



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 May 2001**

**7265/01**

**LIMITE**

**PV/CONS 14**

**DRAFT MINUTES<sup>1</sup>**

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Subject : **2338th Council meeting (GENERAL AFFAIRS)**, held in Brussels,  
19 March 2001

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<sup>1</sup> Information on the final adoption of Council acts which may be released to the public may be found in Addendum 1 to these minutes.

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1. **Adoption of the agenda**

7062/01 OJ/CONS 14

The Council adopted the above-mentioned agenda.

2. **Approval of the list of "A" items**

7061/01 PTS A 15

The Council approved the "A" items listed in 7061/01 PTS A 15.

Addendum 1 to these minutes gives information on items 9, 10 and 11 on that list.

3. **Resolutions, decisions and opinions adopted by the European Parliament at its part-sessions in Strasbourg, 12/15 February 2001 and in Brussels, 28 February and 1st March 2001**

5793/01 PE-RE 13

5796/01 PE-RE 16

The Council took note of the Resolutions, Decisions and Opinions adopted by the European Parliament at the above part-sessions, on the understanding that they had been or would be taken into consideration when the problems to which they related were examined.

4. **Preparation of the European Council in Stockholm, 23/24 March 2001**

7219/01 NIS 18 COEST 8

The President informed the Council of the main themes likely to be discussed at Stockholm and of the Presidency's intentions regarding the organization of work, recalling in this connection that the final programme would appear in the customary letter of invitation from the President of the European Council to his colleagues. He confirmed that all the remits for Stockholm resulting from previous European Councils, and in particular those from Nice, Santa Maria da Feira and Lisbon had been fulfilled.

In accordance with its responsibility for overall coordination and preparation of the European Council the Council, on the basis of notes from the Presidency (docs 7171/01 and 7219/01, discussed in particular:

- the work carried out since Nice by the Commission and different Council formations with regard to the overall strategy to transform the Union in the next ten years into "the

most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”;

- the meeting with the President of the Russian Federation to take place on 23 March in the margins of the European Council.

The President took note of the comments and observations made by the President of the Commission and delegations on the above and other relevant issues and undertook to report them to the President of the European Council.

## **5. European Security and Defence Policy**

The Council took stock of the work underway in accordance with the mandate from the Nice European Council that the Swedish Presidency, in association with the Secretary-General/High Representative, should continue the work on civilian aspects of crisis management, including the development of a capability for planning and conducting police operations and the request for voluntary contributions with respect to police.

The Council took note of the progress achieved and recalled the importance of parallel progress in the civilian and military fields in EU crisis management.

The Council gave strong support to the "Call for Contributions" process and to the Police Conference to that end in Brussels on 10 May 2001. This and the work underway on the development of an EU professional capacity to plan and conduct police operations represent important steps towards realising the targets on police agreed at the Feira European Council.

Work will also continue on other priority areas, i.e. strengthening the rule of law, strengthening civilian administration and civil protection, as well as on co-operation with international organisations and third countries, thus confirming the Union's commitment to civilian crisis management as a key dimension of ESDP.

6. **Western Balkans**  
7128/01 COSDP 57 PESC 99 COWEB 28 YU 11

The Council adopted the conclusions set out in Annex I.

7. **Middle East Peace Process**

Ministers heard a report from the Presidency concerning the outcome of the recent troika mission to Israel, the Palestinian territories and Egypt and agreed that discussions on the Middle East would be continued at the European Council in Stockholm.

8. **Human Rights**  
6991/3/01 PESC 92 COHOM 4 COASI 9 REV 3 **RESTREINT**  
7071/1/01 PESC 98 COHOM 5 RELEX 36 REV 1

The Council adopted conclusions on the EU's human rights policy in general and on human rights in China as set out in Annexes II and III respectively.

9. **Preparation of the European Council in Stockholm, 23/24 March 2001**  
7171/01 POLGEN 3

See item 4. of these minutes.

10. **Public access to documents of the European Parliament, the Council and the Commission**

The Council endorsed the negotiation method followed by the Presidency in order to meet the deadline of 1 May 2001 set by Article 255 of the Treaty for the establishment of the general principles and limits governing the right of access to documents of the European Parliament, the Council and the Commission.

**11. Any other business**

= Situation in Cabinda province  
(requested by the Portuguese delegation)

Ministers heard a report from the Portuguese Foreign Minister on the kidnapping of eight Portuguese citizens in the Angolan province of Cabinda. They expressed concern over the humanitarian situation of the Portuguese hostages, strongly condemned their kidnapping and called on those responsible to release all hostages immediately. They recalled the EU's condemnation of such practices and stressed the importance of the strict observance of the principles of humanitarian law.

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**Re. Item 6 on the agenda**

**WESTERN BALKANS - CONCLUSIONS**

**Former Yugoslav Republic of Macedonia**

The Council expressed its deep concern over the escalating violence in the Former Yugoslav Republic of Macedonia. It reiterated its strong condemnation of the ethnic-Albanian extremist attempts to destabilise FYROM and the region. The EU will not tolerate any support for insurgents. Political demands should be put forward in a peaceful manner and in accordance with democratic principles. It urged ethnic Albanian extremists to stop all violent attacks immediately.

