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PROVISIONAL VERSION

2533rd Council meeting

- EXTERNAL RELATIONS*-

Brussels, 13 October 2003

President : **Mr Franco FRATTINI**
Minister for Foreign Affairs of the Italian
Republic

* The 2532th meeting on General Affairs is the subject of a separate press release
(13098/03 Presse 291)

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium :

Mr Jan DE BOCK

Ambassador, Permanent Representative

Denmark :

Mr Per Stig MØLLER

Minister for Foreign Affairs

Germany :

Mr Joschka FISCHER

Federal Minister for Foreign Affairs and Deputy Federal Chancellor

Greece :

Mr Anastasios GIANNITSIS

Deputy Minister for Foreign Affairs

Spain :

Ms Ana PALACIO

Minister for Foreign Affairs

France :

Mr Dominique de VILLEPIN

Minister for Foreign Affairs

Ireland :

Mr Dick ROCHE

Minister of State at the Department of the Taoiseach and at the Department of Foreign Affairs with responsibility for European Affairs

Italy :

Mr Franco FRATTINI

Minister for Foreign Affairs

Mr Roberto ANTONIONE

State Secretary for Foreign Affairs

Luxembourg :

Ms Lydie POLFER

Deputy Prime Minister, Minister for Foreign Affairs and Foreign Trade

Netherlands :

Mr J G de HOOP SCHEFFER

Minister for Foreign Affairs

Mr Atzo NICOLAÏ

State Secretary for European Affairs

Austria :

Ms Benita FERRERO-WALDNER

Federal Minister for Foreign Affairs

Portugal :

Ms Teresa GOUVEIA

Minister for Foreign Affairs

Finland :

Mr Erkki TUOMIOJA

Minister for Foreign Affairs

Ms Paula LEHTOMÄKI

Minister for Foreign Trade and Development

Sweden :

Ms Laila FREIVALDS

Minister for Foreign Affairs

United Kingdom :

Mr Jack STRAW

Secretary of State for Foreign and Commonwealth Affairs

* * *

Commission :

Mr Chris PATTEN

Member

Mr Günther VERHEUGEN

Member

Mr Michel BARNIER

Member

* * *

General Secretariat of the Council :

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

The Governments of the Acceding States were represented as follows:

Czech Republic :

Mr Jan KOHOUT

State Secretary, Ministry of Foreign Affairs

Estonia :

Ms Kriistina OJULAND

Minister for Foreign Affairs

Cyprus :

Mr George IACOVOU

Minister for Foreign Affairs

Latvia :

Ms Sandra KALNIETE

Minister for Foreign Affairs

Lithuania :

Mr Rytis MARTIKONIS

State Secretary, Ministry of Foreign Affairs

Hungary :

Mr László KOVÁCS

Minister for Foreign Affairs

Malta:

Mr Joe BORG

Minister for Foreign Affairs

Poland :

Mr Włodzimierz CIMOSZEWICZ

Minister for Foreign Affairs

Slovakia :

Mr Eduard KUKAN

Minister for Foreign Affairs

Slovenia :

Mr Dimitrij RUPEL

Minister for Foreign Affairs

ITEMS DEBATED

NOTE: The Acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia align themselves on the conclusions on Wider Europe, Iraq, Western Balkans and Iran.

WIDER EUROPE - Council conclusions

The Council adopted the following conclusions:

"Council conclusions on the implementation of the Wider Europe - New Neighbourhood Initiative

1. The Council reviewed the situation regarding the Wider Europe - New Neighbourhood Initiative. It welcomed the initial interest shown by many partner countries and underlined the EU's intention to proceed in close dialogue with all the countries concerned. The Council took note of the oral report presented by Commissioner Verheugen and invited the Commission with the contribution, where appropriate, of the High Representative to present, in the light of the conclusions of 16 June, detailed proposals for the relevant action plans early in 2004 in order to take this matter forward by June 2004.
2. In this context, the Council welcomed the Commission Communication "Paving the way for a New Neighbourhood Instrument" as an important step in implementing the conclusions of 16 June. The Council considered that the Communication provides a useful basis for developing the relevant instruments aimed at enhancing cross-border co-operation on the external borders of the Union, in particular regional/transnational co-operation. The Council confirmed the EU commitment to promote political, economic and cultural relations with all the neighbouring regions of the Union according to the conclusions of 16 June. Particular attention will be paid to strengthening of civil society, supporting institutional capacity as well as promoting transparency of state and local authorities.
3. The Council welcomed the intention of the Commission to develop Neighbourhood Programmes covering the external borders of the enlarged Union for the 2004-2006 period as an intermediate step before possible creation of a single new Neighbourhood Instrument.
4. While political, economic and social conditions vary from border to border, the Neighbourhood Programmes should address the following key co-operation objectives:
 - Promoting sustainable economic and social development in the border areas;
 - Working together to address common challenges, in fields such as environment, public health, and the prevention of and fight against organised crime;

- Ensuring efficient and secure borders;
- Promoting local, “people-to-people” type actions.

