility. I have heard that the report will probably be brought out on Monday.

**91/447. Question No H-1166/91 by Mr Gangoiti Llaguno concerning the independence of Croatia and Slovenia**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

The deadline set by the Croatian and Slovene peoples for the sovereign independence of their respective states, in accordance with their democratic right to self-determination, expired two months ago.

Since then, various states and various parties of government in the Community have stated their wish to recognize these nations as states.

Does the EEC as such recognize the right of these people to self-determination?

Has the Community considered recognizing these nations as sovereign states?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* That is to some extent the sequel to the question I have just answered. The Community and the Member States attach importance to an all-round solution to the crisis in Yugoslavia, based on the principles set out in the suggested arrangements put before the conference on Yugoslavia. I should like to call attention to what I just said about peace-keeping forces and the priority the Community attaches to a development of that kind, and then I should like to add that on 8 November the Community and the Member States pointed out that the prospect of recognizing the independence of such republics as desired it could only be considered in the framework of a comprehensive settlement with full guarantees for the protection of human rights and the rights of national or ethnic groups, or both. In doing so they called on the parties concerned to make the necessary legislative arrangements immediately. In view of statements being issued from various capitals, which you too may have read in the press, I assume that the subject raised by the honourable Member will again be the subject of consultations, that is, at the EPC meeting and the Council meeting on 16 December.

*Mr Gangoiti Llaguno (PPE):* It seems to me a good thing that this subject is to be dealt with on 16 December. In any case, I should like to make an observation. I would remind you that it was said here in Parliament, in June, that some kind of a solution must be found for the Yugoslav conflict, but always within the indissoluble unity of the Yugoslav state. That is what was said here. Now we are seeing how some states and some political Groups, as I said in my question, are asking for

these republics to be recognized as sovereign states. And on the other hand we have the question of the right of self-determination. Fortunately we have accepted Germany's right to self-determination and reunification. We have accepted, perhaps rather late, the Baltic Republics' right to self-determination. Do you not think that the Community is going to have to accept, as a matter of historical and dynamic fact, even though belatedly, the right of Croatia and Slovenia to self-determination?

*Mr Dankert:* I should like to point out that Germany has been able to reunite in peace and that the Baltic republics have been able to gain their independence in peace. In the discussion with Mr Maher I have already mentioned that the situation in Yugoslavia is not comparable in that respect.

*Mr Spencer (ED):* Much has been made of the parallels in the last year between Yugoslavia and the Soviet Union. In the light of that and of the possibility that the Community is about to recognize Ukraine, could the President-in-Office explain on what grounds we could recognize Ukraine while continuing not to recognize Slovenia or Macedonia?

*Mr Dankert:* I would reply briefly that I would not like to establish any parallel between Yugoslavia and the Soviet Union.

*Mr Habsburg (PPE):* Mr President of the Council, are you acquainted with the Croatian laws on minorities? In my opinion they are among the very best, so that the pretext of our waiting until these laws have been enacted simply no longer holds water. If in addition you speak of a reunification only in the event of a peace in order to highlight the distinction – which is an artificial one – between the Ukraine and Croatia would not the purpose of such recognition lie precisely in leading to the ending of the war?

*Mr Dankert:* I am delighted that Croatia now has good laws on the protection of minorities.

*Mr Arbeloa Muru (S):* Mr President-in-Office of the Council, I have just read in the press that yesterday President Mitterrand proposed to his colleagues in Maastricht that certain common rules should be laid down for the procedure and conditions for recognizing new states.

I should like to ask the President-in-Office of the Council whether that is correct. If it is, was it approved by the other Community representatives? And if it was approved, will not conditions be laid down in this way and hold up the possible recognition of Croatia and Slovenia?

*Mr Dankert:* The date is constantly on my lips, but seriously there has been a little discussion between the political leaders on this subject and it has been postponed till 16 December.

*Mr Speroni (ARC):* I shall be very brief, since the Minister does not wish to draw parallels; I shall just remark that the line of Pontius Pilate has never died out.

#### **91/448. Question No H-1182/91 by Ms Dury concerning the appointment of the new UN Secretary-General**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Has there been an exchange of views among the Twelve on the appointment of the new UN Secretary-General, Mr Boutros Boutros-Ghali? If so, when and in what form? If not, why not?

*Answer:*

The appointment of the new Secretary-General has been a subject of discussion among the Twelve in UN capitals and Brussels. On 3 December the UNGA endorsed Security Council Resolution 720, proposing the candidature of Mr Boutros-Ghali as successor of Mr Xavier Pérez de Cuellar.

**91/449. Question No H-1192/91 by Mr Killilea concerning adult institutions in Romania**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

According to UNICEF's special representative in Romania, the institutions with the worst conditions in Romania are for those from the age of 18 and upwards. Those who grow up in the children's institutions go into adult institutions when they are 18 'and they are there until they die'.

The UNICEF representative has also pointed out that, out of more than 200 nongovernment voluntary and independent organizations working in Romania, only one is trying to help adults.

How does the Council consider that this aspect of Romanian institutionalization should be addressed?

*Answer:*

The specific point raised by the honourable Member has not been discussed within EPC.

**91/450. Question No H-1194/91 by Mr Fitzsimons concerning 500 minors killed in Rio de Janeiro**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

According to the latest Amnesty International report, 'Authorities in Rio de Janeiro reported that nearly 500 minors were killed in the State in 1990, most of them by death squads'. Has European political cooperation expressed its deep concern about these killings to the Government in Brazil and, if so, what response has been received?

*Answer:*

After the first denouncements by Amnesty International, President Collor ordered a thorough investigation under the responsibility of the Minister of Justice. The Community and its Member States regret that so far this inquiry has not led to a report. In November 1990, the Council for the Defence of Human Rights, subordinated to the Ministry of Justice, established a sub-commission to investigate into the assassinations and to propose measures to prevent violence against children and adolescents.

The Community and its Member States are none the less pleased to note that the subcommission has meanwhile produced a number of recommendations to be used as a basis for a national plan of prevention and reduction of violence against children. These are:

- the full investigation of all cases;
- the end to impunity;
- the appointment of a special prosecutor;
- the review and improvement of police forces;
- the creation of commissions at state level, which would be responsible for the implementation of measures adopted;
- the mobilization of society;
- the restructuring of the Council for the Defence of Human Rights.

As the preceding recommendations are characterized by a certain vagueness, they will clearly not be sufficient to achieve the improvements aimed for. To that effect, more specific and practical measures are required. In this connection, and given Brazil's concern at its image abroad, the impact of international pressure should not be underestimated.

On the one hand, the Community and its Member States welcome the recent efforts by the Government of Brazil to come to grips with a problem of such terrifying scope, on the other hand they do not wish to publicly interfere with President Collor's initiatives, which are pointing in the right direction. The honourable Member may, however, rest assured that the Community and its Member States, through their representatives, will not fail to encourage the Brazilian Government in pursuing its action and discuss ways and means of providing assistance to that country within the limits of their possibilities.

**91/451. Question No H-1195/91 by Mr Lane concerning the appointment of a high-level coordinator for emergency humanitarian aid**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Can the President-in-Office of European political cooperation say whether the Secretary-General of the United Nations and its Member States have reacted favourably to the recommendation put forward by the Luxembourg European Council of 28 and 29 June 1991 that a high-level coordinator for emergency humanitarian aid be appointed and that he or she should have direct access to a future emergency fund enabling an immediate initial response to be made to international catastrophes?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* The recommendation of the Luxembourg European Council in June to appoint a high-level coordinator for emergency humanitarian aid with access to a future emergency fund is part of a series of proposals made on the occasion of the present sitting of the United Nations General Assembly in New York by the Community and the Member States. Additional consultations are being held on the matter, with Japan and the United States amongst others. It is not yet definite, but I assume that a decision will be taken on this point before the end of this UN General Assembly.

*Mr Lane (RDE):* From what I can see, when problems arise, the reaction to those problems is far too slow, simply because we do not have the machinery in place that can set up emergency aid, humanitarian aid, etc.

I should like to ask whether the President-in-Office, following these discussions and the likely outcome, is hopeful that something will be done or is he just saying that maybe something might

happen or maybe it might not happen? Is there actually something being put in place? Has any finance been put behind it? Is there going to be a proper set-up there, where the coordinator can be put in place with a proper back-up service behind him and the budget that he requires?

*Mr Dankert:* Mr President, we consider this question a very important one. That is the reason why we put forward the proposal. We do feel that such a civil servant is needed in order to organize this aid more or less in the way indicated by Mr Lane.

*Mr Arbeloa Muru (S):* I do not want to ask a question but simply to remind our colleagues that this appointment of a high-level coordinator, recommended by the Council of Europe, was unanimously approved as a proposal in the Joint Assembly recently held in Amsterdam, in Mr Dankert's home country.

*Mr Dankert:* I have no comment to make, because I think we are in agreement.

#### **91/452. Question No H-1196/91 by Mr Fitzgerald concerning EC/Baltic relations**

Date of issue: 11 December 1992

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

In the light of the recent international recognition of the Baltic States, will European political cooperation outline what contacts have been established at EC level with Lithuania, Latvia and Estonia and how it intends to conduct its political and diplomatic relations with these nations, including, in the long term, any future applications for EC membership?

*Answer:*

*Mr Dankert, President-in-Office of European political cooperation:* The Foreign Ministers of the Member States, representatives of the Commission and the Foreign Ministers of Estonia, Latvia and Lithuania met on 6 September to celebrate the restoration of the sovereignty and independence of the Baltic republics. On that occasion the Community and the Member States repeated their readiness to consider with the three Baltic States how they could support the democratic and economic development of these countries. They also emphasized their readiness to form diplomatic links with these three states. The procedure has in the mean time been set in motion. It has meanwhile been agreed that the Commission is to discuss with the authorities of the three countries the conclusion of trade and cooperation agreements, which up to now has been the normal procedure for strengthening economic and political relations with East European countries. We shall look favourably on any effort by the Baltic countries to enter into a regular political dialogue. Trade and cooperation agreements also form an appropriate framework for that. At the same time I should also like to say that it is time for us to arrange the presidency rather differently, because political contacts are beginning little by little to exert a tremendous pressure on the operation of the Presidency.