The Council reiterated its strong attachment to the inviolability of the internationally recognised borders in the region and to the sovereignty and territorial integrity of the Former Yugoslav Republic of Macedonia, as one multi-ethnic State. It also welcomed the actions already undertaken by KFOR and encouraged them to pursue these actions vigorously.

The Council supported the democratically elected Government of the Former Yugoslav Republic of Macedonia and encouraged it to continue to pursue domestic reforms, in particular the improvement of inter-ethnic relations. It welcomed the declaration of 18 March in the Parliament of the Former Yugoslav Republic of Macedonia where all political parties distanced themselves from extremist actions and ethnic intolerance.

The Council heard a report on the ways in which Community assistance is further being directed at promoting inter-ethnic relations and at improving border security. The Council invited the High Representative and the Commission to consider urgently the proposals put forward in the Presidency Non Paper and to report back to the Council.

The Council welcomed the forthcoming visits by the High Representative with the Presidency and the Commission, followed by the Ministerial troika to Skopje, which will demonstrate the EU's high level support for the Government of FYROM.

The Council underlined that the Stabilisation and Association Agreement with the Former Yugoslav Republic of Macedonia, to be signed at the April General Affairs Council in Luxembourg, will provide a framework for further support by the EU for the integration of FYROM into European structures.

### **Southern Serbia**

The Council welcomed the signature of the cease-fire by FRY/Serb and ethnic-Albanian representatives, which constitutes an important step towards a political solution. It stressed the need for the parties to implement the agreements strictly. As a next step, the Council calls on the parties to begin direct negotiations as soon as possible and to carry out further necessary confidence building measures to defuse tensions in the area. The Council welcomed the decision by NATO to authorise the phased and controlled return of FRY forces into the GSZ with the intention of ultimately abolishing it.

Recalling its 26 February conclusions on the increase of the EUMM presence in Southeast Serbia, provided their security is adequately assured, the Council welcomed the assurances given by NATO regarding security arrangements for EUMM personnel. It noted that the cease-fire agreement concluded on 12 March commits the parties to ensure the security of international personnel. It endorsed the steps taken by the EUMM to ensure optimal security of its mission members. In light of these developments, the Council welcomed High Representative Solana's decision to substantially increase the presence of EUMM monitors in Southeast Serbia on the basis of the existing mandate. The EU will keep the security situation under regular review.

The Council welcomed the High Representative Solana's interim report on further EU action concerning Southeast Serbia and invited him to continue his work on an EU strategy for this area in collaboration with the Presidency and the Commission.

## **Bosnia and Herzegovina**

The Council discussed the situation in Bosnia and Herzegovina. It strongly supported the efforts of High Representative Wolfgang PETRITSCH to ensure the implementation of the Dayton/Paris Agreements. The European Union is determined to sustain its long-term commitment to Bosnia and Herzegovina.

The Council welcomed the establishment of the new state government and the appointment of Mr. Bozidar Matic as chairman of the Council of Ministers. The new BiH government will have full EU support in fulfilling commitments undertaken in Dayton/Paris, notably as elaborated at the ministerial Peace Implementation Council on 25 May 2000. It also stressed the urgent need to implement the steps set out in the EU Road Map in order to allow a move to the next stage of the Stabilisation and Association Process, namely a Feasibility Study.

The Council recalled that the citizens and peoples of Bosnia and Herzegovina can only move towards Europe in the framework of a unified state. In this context the Council condemned recent unilateral moves by the so-called Croat National Congress of Bosnia and Herzegovina to place themselves outside of the provisions of the Dayton/Paris accords. The Council called on the Croats of Bosnia and Herzegovina to work within the legal institutions of their country at all levels to promote their interests. It also stressed the crucial role of the neighbouring countries in promoting a stable and multi-ethnic Bosnia and Herzegovina.

The Council recalled the role of the Stability Pact and the instruments it put in place in order to achieve regional stability.

The Council reiterated the support of the EU for the decision of the High Representative for Bosnia to remove the Croat member of the Presidency of Bosnia and Herzegovina, Mr Ante Jelavic, and others from their publicly-held offices and their positions within the HDZ.

The Council encouraged High Representative Petritsch to review current international civil implementation structures in BiH and to make proposals as to their streamlining with a view to ensuring the most effective co-ordination of all international actors.

The Commission took good note of the Council's wish to make sure that Community assistance continues to contribute to an open and modern economy and to marginalise the nationalist elements obstructing economic reforms as well as Bosnia and Herzegovina's rapprochement towards the EU.

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The Council noted with appreciation the meeting in Vienna between FRY Foreign Minister Svilanovic and Albanian Foreign Minister Milo on March 15 and their joint commitment to developing their bilateral relations as well as their call for moderation, in the interest of regional stability.