The Council will review the key objectives in due time.

5. The Council agreed with the two-step approach suggested by the Communication.
6. In the period 2004-2006, actions within the Neighbourhood Programmes should be based on the existing legislative and financial framework. These actions will focus on significantly improving co-ordination between the various financing instruments concerned, while fulfilling existing commitments and obligations regarding the current programming period up to the end of 2006. In line with this, the Council welcomed the steps the Commission has indicated it will take to introduce Neighbourhood Programmes and took note of the proposed volume of funding within the relevant programmes (INTERREG, PHARE, Tacis, CARDS and Meda).
7. The Council encouraged the Commission to pursue the study on the feasibility and the impact of the creation of a new Neighbourhood Instrument based on the three options set out in the Communication. The Council also invited the Commission to present detailed proposals in due time for the period from 2007 onwards. Within the overall framework of the Wider Europe - New Neighbourhood Initiative, the Council will consider these detailed proposals with a view to ensuring a comprehensive, balanced and proportionate approach responding to the needs to promote cross-border and regional/transnational co-operation on the external borders of the enlarged Union."

IRAQ - Council conclusions

The Council adopted the following conclusions:

- "1. The Council reiterated the EU's commitment to play an important role, within the framework of all relevant UNSC resolutions, in the international effort to help the Iraqi people to rebuild their country.
2. Recalling its conclusions of 29 September 2003, the EU underlines the importance of the restoration of Iraqi sovereignty and the establishment of a fully representative Iraqi government through democratic elections. Acknowledging the necessity to reach agreement on a realistic schedule for handing over political responsibility to the Iraqi people, the Council reiterated the EU's support for the development of a prosperous, stable and sovereign Iraq.
3. The Council welcomed the Communication from the Commission proposing an EU approach to the Madrid Conference on the reconstruction of Iraq and its proposal of an indicative pledge of 200 million Euro for 2003-2004 from the EU budget, taking into account the EU budgetary procedures. Furthermore, the Council invited the Commission to assure the necessary co-ordination with a view to the announcement by the Presidency of a consolidated EU pledge (Community plus Member States) for the period to December 2004 at the Madrid conference and to report to it on the preparation and follow-up of the conference.
4. The Council noted that this EU pledge for reconstruction in Iraq is additional to the 730 million Euro already pledged for humanitarian relief in Iraq by Community and EU Member States. It endorsed the Commission's view that, in the light of developments during 2004, it will be necessary for the EU to develop a comprehensive medium-term strategy for its relations with Iraq.
5. The Council confirms that the following will be essential for the success for the reconstruction efforts:
 - An adequate security environment;
 - A strong and vital UN role;
 - A realistic schedule for the handing over of political responsibility to the Iraqi people;
 - The setting up of a transparent multilateral donor fund to channel support from the international community."

MIDDLE EAST

The Council had an in-depth exchange of views on the situation in the Middle East in the light of the latest worrying developments in order to prepare the discussion of the European Council on 16-17 October 2003.

WESTERN BALKANS - Council conclusions

Following its discussion in the presence of ICTY Chief Prosecutor Carla Del Ponte, the Council adopted the following conclusions:

"CO-OPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

The Council took note of the presentation today by ICTY Chief Prosecutor, Mrs. Carla Del Ponte, and of her report on 9 October 2003 to the UN Security Council.

While acknowledging that some progress had been made, it also noted with deep concern that a number of countries and parties of the region were still failing to co-operate fully with the Tribunal.

Recalling the pledge made by the countries of the region at the EU-Western Balkans Summit at Thessaloniki in June 2003 to co-operate fully and unequivocally with the ICTY, it called upon them to improve their co-operation in respect of arrest and transfer of indictees still at large, requests for documents, access to archives and availability of witnesses. It reiterated the need to intensify efforts to bring Karadjic, Mladic and Gotovina to the ICTY.

It also stressed the importance of strengthening national judicial systems and to improve their capacity to prosecute cases transferred from the ICTY. It supported the efforts by the High Representative/EU Special Representative Ashdown to establish a special chamber within the State Court of Bosnia and Herzegovina (the "War Crimes Chamber").

