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Monitoring the situation in the Balkans

REPORT

submitted on behalf of the Political Committee
by Mrs Squarcialupi, Rapporteur

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¹ Adopted unanimously by the Committee.

² *Members of the Committee:* Mr Baumel (Chairman), MM Urbain, Blaauw (Vice-Chairmen), MM de Assis, Bianchi, Behrendt, Brancati, Sir Sydney Chapman (Alternate: *Hancock*), MM Cusimano, Dias, Mrs Dumont, Mrs Durrieu, MM Ehrmann, *Evangelisti*, Eyskens, Haack, Hornhues, *Lord Kirkhill*, MM Lemoine, *Liapis*, Van der Maelen (Alternate: *Staes*), Marshall, Martinez, Martínez Casañ, Micheloyiannis, Lord Ponsonby, MM Puche Rodríguez, Recoder, Rippinger (Alternate: *Kollwelter*), Roseta, Schmitz, Skoularikis, Sterzing, Timmermans, Verhagen, Volcic (Alternate: *Mrs Squarcialupi*), Wray (Alternate: *Fis*).

Associate member: Mr Gundersen.

N.B. *The names of those taking part in the vote are printed in italics.*

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Draft Recommendation
on monitoring the situation in the Balkans

The Assembly.

(i) Noting with relief that the first "European" war since 1945, pitting NATO against the Government of Serbia, and the ethnic cleansing engaged in by the latter in Kosovo for some years, have been brought to an end, and deeply regretting the loss of life among the ethnic Albanian, Serbian and Montenegrin populations.

(ii) Recognising that in the wake of the collapse of the communist system and the gradual introduction of western-style democracy in central and eastern Europe, the deep-rooted differences between the constituent nations of former Yugoslavia inevitably led to the dissolution of the country;

(iii) Conscious that Western Europe was wholly unprepared for the determination shown by the protagonists in Yugoslavia's dissolution and the violence they unleashed in order to attain their objective;

(iv) Regretting that in every crisis that has broken out in south-eastern Europe over the past eight years, the EU and WEU acted too late and too ineffectively to prevent it escalating into unacceptable violence, the most horrific examples being the war in Bosnia and Herzegovina followed by the conflict in Kosovo;

(v) Considering that after too many years of ineffective foreign and security policy, the EU and WEU must undertake a thorough reappraisal of their responsibilities and capabilities in this field, on the basis of Article 17 of the Amsterdam Treaty.

(vi) Aware that following the failure of more than a year of diplomatic efforts to find a peaceful solution to the crisis in Kosovo, there was no choice other than to take military action against Mr Milosevic's regime, which was committing intolerable criminal acts, including ethnic cleansing, against its own population;

(vii) Convinced that a halt to the armed conflict is only the first stage in establishing peace in Kosovo and that it will not be possible for the deportees to return to their homes immediately,

(viii) Confirming that the United Nations Security Council has prime responsibility for the maintenance of international peace and security – a fact which confers legitimacy on enforcement action under regional arrangements or by agencies – and regretting that it did not adopt an additional enabling resolution following the failure of the Rambouillet conference and the Paris talks;

(ix) Noting with bitter irony that the conditions accepted by the Serbian Parliament are very similar to – and even more restrictive than – those rejected at the end of March and that thousands of human lives might have been spared, as well as the considerable damage inflicted on Serbia and, more recently, on Kosovo,

(x) Aware that the lack of European capabilities to mount a large-scale military operation left Europe with no choice other than to go along with the US policy of air operations and support NATO's military action against the FRY aimed at ending the suffering of the Kosovar Albanians and securing their return to their rightful homes under effective international protection.

(xi) Acknowledging Russia's leading role in the mediation process, conducted under conditions of extreme difficulty;

(xii) Considering that Albania – a country suffering from serious deficiencies in its public administration, at the same time having to contend with widespread criminality and still recovering from the consequences of the serious crisis of early 1997 – needs extensive support and assistance to cope with the many repercussions of a dramatic influx of refugees from Kosovo.

(xiii) Considering that the Multinational Advisory Police Element (MAPE) is providing the Albanian Government with help through training, assistance and advice in re-establishing a viable police force which is essential for the further development of the rule of law in Albania;

(xiv) Noting that the many refugees who have found shelter in the homes of Albanian families or in refugee camps could present Albania with an internal security problem given the widespread poverty and precarious social and political situation in the country;

(xv) Aware that a visible presence of foreign military and police forces would be a positive contribution to the security of both the Albanian population and the refugees;

(xvi) Conscious that the influx of refugees from Kosovo is causing serious problems in FYROM where it may have a negative effect on the deteriorating socio-economic situation and the finely drawn ethnic balance;

(xvii) Welcoming the fact that despite its justified concern over the position of the Hungarian minority in Vojvodina, Hungary has put its airspace and a number of major ground facilities at the disposal of the Atlantic Alliance in order to help it implement its air operation against Serbia;

(xviii) Welcoming the positive attitude of Bulgaria and Romania, which have also put their airspace at the disposal of the Atlantic Alliance notwithstanding the fact that each of these countries is suffering heavy economic losses as a result of the conflict in Kosovo.