*Mr Fitzgerald (RDE):* I want to thank the President-in-Office of the Council for his reply and to say how pleased I was that he and others did celebrate that very historic event. I also want to thank him for his comments on trade. But could I specifically ask him, seeing that these countries are no longer in the USSR, whether the PHARE programme has been or can be extended to cover them? Given the importance of aid to countries that have been mismanaged and oppressed by ruthless Communist regimes for so long, surely it is a matter of urgency that they should be included in programmes of that nature, specifically in PHARE?

**Mr Dankert:** Part of the funds intended for the Soviet Union, which then still included the Baltic republics, have in the mean time been liberated for those Baltic republics outside the Soviet Union. In addition other resources are being sought.

**Mr Habsburg (PPE):** Last Sunday the President of Lithuania, Mr Vitautas Landsbergis, was here in Strasbourg, and in his speech he particularly emphasized the need for the Community, in view of its links, particularly with the Soviet Union, to put pressure on the Soviet Union to withdraw its troops from the Baltic States, because they are getting beyond the control of the civil governments. If they cannot be evacuated from the Baltic States now, those countries will soon be facing a situation comparable to that in Croatia and Slovenia. Have the ministers considered the problem from this point of view?

**Mr Dankert:** Did the honourable Member say 'the Soviet Union'?

**91/453. Question No H-1206/91 by Mr Cushnahan concerning Community involvement in the Middle East peace conference**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Given that EPC refused to answer the aforementioned question, can the Council state why it informed Parliament that the matter concerned fell within the sphere of responsibility of EPC?

**Answer:**

It is clear from the honourable Member's question that the record needs to be set straight on two points.

Firstly, let me state categorically that the honourable Member's Oral Question No H-1130/91, put to the Council in November, falls completely outside the sphere of competence conferred on the Council by the Treaties.

Secondly, I would remind the honourable Member that her question did not go unanswered, even though it was not within the sphere of responsibility of Political Cooperation. On 20 November 1991, during EPC Question Time, I said *inter alia* that I felt that it would be perfectly correct to tackle this question when, in the context of EPC, we came to discuss Yugoslavia, and that in any event we should encourage one another to take the measures required at national level, for that was the level at which this problem should be addressed.

I hope I have been sufficiently clear and I would assure the honourable Member that I am sensitive to the scale of the problem.

**91/454. Question No H-1208/91 by Mr Mendes Bota concerning the institutional referendum in Madagascar**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Are the Foreign Ministers, meeting in Political Cooperation, satisfied with the Community's role in the recent first phase of the Middle East peace conference? How would the Foreign Ministers assess the outcome of the negotiations to date?

*Answer:*

The Community and its Member States warmly welcomed the fact that, for the first time, all the parties involved in the Arab-Israeli conflict and the Palestinian question were sitting together at the Conference table in Madrid, confirming their commitment to a just, comprehensive and lasting settlement. They commend the United States which, in partnership with the Soviet Union, has mounted the effort to bring them together.

From the outset, the Community and its Member States have given their full support to this peace initiative. They consider that the Madrid Conference is an outstanding achievement. As a participant in the Conference, the Community and its Member States aim to make a full contribution to negotiations between the parties, so that they may prove to be successful. They will continue to work closely alongside the United States and the Soviet Union as they share their overriding interest in the success of the negotiations.

The Community and its Member States consider it of the utmost importance that the parties concerned have committed themselves to the road-map of the Conference: direct negotiations on the basis of Resolutions 242 and 338 along two tracks, between Israel and the Palestinians on the one hand and between Israel and its Arab neighbours on the other.

The Community's guiding principles throughout the negotiating process are those which have long governed their position. These principles are Security Council Resolutions 242 and 338, the principle of land for peace, the right of all States in the region, including Israel, to live within secure and recognized boundaries and the right to self-determination by the Palestinian people. Their position on issues relating to the Occupied Territories, including East Jerusalem, is equally well known. A comprehensive settlement should encompass these principles.

In the view of the Community, what is essential now is that the way be opened to movement on substance. For this reason they stress that the early adoption of confidence-building measures is vital. These measures will make an essential contribution to creating the stable environment which progress in the negotiations requires. A halt to Israel's settlement activity in the Occupied Territories is such an essential contribution. Renunciation of the Arab trade boycott of Israel is another. With regard to the situation in the Occupied Territories, it is important that both sides show restraint and that Israel abide by the provisions of the Fourth Geneva Convention. The Community and its Member States look forward to a tangible improvement in the situation in the Occupied Territories, even before the putting in place of interim or other arrangements.

Early movement along the parallel track of the negotiations between Israel and its Arab neighbours is equally indispensable.

Progress in the bilateral talks will need to be assisted and underpinned by multilateral negotiations on regional cooperation in fields of mutual interest, that will yield the practical and visible benefits of peace. Regional cooperation cannot progress faster than movement towards a political settlement. But the political and regional agendas should go hand in hand, each one reinforcing the other. Given its close ties with all the parties involved, the Community and its Member States undertake to make an active practical contribution to progress in this important area of regional cooperation. The Community will also endeavour to associate EFTA nations, Canada, Japan, the GCC States, Maghreb States and others in a framework of closer economic cooperation.

**91/455. Question No H-1209/91 by Ms Van Putten concerning Oral Question No H-1130/91<sup>1</sup>**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament



How does the EPC propose bringing real pressure to bear on the Madagascar authorities with a view to holding an institutional referendum in that country and supervising its legality by for example, sending a delegation of international observers?

*Answer:*

The Community and its Member States are encouraged by the recent agreement between the Government and the opposition in Madagascar concerning the future sharing of powers and competences. The appointment of the '*Haute Autorité d'Etat*' on 23 November appears to have cleared the way for a transitional period of 18 months during which a referendum and fair elections can be held.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/402.

**91/456. Question No H-1210/91 by Ms Van Putten concerning competence of EPC on matters concerning Yugoslavia**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Given its refusal in plenary to answer my Oral Question H-1130/91<sup>1</sup>, is EPC prepared to account for the fact that Parliament has officially been informed by the Council that the question concerned does not fall within its sphere of responsibility, but rather that of EPC, and, accordingly, to answer the question?

*Answer:*

See answer by Mr Dankert to question in Council framework.<sup>2</sup>

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<sup>1</sup> *EPC Bulletin*, Doc. 91/402.

<sup>2</sup> *EPC Bulletin*, Doc. 91/455.

**91/457. Question No H-1211/91 by Mr McMillan-Scott concerning the Community's relations with Romania**

Date of issue: 11 December 1991

Place of issue: Strasbourg

Country of Presidency: The Netherlands

Status of document: Answer to Oral Question in the European Parliament

Before proceeding with any further development in the Community's relations with Romania, will the Foreign Ministers request a joint report by the Ambassadors of the Twelve in Bucharest, with a check-list, based on enacted legislation, on Romania's conformity with the UN Declaration on Human Rights, with its obligations arising from the Conference on European Cooperation and Security and with the Community's qualifying conditions for aid?

*Answer:*

The Community and its Member States can assure the honourable Member that they are keeping developments in Romania under constant review. The observations of the EC Heads of Mission in Bucharest play an important role in this process.

**91/458. Explanation of vote at the Plenary Session of the UN General Assembly concerning the question of Palestine and the international Peace Conference on the Middle East [agenda item 33]**

Date of issue: 11 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr President, I am speaking on behalf of the European Community and its Member States.

The twelve Member States of the European Community have just abstained on draft resolution L.36 concerning the convening of an International Peace Conference under the auspices of the United Nations.

The European Community and its Member States restate the great significance they attach to the Middle East Peace Conference in Madrid, which has launched a process of negotiations on the basis of UN Security Council Resolutions 242 and 338 which should lead to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question. On the basis of the principles which have long governed their position, the Community and its Member States are determined to continue to undertake all possible efforts alongside the United States and the Soviet Union to support this process. In Madrid they pledged their constructive partnership in all phases of the negotiations.

The European Community and its Member States consider it of vital importance that the momentum gained at Madrid is not dissipated on procedural matters. They noted that the second round of bilateral negotiations started in Washington (on 10 December). These negotiations should be pursued in good faith by all parties. Only then may the way be opened to movement on substance and meaningful confidence-building measures. The Twelve consider a halt to Israel's settlement activity in the Occupied Territories an essential contribution to creating the stable environment which progress in the negotiations requires. Renunciation of the Arab trade boycott is another.

The European Community and its Member States reaffirm their commitment to make an active practical contribution to progress in the multilateral negotiations on regional cooperation. It expresses the hope that all parties in the region will participate in these negotiations. The Twelve consider that the political and regional agendas should go hand in hand, each one reinforcing the other. However, regional cooperation cannot progress faster than movement towards a political settlement. Given its close ties with all the parties involved, the European Community and its Member States are determined to remain in close contact with all participants and to do all they can to promote significant steps in the direction of a comprehensive, just and lasting settlement.

Mr President, the European Community and its Member States believe that an unprecedented opportunity to create peace now exists. It is essential that the commitment shown by the parties in the current peace process is maintained and that a climate of mutual confidence between the parties will be established.

The Twelve continue to hold the view that the United Nations, which is already involved in indispensable peace-keeping operations and in a wide range of humanitarian activities in the Middle East region and attended the Madrid conference, has an important role to play in the ongoing peace process for the Middle East.

Mr President, taking into account the continuation of the negotiations in Washington in the framework of the current peace process the Twelve deem it appropriate at this juncture to abstain on the draft resolution L.36 concerning an International Peace Conference on the Middle East.

