

FUTURE COMMON ACTION ON HOME AFFAIRS AND JUDICIAL POLICY

A. Aims of the Inter-Governmental Conference

1. Policy on asylum, immigration and aliens

Treaty commitment to formal and actual harmonization by 31.12.1993 at the latest. Details to be laid down by unanimous decision of the Council, or if necessary, implementing measures to be decided by qualified majority. Right of initiative for the Commission and also for individual Member States.

2. Fight against international drug trafficking and organized crime

Treaty commitment to full establishment of a Central European Criminal Investigation Office ("Europol") for these areas by 31.12.1993 at the latest. Details to be laid down by unanimous decision of the Council. Gradual development of Europol functions: first of all relay station for exchange of information and experience (up to 31.12.1992), then in the second phase powers to act also within the Member States would be granted. Right of initiative for the Commission and also for individual Member States.

B. Immediate and preparatory measures

1. Policy on asylum, immigration and aliens

Report from Ministers with responsibility for immigration to the European Council in Maastricht in December 1991:

- definition and planning of the preparatory work needed for harmonization
- proposals for concrete preparatory and transitional measures for the period between signature and entry into force of the amendments to the EC Treaty.

2. Fight against international drug trafficking and organized crime

Report from the relevant Ministers to the European Council in Maastricht in December 1991 with concrete proposals for setting up "Europol" and adopting appropriate preparatory and transitional measures.

3. Co-ordination of preparatory work on these questions by the Secretary-General of the Council, in conjunction with the Commission.

DECLARATION ON THE PEACE PROCESS IN THE MIDDLE EAST

The European Council has examined the state of play on the Middle East peace process. While reaffirming its well-known positions of principle, it emphasised 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 emphasise 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.

DECLARATION ON THE SITUATION IN IRAQ

The European Council remains concerned about the situation in Iraq and by the fate of civilian populations, in particular Kurds and Shi'ites, 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 reestablishing 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 underway 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.

DECLARATION ON SOUTH AFRICA

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 organisations, 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.

DECLARATION ON HUMAN RIGHTS

Recalling the 1986 declaration of Foreign Ministers of the Community on Human Rights (21 July 1986), the European Council reaffirms that respecting, promoting and safeguarding human rights is 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. 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, organisational 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 intergovernmental organisations 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 realisation 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 space. 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 organisations 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 organisations 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 NGO's 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.

IMPROVEMENT OF EMERGENCY ASSISTANCE WITHIN THE UN FRAMEWORK

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 organisations 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 organisations active in this field.

In particular, it would be the task of the coordinator to:

- 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;

- have direct access to 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 organisations for mobilisation at short notice in different emergency situations.

DECLARATION ON NON-PROLIFERATION AND ARMS EXPORTS

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:

- 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;
- the respect of human rights in the country of final destination;
- the internal situation in the country of final destination, as a function of the existence of tensions or internal armed conflicts;
- the preservation of regional peace, security and stability;

- 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;
- 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;
- the existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

All 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 harmonisation 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. 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.