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OPINION

of the Legal Affairs Committee

on the outcome of the Third European Community/Latin America

Inter-Parliamentary Conference

(Mexico, 24 - 27 July 1977)

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At its meeting of 28 September 1977, the enlarged Bureau referred the Final Act of the Third European Community/Latin America Interparliamentary Conference (PE 49.917) to the Committee on External Economic Relations as the committee responsible and to the Political Affairs Committee, the Legal Affairs Committee and the Committee on Development and Cooperation for their opinions.

At its meeting of 18 October 1977, the Legal Affairs Committee appointed Mr Rivierez draftsman of the opinion and asked him to consider the sections of the Final Act falling within the terms of reference of the Legal Affairs Committee¹.

At its meeting of 22 November 1977, the Legal Affairs Committee held an exchange of views on this question.

At its meeting of 12 April 1978, the Legal Affairs Committee examined the present draft opinion and adopted it unanimously.

Present: Sir Derek Walker-Smith, chairman; Mr Calewaert and Mr Guertsen, vice-chairmen; Mr Rivierez, rapporteur; Mr Alber, Mr Bayerl, Mr Broeks, Mr de Keersmaeker, Mr Fletcher-Cooke, Mr Shaw, Mr Sieglerschmidt and Mrs Squarcialupi.

¹ See Section II of the report of the proceedings of the Political Affairs Committee of the Third Interparliamentary Conference (PE 49.917, pp. 7 to 9) and the third section of the report of the Social, Cultural and Legal Affairs Committee of the Third Interparliamentary Conference (PE 49.917, p. 18 and 19).

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I. PRELIMINARY REMARKS

1. The Final Act of the Mexico Conference contains a number of recommendations on actions to be initiated or continued; in their aims these recommendations correspond to a large extent to those made by the Joint Working Group on Human Rights in London during the XIth meeting between delegations from the European Parliament and the Congress of the United States (11-13 July 1977)*.

2. It need merely be noted that questions concerning the defence of human rights were principally dealt with in the Conference's Political Affairs Committee¹, which no doubt explains their rather general formulation and a particular approach which made a juncture between 'human rights' and 'political, economic and cultural democracy'.

3. It will also be noted that the Conference's Social, Cultural and Legal Affairs Committee², adopting a similar approach, dealing jointly with the question of the defence of human rights and of the prevention of terrorism.

II. PROPOSALS ON WHICH THE LEGAL AFFAIRS COMMITTEE COULD GIVE AN OPINION

4. The guidelines laid down in the Final Act of the Mexico Conference would suggest a programme of study and political reflection on the following subjects:

- economic and trade sanctions against oppressive regimes³;
- development of the right of political asylum and of reception facilities for exiles and refugees⁴;
- consultation between the European Community and its partners in international fora where problems concerning human rights and their defence, and particularly the question of protection against terrorism, are examined⁵.

5. It will also be noted that the European Community/Latin America Inter-parliamentary Conference in Mexico recommended 'as a matter of political urgency' that the setting up of a joint European Parliament/Latin American Parliament working party on human rights be considered, the establishment of which had already been recommended at the second meeting of the Inter-parliamentary Conference (Luxembourg, November 1975).

* On this, see the opinion for the enlarged Bureau drawn up by Mr SANTER and adopted by the Legal Affairs Committee on 28 February 1978 (cf. PE 52.459/fin.)

¹ See PE 49.917, pp. 7-9

² See PE 49.917, p. 18 and 19

³ See PE 49.917, p. 7, report of the Conference's Political Affairs Committee, third indent

⁴ See PE 49.917, p. 19, report of the Conference's Social, Cultural and Legal Affairs Committee, p. 19, penultimate paragraph

⁵ Ibid.

It will be remembered that such a working party was set up within the context of the European Parliament's relations with the United States Congress; it would thus appear that in the matter of the defence of human rights within the framework of interparliamentary relations, cooperation with the United States Congress has reached a more advanced stage from the organizational angle; this may be due both to the fact that the European Parliament's relations with Congress are of longer date and to considerations of a political nature which are outside the Legal Affairs Committee's terms of reference.

III. FURTHER ACTION ON THESE PROPOSALS

(a)

6. The Legal Affairs Committee considers that each of the subjects listed in paragraph 4 above^{*} would warrant an own-initiative report; however, in view of the number and complexity of the matters for which it is responsible at present, in connection with consultation by the Council on proposals for Community legislation, the Legal Affairs Committee finds that it would be preferable for it to be asked for its opinion on each of these questions as and when the parliamentary committee concerned with external relations problems has determined, where necessary on the basis of a study by the legal service, the practical ways in which it thinks it politically appropriate to implement the proposals made in Mexico; it is at that stage that the opinion of the Legal Affairs Committee could be really effective and valuable.

7. In this context the Legal Affairs Committee wishes to point out here and now that the reflections and proposals contained in the Final Act of the Mexico Conference imply de facto, that human rights constitute an integral part of the Community's external policy and of any joint action by the European Parliament (and particularly its delegation) and its Latin American interlocutors; it is therefore not a matter of drafting a new charter of human rights or a systematic list¹ accompanied by definitions, but of promoting in certain factual situations the political will to rectify those violations of human rights, which, if perpetrated by the authorities of a Member State would be severely condemned by public opinion and liable to be referred, for example, to the Commission and the Court of Human Rights.

^{*} This proposal is in line with that formulated by the Legal Affairs Committee when it adopted the opinion drawn up by Mr SANTER (PE 52.459/fin.)

¹ Reference to the instruments of international law already in force appears to provide adequate legal criteria for the pursuit of an active policy on human rights.

(b)

8. As regards the possible setting up of a joint working party on human rights within the framework of relations with the Latin-American parliament, the Legal Affairs Committee notes that there is no provision in the Rules of Procedure for the establishment of such working groups and that reference can only be made to the precedent established by the creation of a similar working group within the framework of relations with the United States Congress; the decision to set up such a working group must be seen as a political decision of the Bureau, but the question may be posed whether it would not be appropriate to lay down formal rules for the creation of such groups.

IV. CONCLUSIONS

(a) The Legal Affairs Committee expects to be consulted on the legal aspects of any concrete action which a parliamentary committee might consider recommending to the Parliament (see paragraphs 6 and 7 above) insofar as such action raises any questions of a legal nature directly or indirectly connected with the protection of human rights.

(b) The Legal Affairs Committee suggests that the desirability of laying down formal rules for the setting up of mixed working parties consisting of members of European Parliament delegations and members of other institutions entertaining relations with our Assembly's interparliamentary delegations (see paragraph 8 above) should be examined.