(xix) Welcoming the position the Republic of Montenegro adopted during the conflict in order to defend its democratic power and give shelter to the Kosovar refugees notwithstanding Serbia's hostile and threatening stance and the damage caused by the NATO bombardments;

(xx) Noting that after a peace settlement in Kosovo, Europe will have a specific responsibility for the consolidation of peace and prosperity in the region of south-eastern Europe as a whole and that this will now be an extremely costly process;

(xxi) Considering that WEU, with its post-conflict experience of police force restructuring, should be given the task of forming police forces in Kosovo to guarantee the security and peaceful co-existence of the different communities and maintain the rule of law.

(xxii) Noting that the conflict in Kosovo has accelerated the debate on a much-needed European security and defence policy which will enable Europe to manage and solve regional crises and conflicts on its territory when the United States does not wish to be involved;

(xxiii) Considering that EU/WEU member states should urgently implement their commitment to develop a more effective military capability by reinforcing their capacity for independent intelligence-gathering, strategic transport and command and control, thus complementing NATO capabilities.

(xxiv) Wondering, however, whether strengthening the common European policy on security and defence, as envisaged by the European Council in order for it to assume its responsibilities, is the right answer if its purpose is merely to take on board Petersberg missions at the lower end of the scale, while not contemplating the possibility of undertaking the size of mission required in Kosovo for a long time to come;

(xxv) Considering that after a peace settlement for Kosovo has been secured, Europe should participate in the international military peacekeeping and implementation force with its own multinational forces which are at the disposal of both NATO and WEU, in order to give visible effect to its ambitions in that field.

(xxvi) Welcoming the indictment of Messrs Milosevic, Milutinovic, Sainovic, Ojdanic and Stojiljkovic for war crimes and crimes against humanity – in particular for having planned, instigated, ordered, committed or otherwise aided and abetted a campaign of terror and violence directed at Kosovar Albanian civilians, including deportation, murder and persecution;

(xxvii) Urging that rapid democratisation be set in train in Serbia to enable the country to put behind it Mr Milosevic, and his regime, with whom, as a war criminal – notwithstanding the fact that the international community must reach a peace settlement with him – discussion of the political and institutional basis of Kosovo, the reconstruction of Yugoslavia as a whole and stability in the Balkans cannot be entertained.

(xxviii) Aware that the implementation of the Dayton Peace Agreement is a complicated process which will take many years, during which not only the active role of the High Representative and many international and non-governmental aid organisations but also the presence of SFOR will remain essential to keep the reconstruction and further development of Bosnia and Herzegovina on the right track.

(xxix) Considering that when the conflict is finally over, the task of detailed and objective evaluation of the NATO intervention, assessing its political and economic costs and gains, must fall to a Parliamentary Assembly so that lessons are drawn for the future and the conclusions are conveyed to those in charge of Europe's Common Foreign and Security Policy;

(xxx) Welcoming the work of the WEU Demining Assistance Mission in Croatia which is helping to remove another obstacle to the return of refugees.

RECOMMENDS THAT THE COUNCIL

1. Help make preparations for the international military force to be deployed in Kosovo following a peace settlement based on the principles laid down by the G8 countries, in particular by proposing that European multinational forces at the disposal of both NATO and WEU be part of such a force in order to give visible effect to Europe's ambitions in this field;
2. Prepare for the deployment of a WEU demining assistance mission in Kosovo to help clear the region of mines and other explosive devices which constitute a major obstacle to the return of refugees and deportees;
3. Make every effort to ensure that strengthening the common European security and defence policy will not be restricted to a European capacity for autonomous action at the lower end of the Petersberg scale but will also include a capacity for managing crises of an order of magnitude comparable to the one in Kosovo;
4. Prepare, building on the experience gained in the police missions in Mostar and Albania, for the deployment of a WEU advisory police mission in Kosovo in order to establish a viable police force that can win the confidence of the population through its ability to guarantee security and enforce law and order.
5. Strengthen the MAPE mission in Albania and further extend its mandate to make MAPE more flexible and less reliant on management from WEU headquarters in Brussels, so that it can adapt to rapidly changing circumstances, this being essential in the present environment in Albania.
6. Take action with greater resolve in future crisis situations in order to prevent them deteriorating, in view of the fact that conflict prevention should always take priority over the option of military intervention with all its dire consequences.