**91/459. Explanation of vote in the Second Committee of the UN General Assembly concerning assistance to the Palestinian people [agenda item 12]**

Date of issue: 11 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, I have the honour to take the floor on behalf of the European Community and its Member States.

The Member States of the European Community supported the resolution regarding assistance to the Palestinian people, contained in Document A/C.2/46/L.12. Nevertheless, we wish to underline that in the preambular paragraph 6, we understand the resolution to refer to the economy in the occupied Palestinian territories.

The European Community and its Member States are giving substantial humanitarian and economic assistance to the Palestinian people through various means. Additional exceptional aid of 60 million ECU (approximately USD 70 million) has been given following the Gulf Crisis. With regard to operative paragraph 3, we wish to specify that our assistance will continue to be channelled through the appropriate organs, in cooperation with the competent institutions. This assistance includes food aid as well as financing of projects for the benefit of the Palestinian people in the Occupied Territories and elsewhere, through the competent organs of the United Nations system like UNRWA and UNDP as well as non-governmental organizations.

With regard to trade, the European Community has adopted autonomous tariff arrangements which include duty free access for industrial products and preferential treatment for certain agricultural products. The European Community has accepted the Chambers of Commerce in the West Bank of the Jordan and the Gaza Strip as authorities qualified to issue certificates of origin and to ensure the necessary administrative cooperation. The European Community has repeatedly stressed to the Israeli Authorities the importance it attaches to the effective implementation of its trade measures without any administrative or other obstacles to Palestinian exports.

Concerning operative paragraph 8, we interpret this as concerning the establishment in the Occupied Territories of a network of local banks.

The European Community and its Member States shall continue, Mr Chairman, to grant their aid and development cooperation, both bilaterally and through the Community, as well as through the competent organs of the United Nations system in order to respond, to the best of our capacity, to the needs of the Palestinian people.

Finally, I would like to underline the great significance we attach to the Middle East Peace Conference in Madrid, which has launched a process of negotiations on the basis of UN Security Council Resolution 242 and 338 and which should lead to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question. We hope that this process will make this resolution and similar resolutions redundant in the future.

Thank you, Mr Chairman.

**91/460. Explanation of vote in the Third Committee of the UN General Assembly before the vote concerning the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders [agenda item 94(B)]**

Date of issue: 11 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

Mr Chairman, the twelve Member States of the European Community will abstain in the vote on the draft resolution contained in document A/C.3/46/L.67, entitled United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

We remain of the opinion that institutes like the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, as a matter of principle, must be financed through voluntary contributions and that no exception should be encouraged. As we mentioned in our statement, delivered on 9 December 1991,<sup>1</sup> some EC Member States have the intention to make specific assistance available to UNAFRI in order to help that institute in setting up the necessary structure for policy development and training facilities in the African region.

Consequently we have our reservations with regard to the contents of operative paragraph 2. Unfortunately the negotiations with the main sponsor of this resolution did not bear fruit.

Furthermore a statement of programme budget implication contained in document 1.74 has been made available only this afternoon which did not allow us sufficient time to study it carefully, before taking action this afternoon. We assume therefore that the matter will be raised in the Fifth Committee and will be considered there again.

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<sup>1</sup> EPC Bulletin, Doc. 91/435.

#### **91/461. Statement concerning the European Council Meeting in Maastricht, held on 9 and 10 December, and the Term in Office of the Dutch Presidency**

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*Mr Lubbers, President-in-Office of the European Council:* Mr President, allow me to begin my report on Maastricht here today by thanking you for the contribution you made at the start of our meeting. I will, of course, be coming back to the issues which the European Parliament associates with the draft treaty in its present form. Furthermore, with your permission, I should also like to begin my report on Maastricht by expressing my special thanks to the President of the Commission, Mr Delors, who helped me enormously in the preparations for the meeting and during the meeting to guarantee an outcome which would benefit the whole of the Community.

I now come to the issues as they were discussed in Maastricht. The preparations for the Summit were lengthy and I assume you are aware of how things stood before we began our deliberations in Maastricht. It was our ambition to establish a form of cooperation which would be marked by much more than market issues in order to give substance to cooperation in a number of areas. This raised the question of political orientation. As you know, we finally arrived at the formulation that what we wanted was an ever closer union; a union in which decisions remain as close as possible to the ordinary citizen.

The first part, 'an ever closer union', comes from the Treaty of Rome and is therefore of particular historical significance. The additional part, calling for decisions to remain as close as possible to the ordinary citizen, indicates that in extending our activities to many more areas, the specific aim is to underline the political premise that decisions have to be taken with the greatest possible regard for our citizens. The approximation of an 'ever closer union' and 'decisions taken as close as possible to the ordinary citizen' is a good way of formulating what is understood by the word 'federal'. The Dutch has noted, however, that the word 'federal' is interpreted in different ways in different countries. That is why we opted for the new, clearer wording.

The second point I would like to draw to your attention is that the calls for cooperation in a great many new areas brought to light the need for the principle of subsidiarity to be enshrined in the Treaty as clearly and as forcefully as possible. In Maastricht, we honed down the precise wording somewhat. This means that in future we will have to ask ourselves whether a Member State can fulfil its own obligations and in consequence what action the Union, as such, should be taking in parallel. Those are a few of the general guide-lines on principles.

The next point I would like to draw to your attention is the request made and now enshrined in the Treaty to the effect that this should not be seen as the end of the line. We have therefore developed evolving passages in a number of areas, the aim being two-fold: to pursue cooperation further in each of these areas, accountable to you, the European Parliament, but also to hold open for the future the possibility of having different types of decision-making in different sectors – those derived from the existing Treaty, foreign policy and security policy and cooperation in the areas of justice and internal affairs – and in the more distant future of bringing them closer together again as part of the systematic organization of our cooperation. We therefore have evolving clauses to enable us to achieve more with greater responsibility towards you; evolving clauses to make the overall structure of cooperation in the union more transparent again in future.

I should like to make just one remark concerning the subject areas themselves and the discussions held on them in Maastricht. One logical consequence of the Single Market, the internal market, is monetary union and consequently great importance is being attached to the agreements on Economic and Monetary Union which must now be recognized as an irreversible process, a process which will take shape in the 1990s. You are aware that some Member States, particularly the United Kingdom and Denmark have stated that as far as their own participation is concerned, they will not commit themselves to irreversibility. But the agreement we reached on this issue means that this can no longer constitute an obstacle to the completion of the process. In order to be able to complete the process in a few years, further effort will be required from the Member States, involving in particular efforts to comply with the so-called ‘convergence criteria’.

We also discussed the areas which are to be added to our sphere of activities. I will not list them all. I will simply point out that the list which was originally cut down was extended again in Maastricht. Consumer protection, for example, was reinstated on the list.

Perhaps some of you are wondering whether any areas have been dropped. This naturally brings me to the question of the social dimension. I have a number of points to make here. As you know, the social provisions of the Treaty as it stands are contained in the chapter which covers Articles 117 to 128. The objective was to create a chapter in the new Treaty in which these issues could be explored in greater detail. The chapter is divided into two sub-chapters. The first part clarifies and extends the existing articles, particularly Article 118 where it refers to health and safety and now serves as a legal basis for initiatives. Two lists of subjects have been drawn up, one of them requiring decision to be taken by majority and the other requiring unanimity.

The second part of the proposal actually came about after consultation of joint employees’ and employers’ organizations in Europe and it means that when they make proposals at their own initiative these can be transferred to the Community, in a democratic way, of course, without affecting the governments’ responsibilities for negotiating in these areas. Now, this new social chapter created insoluble problems for the United Kingdom. The question this raised for the and for all the Member States was: would it be reasonable to add water to our wine in order to reach a compromise? It became obvious that we would have had to add so much water to our wine to reach a compromise that the end result would have been poor. We did not pursue that line in Maastricht when we realized how deep-seated the United Kingdom’s reservations were. So what agreement did we reach? The first point is that the existing text of the Treaty of Rome naturally remains in force. As you know, this gives us ample scope for implementing a social policy. So those arrangements still hold, even for the United Kingdom. Let there be no doubt about that.

Consequently, we – that is to say all the Member States, all Twelve – agreed in the protocol that it should be possible for eleven countries to go still further. I must point out that the protocol was agreed by the twelve countries. And what will the eleven countries do? They will naturally implement what was on the table in Maastricht. To that end they prepared an agreement which they will, of course, be submitting to their national parliaments. The protocol approved by the Twelve thus stipulates that in this instance the institutions, procedures and rulings of the European Community can be used and recourse made to them. I would ask you to pay close attention to this as this means that there are issues which you, the European Parliament, will, I hope, be examining. So much for the social chapter.

I should like to draw your attention to another important subject which we discussed in Maastricht and on which we were able to reach conclusions: economic and social interaction, also referred to as cohesion. We submitted a very comprehensive document on cohesion in Maastricht as we felt it was an important issue. This document contains a report on the amendments which have been submitted to the Treaty, according to which the cohesion factor is to be much more clearly outlined in the Treaty along with indications as to how to promote cohesion. In Maastricht we decided that this document will form part of our obligations under the Treaty as it is to become a protocol. It is not a declaration. It is a protocol. What are the main points? First of all the creation of the so-called cohesion fund to improve cohesion even outside the existing funds. The new fund will have two sections. One section makes it possible for countries which have access to cohesion funds, that is countries with a relatively low level of revenue, to obtain money from the fund for investment in the environment. The second section covers transport infrastructure.

In addition we naturally have the existing range of instruments whose operation will be improved under this protocol. It also concerns such matters as the Member States' contributions, which are laid down in each programme. Here too, efforts are being made to achieve greater flexibility in the breakdown of contributions.