The Council welcomed the progress which is being made across the region in bringing individuals to account for abuses of power and criminal offences which were committed under the cover of previous undemocratic regimes. Living up to the Union's political and economic conditionality is essential for every country of the region. This includes full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

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**Re. Item 8 on the agenda****Council Conclusions - Human Rights**

1. The Council reaffirmed the Council conclusions of 10 December 1998, endorsed by the Vienna European Council, which highlighted the importance of human rights as a corner stone of EU foreign policy and identified a number of avenues to strengthen further the EU human rights policy.
2. The Council took stock of ongoing initiatives, notably the preparation of EU Guidelines against Torture, which will enhance EU actions aimed at the eradication of this abhorrent violation of human rights. These guidelines will add to the already existing guidelines on the death penalty and create a new instrument for the EU in its relations with third countries.
3. It further noted that the Commission had prepared a Communication on electoral assistance and observation, on which the Council will adopt conclusions shortly. Both this Communication as well as the Communications on human rights and democratisation and on conflict prevention, which have been announced by the Commission, will be used as an input for the Conference on the EU and human rights in the framework of conflict prevention and resolution to be held on 28 and 29 May. The Presidency has taken the initiative to organise this Conference in order to strengthen further the Union's dialogue with the European Parliament and civil society and increase the coherence and transparency of the EU's human rights policy.
4. The Council recalled the EU resolve to play an active role in multilateral fora on human rights, such as the Commission on Human Rights which is starting its 57th session on 19 March. It noted that the EU will present a significant number of country and thematic initiatives at CHR 57, including on the issue of the death penalty, the rights of the child and the human rights situation in Iran, Iraq, DRC, the Sudan, East Timor, Colombia, Burma/Myanmar, Chechnya (Russian Federation) and as regards Israeli settlements in the Occupied Arab Territories. It finally highlighted that the EU would closely co-ordinate and co-operate with other participants with a view to contributing to the success of this session of the CHR.

**Re. Item 8 on the agenda****Council Conclusions on Human Rights/China**

1. In accordance with its conclusions of 22 January 2001 on the EU-China human rights dialogue and on the eve of the 57th session of the UN Commission on Human Rights, the Council has considered the human rights situation in China.
2. The Council welcomed the decision by the People's Republic of China on 28 February to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) which offers prospect of greater respect of economic, social and cultural rights in China. The Council was concerned, however, at China's proposed declaration with regard to article 8:1 (a) of the Covenant, to the effect that Chinese legislation takes precedence over the article of the Covenant, which guarantees the right to form and join a trade union of one's choice. The Council emphasized the necessity for China to bring its legislation into line with the principles of the Covenant, including those of article 8:1 (a).
3. The Council looked forward to the ratification by China of the International Covenant on Civil and Political Rights (ICCPR).
4. The Council also welcomed China's stated intention to co-operate more closely with UN Human Rights mechanisms, namely through implementation of the MoU agreed with the UN High Commissioner for Human Rights, and visits by the special rapporteurs and working groups.
5. At the same time, the Council remained concerned about the lack of respect for fundamental freedoms in China, including the freedom of expression, religion and association, about the ongoing violations of human rights of pro-democracy activists, proponents of free trade unions and followers of other movements such as the Falun Gong, as well as the frequent use of the death penalty. It was also concerned about restrictions against unofficial religious groups and the deprivation of religious and cultural rights in Tibet and Xinjiang.

6. The Council considered that the Human Rights dialogue with China, which includes in-depth discussions on issues of concern and is complemented by technical co-operation and seminars, in a long-term perspective contributes to the reform process and the promotion of rule of law in China as well as to further enhanced co-operation with the UN Human Rights mechanisms. However, the human rights dialogue is an acceptable option only if enough progress is achieved and reflected on the ground. The Council agreed to continue to assess the results of the dialogue on a regular basis.
  
7. The Council agreed that the Union at the UN Commission on Human Rights would express its concern at the serious violations of human rights in China and urge China to take further steps to improve the situation on the ground. These steps include ratification and full implementation of the ICCPR and the ICESCR as well as the adaptation of national legislation in order to do so, enhanced co-operation with the UN human rights mechanisms, limitations on the use of the death penalty, with a view to its abolition, reform of the system of administrative detention, respect for the human rights of all prisoners, including the right not to be subjected to torture, respect for the freedom of expression, religion and belief and for the right to organise as well as respect for the cultural rights and religious freedoms in Tibet and Xinjiang.
  
8. The Council noted that the US has decided to table a draft resolution on human rights in China at the 57<sup>th</sup> session of the UN Commission on Human Rights, which will be studied carefully. The Council has agreed that the EU should adopt and make public the following approach:
  - If the resolution is put to a vote, EU members of the Commission will vote in favour, but the EU will not co-sponsor;
  - EU members of the Commission will vote against a no-action motion, should one be presented, and the EU will actively encourage other Commission members to do likewise, since in the EU's view, the very notion of no-action is in itself contrary to the spirit of dialogue.

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