Explanatory Memorandum

(submitted by Mrs Squarcialupi, Rapporteur)

I. Introduction

1. For almost a decade now, the countries of south-eastern Europe, and in particular in former Yugoslavia, have been going through a series of crises and conflicts which have in the main resulted in decline, disorder and desperation. Governments in Europe and in the United States have become increasingly involved in the complex issues affecting the region, while discovering how difficult it is to solve crises and conflicts stemming from its complicated mix of territorial claims which are the result of centuries of history and domination by foreign powers. Many Western chancelleries have had to devote a great deal of their time and energy to the dramatic conflicts in south-eastern Europe. This might not have been the case had Europe and the United States intervened earlier and more decisively.

2. It seems that a solution is in the making for the conflict in Kosovo which may bring relief to many, including the refugees who have gone through a terrible ordeal.

3. The conflict in Kosovo should not, however, allow us to ignore what is happening elsewhere in the region. The present report provides a succinct overview of the present state of affairs in south-eastern Europe and attempts to draw some conclusions as to what remains to be done. In your Rapporteur's view, the responsibility here lies with the EU and WEU.

II. Albania

4. The situation in Albania has been discussed in a number of earlier Assembly reports¹ and a report of the Committee for Parliamentary and Public Relations, adopted on 19 May 1999, provides an account of recent developments in the country. The present report, therefore, concentrates on the implications of the Kosovo con-

¹ Document 1589: Europe's role in the prevention and management of crises in the Balkans, Rapporteur: Mr Blaauw; Document 1608: Europe and the evolving situation in the Balkans, Rapporteur: Mr Blaauw; Document 1627: WEU and crisis management in the Balkans, Rapporteur: Mr Baumel.

flict for Albania which is still in the throes of turbulent political and economic developments and on the role of MAPE (Multinational Advisory Police Element)²

(a) The political implications of the Kosovo conflict

5. Albania has always been in favour of a peaceful solution of the crisis in Kosovo through negotiations between the two parties. It has supported the Rambouillet peace plan, which so far is the only one establishing peace on the basis of a provisional settlement.

6. The Albanians argue that President Milosevic has deliberately implemented a planned programme of ethnic cleansing which started long before NATO's air strikes. He was aware that democratic rule in the province would inevitably lead to an independent Kosovo. NATO's military operations are now the only way to restore peace in Kosovo and after that, only a strong international military presence under NATO command will be able to prevent further conflict. The transitional period may have to last more than three years and during that period Kosovo should preferably be an international protectorate under EU administration.

7. As regards the KLA (Kosovo Liberation Army), Albanian politicians argue that as long as there is no strong international military presence on the ground in Kosovo, the Kosovar Albanians have the right to self-defence, which justifies the KLA's activities. The KLA should be supported because at the moment it is the only force on Kosovar territory which can help defeat the forces of Mr Milosevic. There is also a danger that Mr Milosevic will try to divide the ranks of Kosovar Albanian political leaders. During the initial period of NATO's air strikes, he kept Ibrahim Rugova hostage, in order to exploit him. The Kosovar Albanians should do everything to join ranks and help the international community establish a democratic government in Kosovo.

8. The President of the Republic and government authorities including the Prime Minister

² This chapter also includes the findings of a visit by the Rapporteur and a delegation from the Assembly's Presidential Committee to Albania on 20-23 April 1999.

and the Minister for Public Order have emphasised that the influx of refugees, which already represents 10% of the total population of the country and could possibly increase to 20%, poses a serious security problem for the government

9. Until now, MAPE has played a positive role in helping to restructure the Albanian police. With the new situation caused by the refugee influx, the Albanian authorities would like it to play a more active role, taking in areas outside Tirana and Durrës as well. Through MAPE, the EU-WEU should also help the Albanian police with basic needs such as transport and communications equipment, the lack of which impedes any efficient police operation in impenetrable parts of the country.

10. The Minister for Public Order is satisfied with the work done by MAPE in training and advising the Albanian police and asked for an extension of MAPE's mandate. This extension should include two or three mobile teams of 20 personnel to train local police units on the spot and one or two co-ordinators in each of the 12 regional police directorates.

11. Although the government has made great progress in controlling the territory of Albania, there are still serious problems and a lack of control in the border area with Kosovo, where skirmishes are also taking place between different factions of Kosovar Albanians. The camps pose a possible security risk not only because of the activities of common law criminals but also because of FRY agents trying to create social and political tension.