This factor is linked with another factor, this time in connection with the revenue side of the Community's resources. In striving for cohesion, the approximation of our levels of affluence, should we not attach more importance than we have in the past to the contributive capacity of the Member States? The political intention is that countries with a relatively low level of revenue should not pay too high a proportion of Community revenue. The existing system includes a number of regressive elements. For example, the VAT base tends to create certain disadvantages for countries with a relatively low level of revenue. Talks were also held on the possibility of creating a fifth source of revenue which is purely progressive and would therefore create a balance in the system. No precise agreements were reached in Maastricht on the future allocation of revenue, on the various resources or on the fifth source of revenue but what did occur and what is to be laid down in the form of a protocol in our Treaties is the principle that contributive capacities are to be taken more into account. This leaves the technical side open but the political guide-line is already enshrined in the Treaty.

There are a number of other elements in new areas other than those derived from the extension of the market concept. This naturally brings us to foreign and security policy. We reached an agreement to enter this sector in the new Treaty on European Union. I am very pleased about that. It was a well known fact that a number of the larger Member States had very different ideas about this. Thanks in particular to the remarkable contribution by the Foreign Ministers, it was possible to do the groundwork which enabled us, following further detailed discussions in Maastricht and with a certain amount of amplification and clarification, to obtain full agreement. This is a significant achievement. From London to Bonn, from Paris to Rome – I won't go through all the capitals – we now have one guide-line to generate the substance of foreign policy and prospects for a defence policy according to an agenda, a timetable and a working method the details of which you will find in the texts and which I will not repeat here.

Another extremely important area is the chapter on justice and internal affairs. It occurred to me as I travelled around the capital cities and in Maastricht just how much more important these matters have become over the last few years. Things are moving very quickly now. The Ministers of Justice and Internal Affairs of the various governments have been extraordinarily active in these fields and you will find specific reference to them in the Maastricht reports. So much for the extension of the subject areas, the overall concept and structures.

Having spoken about the contents of the talks, I now come automatically to the democratic aspect, where you bear a special responsibility which we are happy to share with you. What will happen on the way to union? Let me begin by saying that there will be a number of major improvements but certainly not enough of them. Here too it has proved difficult to establish a balance.

First of all there is the matter of the 'improved' procedure which is also known, of course, as the co-decision procedure. We have tried to improve this procedure, which has ramifications in a number of areas – I will be coming back to this – and it will indeed be improved. Mr President, I have taken note from the speeches you yourself have made on behalf of your Parliament how important it is to forgo a third reading under this procedure, whose content is known to you and which I do not need to repeat. It was because you brought the matter up that it was reinstated on the agenda for Maastricht and the Member States showed a willingness to forgo a third reading. I should like to make it quite clear that I consider it a great pity that we did not succeed. Why did we not succeed? Naturally because we had to have unanimity in the Council, in the European Council. We can only change things by unanimity and it became clear that a significant minority of the Member States had substantial reservations. We openly asked everyone at the meeting whether it might be possible to drop these reservations. Some Member States – a minority, and that makes it a bitter pill to swallow – appeared to be unable to do so.

This brings me to a general remark which I should perhaps be making somewhere else rather than here. I made it yesterday in the Dutch Parliament although it is not an issue in the Netherlands: ought we and must we expect that, on matters as important as these, the ministers responsible for these matters will have consulted their own national parliaments prior to their arrival at meetings such as Maastricht? I have to say quite frankly that I am amazed when I think of what happened last year in a joint meeting between the European Parliament and the national parliaments as set out in the declaration issued after the 'assizes' and when I then look at what consequences have been derived from it one year later. Improvements have been made in a number of areas, of course, but in a number of other areas the situation is evidently such that some of my colleagues can still say that they have to justify themselves, presumably each in his own national parliament. Co-decision by subject. You know the general rule: where you have majority voting you can have co-decision. There are a number of exceptions which I feel are regrettable. But we also broke new ground in Maastricht in that we now have a number of areas where decision must be taken unanimously until the European Council indicates that the cumbersome co-decision procedure can be applied. That is something new. You could say that it is not strictly necessary in the overall scheme of things but, as someone put it, what is there to say that we should not do it? I will list the subject areas for you: culture, research and development. In areas where the unanimous decision rule applies, the principle to be enshrined in the Treaty is, nevertheless, the co-decision procedure.

In addition to the co-decision legislation we also have the extension of cooperation. This is not so much a matter of improving the procedure as the range of subject areas; for example, competition policy, adaptation of the structural funds, development cooperation, more widespread use of the parliamentary assent procedure, citizenship, cohesion and association agreements.

I now come to a very important point – in my view at least. It concerns the relations between your Parliament and the Commission. The rapport between your Parliament, Mr President, and the

Commission is of vast importance for consolidating the democratic aspect of the European Community. Prime issues include the composition of the Commission, consultation on the choice of its President and, consequently, on the appointment of the new Commission as a whole. In the case of the President of the Commission, reference is made to a double investiture. Firstly of the Commission as a whole – a single but decisive vote. A very important point is that it was agreed in Maastricht to arrange for the Commission's term of office to coincide with your parliamentary terms. I believe this will give you an important opportunity to strengthen the political relations between the European Parliament and the Commission.

I should also like to say something about a matter which we also discussed, Mr President, and which is of particular importance to your Parliament. As you know, we considered the possibility of taking into account your claims concerning a number of new Members – eighteen in all following the unification of Germany. Observers today, Members tomorrow. That is what you asked for. Bearing in mind the tradition of our Community and the agreements made in the past, we noted that this must inevitably lead to the question of whether or not other Member States should have more Members representing them here. You know the arguments. First of all, we were unable to obtain unanimity on a permanent increase in the number of Members, not observers but Members, for Germany alone. Once this became clear, we discussed the option of a substantial increase in the number of Members in Parliament as a whole. The members of the European Council took the view that this was not a desirable option as it stood but that we could not take any definitive stance on the desired number of Members of the European Parliament without the requisite consultation of and collaboration with the European Parliament itself.

We then tied this in with the question of enlargement which will soon be upon us, at least where a number of European countries are concerned. We said that we would leave things as they stand, that is to say that we will continue with German observers – the eighteen in question. It will be necessary to carry out an in-depth analysis in the near future, in which the European Parliament will naturally be called upon to play a central role, to ascertain where we want to go and what size Parliament we want, how the seats should be allocated to the various Member States and how we should see this problem in the context of enlargement. This will be a knotty problem. Having reached that conclusion and having established a clear link with enlargement, we decided that we would have to follow the same line in determining the size of the Commission and that we should take no new decision at this point although we were under pressure to do so. This must be seen in the context of a subsequent enlargement of the Community.

Mr President, we must also consider the people's Europe. There is one issue which separates the people's Europe and your Parliament and that is the recognition in our new Treaty of the significance of political parties at European level. The European Council took a stance on this issue, stating that it considered it desirable for provision to be made for this in the Treaty. This will be an important factor in the future, involving a fundamental decision to regard the formation of parties at European level as an integral and important part of the political process. That, in a nutshell, is the overall result. I will not go into the individual decisions on matters concerning European citizens in the chapter which covers the right of petition, the right of inquiry and the ombudsman.

As regards the democratic element, there has been some improvement but it is not enough. I have to be quite frank about this here today. That is my firm conviction at least. Turning to the sections of the Treaty in which you bear special responsibility but, of course, more especially as regards the key issues of justice, internal affairs and also, to a certain extent, foreign affairs and defence where we have opted for a separate structure, I should like to express the hope that the debates on the co-decision procedure will serve to give real substance to the link between your Parliament and the work done in the inter-governmental bodies. Provisions have been made in the Treaty for arrangements on reports and debates in this context. As a former Member of Parliament, may I point out that these provisions give Parliament substantial power to determine how far it wishes to influence developments in this sector.



Mr President, I should like to make a few closing comments. As regards the results we achieved in Maastricht, I should say first of all that I am firmly convinced that Maastricht was an important step on the way to an ultimate goal which we have not yet attained. This is particularly true of the role of this Parliament. We cannot be satisfied. We have not reached the end of the road but it is a first step. I do not think we have anything to be ashamed of. The work programme we laid down in the Treaty is very ambitious. We now have to give these proposals some substance in more sectors, with more parliamentary control and with a number of very specific objectives, monetary union and so on, which we must achieve within a few years. We also need clauses to offer more scope for further development. I feel it is exceedingly important to have made this quite clear.

Secondly, I deeply regret the fact that the United Kingdom was unable to associate itself with our common stance in two major areas. They were, of course, prepared to go along with unanimity in decision-making but we were forced to the conclusion that there is still work to be done here. It must take shape gradually. I am confident that we can succeed and that we will get there in the end.

One final comment, Mr President. When you addressed us in Maastricht, and I have already expressed my thanks for your address, I took the view that if unanimity was required the political outcome would inevitably be open to criticism from various sources. Nevertheless, the twelve heads of government all assumed the responsibility of pressing on together in this spirit. I hope that the parliaments throughout Europe and you, the European Parliament, will make full use of the new possibilities which will surely be open to you in the years to come but that you will also show your willingness to support our common task. Wherever there is compromise, it is always easy to say that things could have been different. I and my colleagues in Maastricht had a responsibility to achieve results as a basis for subsequent progress. We achieved those results.

*[After the statement concerning the European Council by the Commission, Mr van den Broek, President-in-Office of the Council, stated:]*

Mr President, we were captivated by the statements we have just heard from the President-in-Office of the European Council and the President of the Commission with their sights firmly fixed on the future and I now have the rather more thankless task of sharing some ideas with your Parliament about the past. For have we not spent the last two-and-a-half years striving together to set new starting points and draw up treaties designed to prepare Europe, our European Community, our Political Union, for the challenges of tomorrow? Like the Presidents of the European Council and the Commission, I am delighted by the outcome of the Maastricht Summit even if in our capacity as the and as the Dutch delegation we could have hoped for a better outcome in some respects. This applies in particular to the democratic legitimacy of our European activities and the extension thereof. It is perhaps as well for me to underline once again that what had been become established practice, in my view, in the second half of this year has now been formally acknowledged in the new Treaty on Political Union. By this I mean that where important matters concerning the Union's external relations and foreign policy are concerned the President of the Council is required not only to keep Parliament regularly informed but also to consult it. In the light of our experiences over the past six months, I think the practice is already effectively established.

This brings me to one of the major aspects of foreign policy which have forced the Community into difficult decisions over the past six months. By that I mean the situation in Yugoslavia. I do not wish to spend too much time on the substance of this issue as I have had the opportunity to hold an exchange of views with the Political Affairs Committee and the European Parliament on several occasions in the past few months. Let it suffice for me to express my conviction that we are dealing with a problem which is not solely and exclusively restricted to the region in which

Yugoslavia is situated but that we are faced with developments which we could also be facing in other parts of our continent. All the more reason for us to join forces to try to put together more adequate solutions. Let me repeat what I may have said about this in previous meetings with the Parliament, which is that we would be doing ourselves a disservice if we were to think that the lesson we should be learning from the current situation in Yugoslavia is that the European Community should stand by powerless during efforts to contribute to peaceful solutions to this type of crisis. I still feel that the European Community – Political Union, if you will – has to be involved, not only because of the population in that region but also in the Union's own interests, which are also at stake. I certainly believe that now it has proved possible to obtain more international attention and support for the Twelve's policy on Yugoslavia we must not give up hope although I do not deny that we will probably be forced to take more tough decisions at the beginning of next week and that we will once again be faced with the dilemma of further action by the Twelve to try to give a fresh boost to the prospects for a peaceful solution.

I truly hope that the process we completed in Maastricht, a process of far-reaching discussions and negotiations on how we can make the Community's foreign policy more coherent in future, on how we can speak more often with a single voice, will also bear fruit in the choices we will soon be making on Yugoslavia in close collaboration with the President of the Yugoslavian Conference, Lord Carrington, and the envoys of the United Nations Secretary-General who, as you know, have been doing their utmost to prepare the way for the arrival of a UN peace-keeping force in the area.

A second important aspect of foreign policy, a second area in which the pace of events has quickened and where the situation has developed in such a way that it would have been impossible even for the Twelve to foresee the outcome is the Soviet Union. Here too, the events of the last few days provide us with a further incentive to formulate a Community policy on the states now being formed in the area which used to be known as the Soviet Union. The Soviet Union no longer exists as such, particularly following the agreement which was signed in Minsk a few days ago by the Russian Federation, the Ukraine and Belarus. I believe that within a few days it should be clearer whether the fate of the Union has finally been sealed and whether we have to prepare ourselves for a policy aimed much more at opening and consolidating relations with the individual republics of the former Soviet Union. For the Twelve, working together in Political Union, this will involve efforts to draw together the threads of its political and economic policy and its policy on security and defence to form a coherent whole. I have referred briefly to two issues which have been at the centre of our deliberations in European political cooperation for the past few months but whose topicality will not vanish with the end of our term in office in the. On the contrary, we must devote even more attention to these issues and I should inform you that in Maastricht the European Council called on the foreign ministers to hold in-depth discussions, as a direct result of the most recent developments in the Soviet Union, with a view to formulating and laying down a coherent policy for the Twelve in the light of the changed situation.

As I present my report on behalf of the on the activities of the Twelve in the field of foreign policy over the past six months, thinking back to the objectives I outlined at the start of our , I am able to look back – with thanks to President Delors for his kind words – on a time of goals achieved since in addition to the main issue, Economic and Monetary Union and Political Union, one of our expressed aims was to do justice to the aspirations of the countries of Central and Eastern Europe, which have become increasingly clear in the past year, not only to have a coherent line of thought on the part of the European Community but also to give substance to our approach through close and in-depth cooperation with the Community. I therefore join with President Delors in saying that we can look back with considerable satisfaction at the progress the Community has made over the last six months – and I should like to express special thanks to Commissioner Andriessen for his efforts in this area – towards concluding these agreements which we do not regard as the final objective in our relations with the countries of Central Europe but more as a new start along the road to closer collaboration. Indeed the preamble to these associ-

ation agreements refers to the prospect of full membership of the European Community for the countries of Central and Eastern Europe. I am convinced that, where association agreements are concerned, priority should not be limited to the three countries with which they have been concluded but that they should be made available to a wider circle of countries.

Another extremely important objective of the Dutch – and here too we were conscious of the solid support coming from the Commission's total commitment – was to reach an agreement with the EFTA countries. We should not underestimate the effort the Commission has put into these extraordinarily complicated negotiations. The negotiations were successfully completed and the Community market of the Twelve has now been further extended to cover the whole of the territory of the EFTA countries. Furthermore, the agreement is of major importance to the EFTA member countries who have in the mean time submitted a request for full membership of the Community as this will no doubt make the negotiations considerably easier. This means that the second objective has also been attained.

A third objective was to step up relations with Japan, Canada and the United States. You will have seen that these matters took shape with the signing of official declarations with these three countries which, amongst other things, institutionalized regular political consultation with each of them.

All of the things we achieved were major objectives. There is one question mark outstanding and we hope that the finishing touches can perhaps be made before the end of the year. The commitment of the and the Commission in this sector has at all events been extremely intense. I am referring to the highly important negotiations on the liberalization of world trade, the GATT or Uruguay Round. Unfortunately, we cannot claim conclusive results here as yet but I am sure you are all well aware that both the and the Commission, which have a special responsibility in this sector and a negotiating mandate, will pursue their efforts to the very end in order to ensure that progress is made.

I would also refer you to another objective attained through fruitful cooperation between the Commission and the Presidency, namely the signing of the Energy Charter, which we hope will take place before the end of this month.

Mr President, all in all we can look back over our programme with some satisfaction, noting the objectives we attained. You have also been able to witness the fact that the Twelve have been able to play an active part in external relations, contributing to the major peace process in the Middle East by supporting American initiatives in the area. We have been instrumental with the Commission in ensuring that the Twelve make an active contribution to the multi-national negotiations connected with the Middle East peace process in which the European Community is expected to make a major practical contribution, where arms controls, economic and regional cooperation, the problem of refugees and a number of other matters are concerned. We are prepared for that too and we are keeping in contact with the other parties to offer our services, which by no means indicates that Europe is to be excluded from the bilateral negotiations. There too, we are keeping in touch with the other parties to see how we might possibly provide more support for American initiatives.

The House will be fully aware of the developments in South Africa and Cambodia and of the action taken by the Twelve, too. I will not dodge these issues. Let me simply say that a great deal of attention has also been paid to these matters during the Dutch.

Another major objective attained under the Dutch is that it was made clearer than ever before that the quality of relations between the European Community and third countries is greatly influenced by the way in which the principles of democracy, the rule of law and respect for human rights are handled. I would refer you to the extremely important decision taken by the

Development Council which states that a clear link has been established between our relations with third countries, in the field of development for example, and the safeguarding of the principles I mentioned a moment ago. We are taking advantage of an improvement in the international climate which is making it increasingly acceptable for us to step up our demands and make it clear that in our eyes there can be no economic and social development unless widespread respect for the principles of democracy, the rules of law and human rights is guaranteed. That was another important point.

I would not wish to give the impression that the Dutch has been solely concerned with external relations. We agree with President Delors that we must ensure a coherent line in all aspects of our foreign policy. He knows what the Dutch 's views are on this and what it hoped to achieve in the run-up to Maastricht. There was also the internal market. I will not go into details. I will just say that the Dutch sees the completion of the internal market as a practical condition to ensure that Economic and Monetary Union operates effectively from the outset as the two things are indissolubly linked. I could give you a long list of our achievements in this area over the past six months, the undeniable progress that we have made even with problems that have so far proved particularly intractable, including taxation, plant health, the environment and the social sector. We are naturally more than ready to look at these points in greater detail during the debate if need be but I will simply mention the subject areas and say that the internal market is not yet complete but that as things stand we have every reason to believe that we are very close to creating the conditions needed to ensure that the internal market is completed by 1 January 1993.

I will conclude now, Mr President. I assume that this will be one of the last opportunities for the Dutch as such to exchange ideas with you, Mr President, and with this House and so I should like to express our gratitude for the many meetings we have had with you and above all for the candid and constructive exchange of views, including the occasional criticism of the – but then, that is as it should be. I should like to say that we regard the interaction between the policies of the Council and the European Parliament as an established institution. We hope that we, for our part, have clearly demonstrated that, for us at least, the solid democratic, parliamentary foundations of our policy are an established institution and will remain so in our joint democratic Europe of the future.

*[After the ensuing debate, Mr Lubbers, President-in-Office of the European Council, stated:]*

Mr President, I should like to thank the speakers for the points they raised and to thank you for giving me this opportunity, now that the group chairmen have spoken, to give a brief reply.

The vast majority of the arguments tend towards the view that, for the moment, the balance is positive but that the outcome must be regarded as provisional as the final evaluation has yet to be made. Having listened to the points raised, I tend to draw the same conclusion, to think the whole thing through carefully and not to try to take a definitive stance on these issues on the basis of a brief reply. I would simply encourage those whose opinion today was negative, the exceptions, to study those sections again carefully in the hope that their present unfavourable opinion can be converted into a favourable one.

Listening to the speakers this morning and this afternoon, it became even clearer to me just how great a task we are facing here in Europe. And so I would draw attention to the need for better and more effective cooperation in a number of areas, including a number of new areas, and at the same time to the need to remember that our policy must remain a definite presence in the lives of our citizens. This is a responsibility which is shared by all the institutions of our Community and soon of our Union. Each of us must help ensure that, wherever the need arises, initiatives are launched, decisions are taken and common policy is supported. At the same time, we must all be careful to ensure that we do not lose ourselves in business best dealt with at a local level rather than here at European level. I believe that is one of the greatest challenges facing us in years to

come. We have attempted to lay down principles to that effect in the Treaty and we hope these will be approved although they still have to be put into practice.