12. President Rexhep Mejdani has pointed out that the region needs a Marshall plan. This must be an EU-supported initiative. Any initiative by the countries of the region itself would not be enough to trigger the rapid economic progress that is badly needed.

13. After peace is restored, Kosovo should provisionally become an international protectorate for an unspecified number of years. A strong international military presence is required to prevent a renewed outbreak of the conflict and guarantee the safe return of refugees and displaced persons. There should also be a strong international civilian presence with a threefold task: humanitarian (IRC, UNHCR and NGOs);

institutional and political (Council of Europe, OSCE and WEU for police restructuring), and economic (EU and possibly the United States)

14. President Mejdani has said that it is difficult to predict what the status of Kosovo will be after this provisional period. It may be independence but for the time being it is more important to promote the concept of a multi-ethnic society for the province in order to help restore a balance in south-eastern Europe. A partition of Kosovo, as suggested by some, is inadmissible – Kosovo's borders should not be changed. Albania has no intention whatsoever of absorbing Kosovo into a "Greater Albania".

15. Kosovo can be a multi-ethnic province, but only if all the various ethnic groups are prepared to obey the rules of a democratic society. Such a multi-ethnic democratic society cannot be established with the participation of Mr Milosevic or other Serbian extremist nationalists.

16. The different political factions in the Kosovar Albanian community will still have to make an effort to come closer to each other and cooperate on the establishment of a viable democratic society after the end of the present conflict. The Albanian Government will do everything possible to stimulate this rapprochement, but this objective is difficult to attain now that all the political leaders have fled the country and are in hiding.

17. President Mejdani attaches great importance to the existence of FYROM as an independent state and a stabilising factor in the region. Albania has good relations with this neighbouring country and is constantly endeavouring to develop them. Albania is prepared to accommodate Kosovar Albanian refugees who initially fled to FYROM if this helps to prevent a destabilisation of that country. It is no secret that this is one of Mr Milosevic's secondary objectives.

18. Finally, the President has emphasised that the Dayton Peace Agreement brought peace to a part of the region. Even though it is true that implementation of this agreement is slow and far from easy, there is no other choice but to continue working on it.

(b) The refugee problem

19. When your Rapporteur visited Albania from 20-23 April 1999, a total of 365 000 refu-

gees from Kosovo had crossed the border into Albania since 24 March, of whom some 130 000 were in the region of Kukës near the border. Around 80 000 had found shelter with Albanian families while of the remaining 50 000, half were living in tents and the other half in the open air. Of the remaining refugees – some 240 000 – about 130 000 were living with Albanian families or in large buildings, where available, and tent camps

20 Since then, the number of refugees and deported persons has risen further and on 2 June UNHCR put their total number in Albania at 443 100. By mid-May 1999, some 120 000 were in and around Kukës. UNHCR estimated that of these 120 000, some 50% had found shelter in the homes of Albanian families, 40% in public and utilitarian buildings and 10% in tent camps in that region. In the Kukës region, refugees are under a permanent threat of Serbian bombing and incursions, while the KLA is actively recruiting young refugees for its forces. UNHCR and NATO are therefore making efforts to convince refugees in the region of Kukës to move to other parts of Albania but only a few of them volunteer to do so

21 The Albanian Government is prepared to receive all Kosovar Albanian refugees, including those who, for various reasons, have come to Albania after initially having found shelter in Montenegro or FYROM. It does not want to impose a limit on the number of refugees it can take in but recognises that it needs the help of other countries, international organisations and NGOs to cope with the consequences of the refugee influx which is not only causing accommodation problems but also problems relating to infrastructure, public health, cleaning and supply

22 However, the policy of transferring Kosovar Albanian refugees from FYROM to Albania has recently been revised. Whereas the Albanian Government, NATO and UNHCR originally talked of some 60 000 refugees to be transferred, this figure has now dropped to 5 000 to 6 000 on condition that they leave FYROM on a voluntary basis. Many refugees do not want to be transferred to Albania because this ruins their chances of a transfer to another country.

23 An international aid effort began very soon after the beginning of the massive refugee influx

into Albania, but there is no doubt that the early aid was not adequate to meet the needs of the unexpectedly high numbers of refugees. The government argues that Albania has the infrastructure and administrative structures to cope with the aid operation, but foreign organisations on the spot take a different view. Inevitably, such shortcomings and disagreements on both sides did not facilitate the aid operation in its first weeks. However, it now seems that a pattern of cooperation between the Albanian Government and aid organisations is gradually developing.