Much has been said, and rightly so, about the role of the European Parliament in connection with the changes made under the revised Treaty. It has rightly been pointed out that this is not a fully fledged situation but merely one step along the road to the final result. That is correct but may I point out that, as various speakers have said, this is not merely a matter of the wording of the Treaty, it is also a matter of commitment and of the authority the Parliament acquires or claims. I therefore hesitate slightly when some speakers give the impression that Parliament's role lies squarely, that is first and foremost or even exclusively, in areas where Parliament exercises decisive influence in the sense that it can say 'no' and withhold its approval. This would lead us to the conclusion that in the new areas, which are indeed largely handled at inter-governmental level, there is no place for your Parliament. I dispute that view. As I see it, in the procedures involving reports and consultation there is scope to influence the very principles of our work. I would remind you that, in a number of countries, when security policy, foreign policy and defence come up for debate, the responsibility for policy lies elsewhere but arguments which influence that policy are of a guiding rather than legislative nature, coming through political debate from the force of conviction and trust which must lie with those who take the decisions and carry the responsibility.

In the same way, I would draw attention to another key issue, that of justice and internal affairs and the questions raised in relation to that issue. To sum up: the problem of migrants, those seeking asylum but also, for example, fighting crime and the matter of a European police force. I assure you that these are crucial issues for the people of Europe. The fact that these issues have been situated at inter-governmental level in the Treaty is certainly connected in part with the fact that these matters are bound up with deep rooted convictions and traditions laid down in different constitutions and practices in relation to the rule of law. Each of us rightly claims that the countries where we live operate according to the rule of law but our approach and the way it is reflected in practice in our lives and government is not the same. This also creates an enormous challenge for the European Parliament gradually to lay the foundations through formative argument and exchange of views to ensure that we ultimately arrive at a more truly European concept in this sector.

Now, a practical remark concerning Parliament's exact position and the development of greater powers for the European Parliament. Some speakers asked, 'could you not go back over the work you did in Maastricht on this issue again?' Yet another conference! I could, of course, put the suggestion to my successor, the Portuguese President, but I will not do so. I think it would not be wise. I think we must accept that what we agreed was the best possible outcome for now. That is my firm conviction.

Allow me to make a second point: is there any scope for more far-reaching improvements in the years to come? It was Mr Klepsch who asked the question. Yes, of course. This scope is two-fold. I believe the two aspects will crop up when we reconsider the problems of own resources and all the related issues. The second actually crops up all the time, so to speak, such as after every election and every modification of the Treaty leading on to the next time. We are always concerned with what improvements we can make next time to procedures and the extension of the sectors to which specific procedures apply.

A third and more practical point I would like to raise in this context is the crucial factor in the Maastricht decisions concerning the moment at which a new Commission is appointed in relation to a new Parliament. We calculated roughly a difference of approximately six months between the composition of a new Parliament and the appointment of a new Commission. I must make it quite clear that our choice was largely determined by your work and no dogmatic rules were applied. I think it would be very useful if you, as a Parliament, were to ask whether the moment is well cho-

sen, bearing in mind the procedures on which you yourselves have insisted, that is, firstly, consultation on arrangements for the appointment of a new President of the Commission followed by a reasonable time for the Commission during which the incoming Commission is set up and finally its investiture here in Parliament. A very practical consideration. I hope that this will soon be the subject of careful analysis, together with Parliament's involvement with the special chapter on social affairs, and that we will then be able to draw joint conclusions in these areas.

[...]

Mr President, I was asking myself what the possibilities [for influence over own resources by the European Parliament] were in general, but that is not your point, you are referring of course to generally preparing the ground. The clause regarding future development is based on this, and I believe that Article W 1 provides the scope for doing this through an inter-governmental conference. I suspect, in fact, that as far as the whole question of any extension relating to own resources and a new system for them is concerned, there will be more discussion of the financial relationships, not just from the point of view of revenue, but also as regards the scope for involvement in various aspects of the budget. I do not feel that now, just after Maastricht, where it was not on the agenda, is the time to speculate about this. But that is what my comment referred to, and Europe is of course always master of its own decisions.

*[After the continuing debate Mr Dankert, President-in-Office of the Council, stated:]*

Mr President, I shall reply briefly to a number of points that have been raised in the debate this afternoon.

First of all, I should like to thank Mr Martin for reminding us of Altiero Spinelli. I believe it was a good thing in this debate, particularly after the disappointment which Spinelli experienced with the European Act, to see that the process he set in motion is continuing, although – and here I am really repeating what the Minister has just said – with the decisions of Maastricht, the Community has not yet become a democratic one. Steps have been taken in that direction and, given the complexities of the relationships between the Twelve, and also within a number of national parliaments, there is no point in trying, as called for in the resolutions that are before us, to make any changes through an interinstitutional conference in the next few months. That is impossible. This step has now been taken and in the next few years, through the processes of own resources and the budgetary procedure, we shall constantly have to try to supplement and extend the powers that have been acquired. I believe that that is the most reasonable and practicable way forward.

I feel Parliament underestimates the fact that because, in the basic inter-governmental procedures, the Commission has gained the joint right of initiative, the European Parliament is at least involved in inter-governmental processes, whereas the national parliaments at the moment only learn about these afterwards. I would remind you of the debates we constantly have about the Schengen process and on international agreements: these are submitted for ratification to national parliaments, but those parliaments have no influence on the drawing-up of such agreements. I think that the Commission's joint right of initiative in this respect could contribute significantly to the democratization of this process, without wishing to call it democratic from the outset.

Mr President, following the comments made by Mr Hänsch and Mr von Wogau with regard to the number of Members of Parliament, in connection with the German issue, I should first of all like to say to Mr von Wogau that it is not true that the new federal territories will not be represented in this Parliament. The problem is the distribution of 81 seats over the whole of Germany. Let us just take that as read. I realize that it creates not insignificant difficulties, but the new federal territories form part of the Community and thus at the next elections will be part of this

European Parliament. The difficulty is that at present we can only solve the problem by means of an unchecked increase in the number of Members of Parliament, and in my view such an unchecked increase in the number of Members would not contribute to the smooth exercising of powers and the acquisition of further powers; that is why in the next year or two, in conjunction with Parliament, we must try to find a solution to this problem.

Mr President, one or two further comments as a result of a specific question about foreign and security policy. It will not be easy to move from the present situation to that of a common foreign and security policy, simply because the identities of the Member States have not been removed by the decision on a joint policy. It is a process of growth, but in the procedures there are nevertheless a number of elements which mean that a strengthening of Community action – if the Twelve so wish – will be among the options, and I feel that it is a matter of setting a process in motion which ultimately makes it possible to achieve a real community of interests.

Moving on to a specific question from Mr Papoutsis about possible Greek membership of the Western European Union, it was agreed in Maastricht that Greece would obtain the right to membership of the Western European Union and that Turkey could participate fully in the WEU. There is a background to that proposal. The main form of security in Western Europe at present is the North Atlantic Treaty and the North Atlantic Alliance, of which both Greece and Turkey are members. For this guarantee of security to function, it is not possible for very different action to be taken in respect of partners in that alliance. Therefore, this formula was found, which in my view covers all members of NATO which are not or will not become members of the Western European Union. I feel that this was the only solution possible in the present circumstances without creating new problems in Europe.

Mr President, in conclusion, I should like to thank all those who have expressed their appreciation of the efforts of the Presidency to achieve the results obtained in Maastricht. Of course, it could have been better, we think so too, but nevertheless an essential step has been taken in the process of European unification.

#### **91/462. Statement in the Plenary Session of the UN General Assembly concerning the law of the sea [agenda item 36]**

Date of issue: 12 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr de Marchant et d'Ansembourg:* Mr Chairman, I have the honour to speak on behalf of the European Community and its twelve Member States.

The European Community and its Member States attribute great importance to the Law of the Sea and to the creation of conditions for ensuring that a universally acceptable international instrument regulates the numerous and ever-expanding uses of the seas. In connection with this clearly established point of departure, I would like to reiterate the statement on the Law of the Sea which was annexed to the intervention delivered to the General Assembly by Mr Hans van den Broek, Minister of Foreign Affairs of the Netherlands, on behalf of the European Community and of the Twelve and reads as follows:

The Community and its Member States remain convinced that the 1981 United Nations Convention on the Law of the Sea is of great importance for the upholding of the international legal order on the seas and the oceans. It is hoped that the outstanding problems, related to a legal regime for deep sea-bed mining, will be solved in order to make the Convention universally acceptable. In addition to the valuable work undertaken within the Preparatory Commission for the International Sea-bed Authority and for the International Tribunal for the Law of the Sea, the important

informal consultations initiated by the Secretary-General of the United Nations on these problems may lead to solving the remaining issues and thus contribute to the desired universal acceptability of the United Nations Convention on the Law of the Sea. The Twelve look forward to the continuation of these consultations so that the outstanding issues can be solved satisfactorily before the entry into force of the Convention.<sup>1</sup>

Mr Chairman, this said, please allow me to highlight in more specific terms some of the issues and developments referred to generally in the latter statement.

The Preparatory Commission, under the skilful leadership of Ambassador Jose Luis Jesus of Cape Verde, to whom the Twelve wish to pay tribute, remains the official principal forum in which issues related to the 1982 Convention on the Law of the Sea are being discussed. It is as its name implies primarily responsible for preparing the necessary infrastructure for an effective international Seabed Authority and International Tribunal for the Law of the Sea. The Twelve are therefore of the opinion that other initiatives outside the framework of the Prepcom aimed at solving certain problems, or improving certain provisions in part XI of the Convention, should be regarded as complementary to the work of the Prepcom and welcomed by it.

Mr Chairman, please allow me to share some thoughts with regard to certain developments within the Preparatory Commission during its ninth session.

The registration of two additional pioneer investors in the course of this ninth session of the Prepcom is proof that a continued interest in future deep sea-bed mining exists. During the spring session in Kingston, the People's Republic of China was registered and during the summer session in New York Interoceanmetals joint organization, a consortium consisting of Bulgaria, Cuba, Poland, the Soviet Union and the Czech and Slovak Federal Republic, was welcomed to the ranks of those demonstrating a keen interest in future deep sea-bed mining activities. The European Community and its Member States are convinced that during the spring session of the tenth Prepcom, agreement will be reached on the subsequent obligations of the respective pioneer investors.

In as far as the working methods of the Preparatory Commission are concerned, the Twelve believe that in particular with a view to streamlining and rationalizing the work of the Prepcom, an important decision has been taken. We welcome the consensus on shortening the future sessions of the Prepcom, effective as from the spring session of the tenth meeting of the Prepcom in Kingston.

Mr Chairman, an interesting and highly welcome development during the ninth session of the Prepcom was the outcome of the discussion that took place in Special Commission 2, dealing with the Enterprise. The Twelve welcome the general agreement that the Enterprise should start its operation in the form of a joint venture.

During the ninth session of the Prepcom, substantive discussion took place on the administrative arrangements, structure and financial implications of the International Sea-bed Authority. The discussion centered around two possible administrative structures: the self-administrative model on the one hand and the UN-linked model on the other. It should be recalled that the Twelve are convinced that the principles of efficiency and cost-effectiveness should govern any decision on the subject. The Authority should therefore reflect the current state of affairs in which the actual commencement of sea-bed mining is a matter for the distant future. Consequently in the interim period, the UN-linked model is to be preferred. As long as actual sea-bed mining remains only a possibility in a distant future, an independent and self-administrative Authority is not justifiable. The Twelve hope that the principles of efficiency and cost-effectiveness will continue to guide those taking part in the deliberations on this and other subjects during the forthcoming meetings of the Prepcom.

Mr Chairman, the 1982 United Nations Convention on the Law of the Sea is in a crucial phase. On the one hand constructive discussions to facilitate universal acceptability are in progress, with



the aim of removing the difficulties that prevent certain states from ratifying or acceding to the Convention. On the other hand, an increasing number of states have ratified the convention, bringing closer the sixty ratifications necessary for its entry into force. Finally the Preparatory Commission is also drawing nearer to the termination of its work.

The European Community and its Member States, as has been stated frequently on previous occasions, remain convinced of the utmost importance of an universally acceptable regime for the various uses of the seas. We are convinced that the 1982 United Nations Convention on the Law of the Sea is to be considered the most appropriate instrument in this respect. However, to achieve the desired universality, it is necessary to solve the remaining outstanding issues, issues that relate to the legal regime for deep sea-bed mining. The Twelve consider it important that such solutions be found before entry into force of the convention and urge all states to work to this end.

As stated by the distinguished delegate of Italy on behalf of the European Community and its Member States during last year's session of the General Assembly, the reasons why the deep sea-bed mining part of the convention makes it difficult for a considerable number of states to become parties to it

...are not only political in nature. They do not depend only on different conceptions as regards cooperation for the exploitation of resources beyond the limits of national jurisdiction. It is now clear that they depend also on the fact that many circumstances have changed from the Seventies and the beginning of the Eighties when Part XI of the Law of the Sea Convention was conceived, negotiated and adopted.

With a view to achieving universal acceptance of the United Nations Convention on the Law of the Sea, the Secretary-General of the United Nations initiated a series of consultations on outstanding problems relating to Part XI of this Convention. The last round of these consultations under his leadership took place only yesterday.

The European Community and its Member States would like to take this opportunity of paying tribute so this initiative of His Excellency Javier Perez de Cuellar. His dedication to solving the problems related to the Law of the Sea and to achieving its universal acceptability is but one of the many things for which the Member States have to thank the present Secretary-General. Considering the progress made and the positive atmosphere in which these discussions took place, the European Community and its twelve Member States would like to express their wish for the continuation of informal consultations with interested delegations, aimed at finding solutions to the remaining problems related to a legal regime for deep sea-bed mining. We would consequently urge the Secretary-General designate of the United Nations to pursue and conclude the efforts of his predecessor.

Six sessions of these informal consultations have now been held including the last round that took place at the beginning of this week. The most important outstanding issues were first identified and a way of dealing with them was then discussed. There was a general convergence towards the approach to examine all the outstanding issues with a view to resolving them and decide on how to deal with those that may remain unresolved. This approach does not exclude the possibility of resolving all issues nor does it exclude the possibility that there may be issues which are not capable of being resolved at this time and therefore may be postponed.

The Twelve have noted with appreciation that the delegations taking part in these informal consultations, whether from developing or industrialized countries, have undertaken examination of the outstanding problems in a cooperative spirit with a result-oriented approach that was based on an attitude of increasing pragmatism. It is hoped that the discussions will continue in the present atmosphere, particularly now that the several outstanding problems relating to part XI of the convention have been identified and examined.

Mr Chairman, considerable progress has been made in tackling the remaining problems, not only in informal consultations but also within the Preparatory Commission. For this reason the

European Community and its Member States hope that all these outstanding problems will be resolved before entry into force of the convention, thus rendering possible the universal participation it deserves and, accordingly, the necessary financial support to ensure its success.

Mr Chairman, I would like to highlight a few other events relating to the Law of the Sea.

The European Community and its Member States took note with appreciation of the annual Report on the Law of the Sea by the Secretary-General of this organization. Again, the Special Representative of the Secretary-General for the Law of the Sea and Ocean Affairs, Mr Satya Nandan and his enthusiastic and very competent staff, have delivered a report of high quality and broad scope.

We also wish to express our appreciation for the many activities that have been undertaken by the Office for Ocean Affairs and the Law of the Sea during the past year. During that period, the activities of this office have ranged from organization of the high seas fisheries meeting and publication of the guide concerning marine scientific research, to the editing and publication of a most valuable bibliography on the Law of the Sea.

The Twelve look forward to the continuation of the indispensable work of the Office for Ocean Affairs and the Law of the Sea, which is of benefit to all those interested in the subject.

In conclusion, the European Community and its Member States sincerely hope that 1992 will be a successful year for all the activities embarked upon, be it the continuing informal consultations of the Secretary-General of the United Nations, the work within the Preparatory Commission or any other items relating to the Law of the Sea.

Thank you Mr Chairman.

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<sup>1</sup> EPC Bulletin, Doc. 91/286.

### **91/463. Explanation of vote at the Plenary Session of the UN General Assembly concerning apartheid [agenda item 37]**

Date of issue: 13 December 1991

Place of issue: New York

Country of Presidency: The Netherlands

Status of document: Statement in international forum

*Mr van der Lugt:* Mr President, during the debate on apartheid the European Community and its Member States, on whose behalf I have the honour to speak, stated that now a moment of historic opportunity exists for the people of South Africa. We believe it to be of the greatest importance that the international community send a clear signal of encouragement and support to the parties involved, as they prepare for the Conference on a Democratic South Africa.

We are glad that, following consultations and negotiations among the various regional groups and the commendable efforts of coordination by the Chairman of the Special Committee against apartheid, the draft entitled 'International efforts towards the total eradication of apartheid and support for the establishment of a united, non-racial and democratic South Africa' can be adopted by consensus. The Twelve greatly appreciate the role of the Chairman of the Special Committee in bringing these negotiations to a successful conclusion.

The Twelve also welcome the consultations on some of the other texts and note that these consultations have resulted in improvements. Some of the drafts, nevertheless, still contain language and references to which the Twelve cannot subscribe.

- The Twelve feel, for example, that the division of competences between the General Assembly and the Security Council, as foreseen in the Charter, needs to be strictly observed.
- The Twelve, also, believe it benefits no one to engage in arbitrary, selective or unjustified name-calling.
- Furthermore, we discern a number of problems of a budgetary nature.
- Equally, we do not consider it useful nor meaningful to propose any strengthening of existing measures against South Africa. With regard to existing measures – and we have approached the drafts in this light – the Twelve have clearly stated that they will closely monitor the situation in the period ahead and decide, on the basis of developments in the reform process, whether further adapting our programmes of restrictive and positive measures is appropriate.
- We believe it to be important for the International Community, and especially the United Nations, to support in every way possible the process now underway in South Africa. We welcome the fact that the main draft before us looks forward to a more active and constructive role for the United Nations and its agencies in South Africa. The Twelve are clear that the work of the United Nations in helping to build the new South Africa, for example in the socio-economic field, should be the responsibility of the appropriate organs of the United Nations. I should add, of course, that the Twelve interpret the separate role of the Special Committee against apartheid in that light. I should also add that – in that regard – they note with interest the remarks made by Ambassador Gambari in his statement of today.

Mr President, the Twelve have spared, and will spare, no effort in contributing to the goal of sending a signal of encouragement and hope to all South Africans. A signal that continues to promote confidence in their common future and determination to move forward towards the building of a new society, based on dignity and equal rights for all.

**91/464. Statement by an extraordinary EPC Ministerial Meeting concerning the ‘Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union’**

Date of issue: 16 December 1991  
 Place of issue: Brussels, The Hague  
 Country of Presidency: The Netherlands  
 Status of document: Declaration

In compliance with the European Council’s request, Ministers have assessed developments in Eastern Europe and in the Soviet Union with a view to elaborating an approach regarding relations with new States.

In this connection they have adopted the following guide-lines on the formal recognition of new states in Eastern Europe and in the Soviet Union:

The Community and its Member States confirm their attachment to the principles of the Helsinki Final Act and the Charter of Paris, in particular the principle of self-determination. They affirm their readiness to recognize, subject to the normal standards of international practice and the political realities in each case, those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations.

Therefore, they adopt a common position on the process of recognition of these new States, which requires:

- respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;
- guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;
- respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;

- acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;
- commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State succession and regional disputes.