24 A specific effort is being made to help the Albanian families who are accommodating refugees. Food for these refugees is distributed by the International Red Cross while the families receive €9.25 a month per refugee with a maximum of €111 per month. A budget of €7.4 million has been earmarked for this operation

25 The Albanian Government has pointed out that the return of Kosovar refugees to their own territory may take a long time, even after the end of the present conflict. The refugees may even have to spend the winter season in Albania, which means that at an early stage preparations will have to be made for more protective shelter. The Albanian national budget will need substantial financial aid from abroad because the numbers of refugees represent more than 10% of the total population and this has rapidly emptied the national coffers. Accommodating refugees in the homes of Albanian families can only be a temporary solution and for these refugees too, shelter will have to be provided in tents or other temporary lodgings.

26 The UNHCR representative in Albania praised the hospitality and generosity of the Albanian Government. He noted however that the government quite naturally would not be able to cope with this large-scale refugee problem without foreign assistance. While any form of shelter was welcome in the initial period, including public buildings and private homes, in the longer run well-organised refugee camps with adequate sanitary and other necessary facilities were the only possible way of accommodating the refugees until they returned to Kosovo. The assistance of the military in building camps was needed because they were the only ones who had the equipment and staff to do so at short notice. In Albania it was important to try to accommo-

date the refugees away from the border region with Kosovo, since in this area they were too exposed to the possibility of attacks by Serb units, forced drafting by KLA elements and exploitation by criminal gangs

27. Security in the camps is bound to pose a problem that will increase, given that the camps will be there for longer. After a time, refugees will run out of money, boredom will take its toll and petty crime, rape, prostitution and other forms of exploitation will make their way into the camps. The Albanian police are already overstretched and both the UNHCR and NGOs with responsibility for the camps would therefore welcome the presence of an international police force to control the situation. This task could easily be performed by MAPE, with an extended mandate and increased personnel. MAPE has experience in working with the Albanian administration and police and its knowledge of the country and local culture would greatly facilitate its work of ensuring security in and around the refugee camps.

(c) Multinational Advisory Police Element (MAPE)

28. In response to a request of the European Council which dates back to 22 September 1998, WEU undertook a feasibility study of the different options available to help the Albanian authorities to restore law and order in the country. On the basis of this study, the WEU Council adopted on 2 February 1999 a contingency plan for a police training and assistance operation in Albania. This plan was in its turn the basis for a decision of the European Council in early March 1999 to adopt a common action plan regarding the EU's contribution to the re-establishment of a viable police force in Albania³. WEU was formally asked to implement this plan.

29. The European Union's common action plan envisages the re-establishment of a viable police force in Albania by providing training and advice to the Albanian police, including direct assistance by teams of advisers. The EU action

plan is part of and reinforces MAPE's mission as implemented by WEU. This training, assistance and advice mission will now be extended to include the provision of relevant advice to specific ministries (in particular the Ministry of Public Order), directorates and police districts. The MAPE mission's staff will be gradually extended to reach a total of 160 in March 2000. Altogether, 3 000 of the estimated total police complement of 13 000 should benefit from this training, while another 1 150 are being trained in complementary programmes conducted by individual EU member states.

30. The extension of MAPE's mandate is a sensitive subject. While some Albanian authorities are asking for an increased MAPE input, others would prefer its presence to be discreet in order to make it look as though the government is in control of the country. The new situation caused by the Kosovar refugee influx will no doubt create an urgent need for more assistance for a national Albanian police force which is lacking basic equipment to fulfil its task.

31. Among experts in Albania with thorough knowledge of the functioning of MAPE, there is a strong feeling that WEU headquarters is exerting far too much control over the mission which, over time, has degenerated into an example of disastrous micro-management. WEU headquarters should provide mission support and not try to play the role of head of mission, especially in the present situation where it does not have enough hands-on expertise for this specific police mission. The police expertise in Brussels needs to be reinforced if WEU is going to play a role in establishing new police structures in Kosovo. A more flexible mandate would provide MAPE with much-needed opportunities to adapt to rapidly changing circumstances, an ability which is essential for the survival of any mission working in the present Albanian environment.

32. Visible presence of foreign military and also police forces on the territory is considered to be essential to reassure both refugees and the Albanian population for as long as the general situation in the country remains fragile. MAPE has already started to advise the Albanian authorities on the establishment of a special police force to provide security in the refugee camps. The government has agreed to its recommendations but has a problem in financing such activities.

³ Denmark has declared that it will not participate in the EU common action plan because, in accordance with Section C of the European Council decision taken in Edinburgh (11 and 12 December 1992), it does not participate in the elaboration and implementation of decisions and actions of the European Union with defence implications.