The Community and its Member States will not recognize entities which are the result of aggression. They would take account of the effects of recognition on neighbouring States.

The commitment to these principles opens the way to recognition by the Community and its Member States and to the establishment of diplomatic relations. It could be laid down in agreements.

### **91/465. Statement by an extraordinary EPC Ministerial Meeting concerning Yugoslavia**

Date of issue: 16 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States discussed the situation in Yugoslavia in the light of their guide-lines on the recognition of new states in Eastern Europe and in the Soviet Union.<sup>1</sup> They adopted a common position with regard to the recognition of Yugoslav Republics. In this connection they concluded the following:

The Community and its Member States agree to recognize the independence of all the Yugoslav Republics fulfilling all the conditions set out below. The implementation of this decision will take place on January 15, 1992.

They are therefore inviting all Yugoslav Republics to state by 23 December whether:

- they wish to be recognized as independent States;
- they accept the commitments contained in the abovementioned guide-lines;
- they accept the provisions laid down in the draft Convention – especially those in Chapter II on human rights and rights of national or ethnic groups -- under consideration by the Conference on Yugoslavia;
- they continue to support
- the efforts of the Secretary-General and the Security Council of the United Nations, and
- the continuation of the Conference on Yugoslavia.

The applications of those Republics which reply positively will be submitted through the Chair of the Conference to the Arbitration Commission for advice before the implementation date.

In the meantime, the Community and its Member States request the UN Secretary-General and the UN Security Council to continue their efforts to establish an effective cease-fire and promote a peaceful and negotiated outcome to the conflict. They continue to attach the greatest importance to the early deployment of a UN peace-keeping force referred to in UN Security Council Resolution 724.

The Community and its Member States also require a Yugoslav Republic to commit itself, prior to recognition, to adopt constitutional and political guarantees ensuring that it has no territorial claims towards a neighbouring Community State and that it will conduct no hostile propaganda activities versus a neighbouring Community State, including the use of a denomination which implies territorial claims.

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<sup>1</sup> *EPC Bulletin*, Doc. 91/464.

**91/466. Statement concerning South Africa**

Date of issue: 17 December 1991  
 Place of issue: Brussels, The Hague  
 Country of Presidency: The Netherlands  
 Status of document: Declaration

The Community and its Member States welcome the announced start of the Convention for a Democratic South Africa which can be a milestone on the way to a united, democratic and non-racial South Africa.

They have accepted the invitation from the two co-chairpersons of CODESA to participate as an observer in this historic meeting which is scheduled to take place on 20 and 21 December 1991 in Kempton Park.

Convinced of the need for a broad consensus among all parties on the shape of the new South Africa, the Community and its Member States launch an urgent appeal to all those parties who have not yet accepted to participate in the upcoming negotiation process, to reconsider their position in this regard, in order not to miss this unique opportunity for reconciliation through dialogue.

**91/467. Statement at the Plenary Session of the UN General Assembly concerning the strengthening of the coordination of humanitarian emergency assistance of the United Nations [agenda item 143]**

Date of issue: 19 December 1991  
 Place of issue: New York  
 Country of Presidency: The Netherlands  
 Status of document: Statement in international forum

*M. van Schaik:* Monsieur le Président, la Communauté Européenne et ses Etats membres se félicitent que le projet de renforcement de la coordination de l'assistance humanitaire des Nations Unies, lancé à leur initiative, ait été adopté par consensus par notre Assemblée.

Cette résolution, si elle ne va pas aussi loin que nous l'espérons, n'en constitue pas moins une avancée dans le domaine de la coordination humanitaire.

La désignation d'un coordonnateur, la création d'un fonds d'urgence et l'adoption de mesures destinées à renforcer la capacité de réponse et à améliorer la coordination au sein du système des Nations Unies constituent un premier pas important d'un dispositif humanitaire que nous devons mettre en œuvre immédiatement et que nous améliorerons et compléterons dans les années à venir.

Ce texte, en réaffirmant l'importance de l'aide humanitaire, confirme les acquis et les principes qui sont exprimés notamment dans les résolutions 43/131 et 45/100, en particulier l'accès aux victimes et les corridors humanitaires. C'est dans le contexte juridique de ces résolutions, ainsi que de la résolution que nous venons d'adopter, que se situe l'action du coordonnateur. L'intérêt marqué par tous, cette année à nouveau, pour les problèmes humanitaires confirme l'importance que revêtent désormais l'aide et l'assistance à toute existence menacée. Au-delà de ce texte, nous réaffirmons l'importance primordiale du respect, de la défense et de la protection de toute vie humaine qui doivent demeurer des principes intangibles et des valeurs universelles.

Monsieur le Président, nous souhaitons exprimer notre reconnaissance à toutes les délégations pour l'esprit constructif dans lequel elles ont participé aux négociations. Celles-ci ont été longues, compliquées et parfois dures. Mais tous ont montré qu'ils étaient attachés à l'objectif d'une amélioration durable de la capacité de réponse des Nations Unies aux situations d'urgence. Nous

souhaitons rendre un hommage particulier à la patience, à la compétence et à la diplomatie du distingué Représentant Permanent de la Suède, l'Ambassadeur Jan Eliasson.

Merci, Monsieur le Président.

**91/468. Statement concerning Haiti**

Date of issue: 23 December 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The Community and its Member States profoundly deplore that until this day the legitimate authorities of Haiti have not been restored to their functions, notwithstanding pressing appeals by the international community.

The Community and its Member States firmly condemn all recent acts of violence, and reaffirm that Parliament, the parties and the elected President must be able to define freely the modalities to come out of the crisis in strict conformity with the constitution of the country.

The Community and its Member States express once again their total support for the measures adopted by the OAS in its efforts to support dialogue between the Haitian parties, in order to allow the restoration of constitutional order and the return of the elected President.

The Community and its Member States recall their determination not to resume cooperation with Haiti until the rule of law has been re-established.

**91/469. Statement concerning the future status of Russia and other former Soviet Republics**

Date of issue: 23 December 1991

Place of issue: Brussels, The Hague

Country of Presidency: The Netherlands

Status of document: Declaration

The European Community and its Member States have taken note with satisfaction of the decision of the participants at the meeting in Alma Ata on 21 December 1991 to form a Commonwealth of independent states.

They note that the international rights and obligations of the former USSR, including those under the UN Charter, will continue to be exercised by Russia. They welcome the Russian Government's acceptance of these commitments and responsibilities and in this capacity will continue their dealings with Russia, taking account of the modification of her constitutional status.

They are prepared to recognize the other republics constituting the Commonwealth as soon as they receive assurances from those republics that they are ready to fulfil the requirements contained in the 'guidelines on the recognition of new states in Eastern Europe and in the Soviet Union', adopted by Ministers on 16 December 1991.

In particular, they expect to receive assurances that these republics will fulfil the international obligations ensuing for them from treaties and agreements concluded by the Soviet Union, including the ratification and full implementation of the CFE Treaty by the republics to which that Treaty applies, and that they will ensure single control over nuclear weapons and their non-proliferation.

The Presidency will approach the Republics concerned in order to obtain from them the required assurances in good time for recognition to be effective as from the moment the dissolution of the Soviet Union enters into force.

#### **91/470. Statement concerning Togo**

Date of issue: 23 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States are preoccupied by the situation in Togo and deplore the fact that confrontations have caused loss of human life.

They urge all responsible Togolese to seek solutions to the present crisis through dialogue, allowing the process of democratization to proceed under the responsibility of the Head of Government and the Prime Minister. Under these conditions the Community and its Member States will be able to continue their cooperation with Togo.

#### **91/471. Statement on the resignation of President Gorbachev**

Date of issue: 25 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The European Community and its Member States have taken note of Mikhail Gorbachev's decision to resign as President of the Soviet Union.

With his departure, an era has come to an end. Mr Gorbachev has gained himself a place in history. He saw that urgent action was needed to lead his country out of stagnation and to set it on the road to progress. His daring policies of *glasnost* and *perestroika* combined to make possible a radical and irrevocable break with his country's communist past.

Mikhail Gorbachev saw that the time had come to end the partition of Europe and to bring down the German Wall. His Nobel Peace Prize recognized the former President's great vision of a new Europe and a safer world.

It is incumbent upon Mr Gorbachev's successors to make sure that the transition from the defunct Soviet Union to the now sovereign Republics, will come about in a peaceful, democratic and orderly way.

#### **91/472. Statement concerning the recognition of former Soviet Republics**

Date of issue: 31 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration

The Community and its Member States welcome the assurances received from Armenia, Azerbaijan, Belarus, Kazakhstan, Moldova, Turkmenistan, Ukraine and Uzbekistan that they are prepared to fulfil the requirements contained in the 'Guide-lines on the recognition of new States in Eastern Europe and the Soviet Union'. Consequently, they are ready to proceed with the recognition of these Republics.

They reiterate their readiness also to recognize Ryrghyzstan and Tadzhikistan once similar assurances will have been received.

Recognition shall not be taken to imply acceptance by the European Community and its Member States of the position of any of the Republics concerning territory which is the subject of a dispute between two or more Republics.

Recognition will furthermore be extended on the understanding that all Republics participating with Russia in the Commonwealth of Independent States on whose territory nuclear weapons are stationed, will adhere shortly to the Nuclear Non-Proliferation Treaty as non-nuclear weapon States.

**91/473. Statement on Burma**

Date of issue: 31 December 1991  
Place of issue: Brussels, The Hague  
Country of Presidency: The Netherlands  
Status of document: Declaration, Press statement

The Community and its Member States agreed that in view of the present political climate in Burma, there is no justification for maintaining the accreditation of defence attaches to the Burmese authorities in Rangoon. EC Member States with defence attaches resident in, or accredited to, Burma, will therefore notify the Burmese authorities that these attaches will be withdrawn/deaccredited.



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