The Council reaffirmed that full co-operation by the countries of the Western Balkans with ICTY remained an essential element of the EU's Stabilisation and Association process. Failure to co-operate fully with ICTY would seriously jeopardise further movement towards the EU.

REGIONAL CO-OPERATION

The Council recalled that regional co-operation and good neighbourly relations form an essential part of the process of moving towards the EU. In this context and without prejudice to sovereign rights of States deriving from the relevant international law, it noted with regret that the Croatian Parliament decided to declare a protected ecological and fishing zone in the Adriatic Sea without appropriate dialogue and co-ordination with the other countries concerned. It called on Croatia to urgently pursue a constructive dialogue with its neighbours meant to meet the concerns of all the parties involved."

IRAN

– ***Human rights - Council conclusions***

The Council adopted the following conclusions:

- "1. The Council, recalling its 17 June 2002, 21 October 2002, 18 March 2003 and 21 July 2003 conclusions, considered the developments in the EU-Iran human rights dialogue in the light of the human rights situation in Iran at the start of the Third Committee of the 58th UN General Assembly ("UNGA 58").
2. The Council reaffirmed that the human rights dialogue with Iran, the third round of which was held on 8-9 October 2003, is one of the means by which the EU can work to improve the human rights situation in the country. As the Council has recalled on previous occasions, this dialogue is an acceptable option only if sufficient progress is achieved and reflected on the ground. The Council welcomed the frank and constructive atmosphere that prevailed during the third round of the dialogue. The roundtable, with civil society participation from Iran and the EU, focused this time on the themes of freedom of opinion and expression and the right to development, whilst all issues of concern to the EU regarding the human rights situation in Iran were addressed during the subsequent officials-only talks. The Council was encouraged by the openness and diversity of views expressed within the Iranian delegation and the information provided about certain positive developments during both meetings, and trusts that this will be allowed to bear fruit in the near future. It also welcomed the fact that the Iranian side provided information regarding individual cases that the EU had requested. The Council looks forward to the next round of the dialogue in Tehran, to be held as agreed without restrictions on the membership of either delegation. It further decided that a review of the EU Iran human rights dialogue should be carried out along the lines envisioned in the European Union guidelines on human rights dialogues
3. The Council recalls the commitment expressed by the government of Iran to strengthen respect for human rights in the country and to promote the rule of law. The Council remains deeply concerned however that, despite such a commitment, serious violations of human rights are continuing to occur in Iran. The situation with regard to freedom of opinion and expression continues to be deeply troubling, especially on the eve of the Parliamentary elections which will take place at the beginning of next year. The Council considers that this is a crucial point for the credibility of the upcoming elections. The Council in its July conclusions called for rapid progress in this field, in light of the arrests of students, journalists and others during recent student demonstrations. Since then, the Council has learned of further cases of arbitrary detention of persons for no reason other than the peaceful expression of their beliefs. The Council, whilst noting the recent release of certain individuals, reiterates the need for further urgent action by the Iranian authorities in this regard, including the rapid release of all persons detained for having exercised their right to freedom of expression.

4. The Council recalls once more its longstanding and firm position against the use of the death penalty. The Council continues to be seriously concerned about executions being carried out in Iran in apparent absence of respect for internationally recognised safeguards. The practice of public executions is particularly to be regretted. The Council is equally concerned by the continued use of torture and other forms of cruel, inhuman and degrading punishment in Iran. In that respect, the Council takes note with great concern that despite the recommendation by the Head of the Judiciary to judges to opt for alternative punishment in cases where the sentence of amputation would otherwise be imposed, cases of amputation have nevertheless been reported since. The Council encourages the Iranian authorities to take appropriate steps in order to ensure that the recommendation is given full effect. The Council reiterated that a similar recommendation which has been issued regarding alternatives to the sentence of death by stoning is only a first step towards abolition of this practice, and urged the Iranian authorities to establish a moratorium on all executions with a view to their eventual abolition. The Council recalled in July the Iranian government's obligations under international law to investigate promptly and prosecute those responsible for the violent death in custody of photojournalist Zahra Kazemi. Whilst noting that in the meantime proceedings have started in connection with her case, the Council adds its voice to those within Iran who are calling for a fully empowered, independent and impartial investigation into all aspects of the case, including the role of the office of the Chief Prosecutor for Tehran. The Council moreover deeply regrets the rejection by the Guardians' Council not only of the Majlis' revised draft bill implementing the prohibition on torture laid down in Article 38 of the Iranian Constitution, but also of the Majlis' draft bill permitting Iran to accede to the UN Convention against Torture. The Council trusts that, if reconsideration and acceptance by the Guardians' Council is not possible in either case, the Expediency Council will allow these measures to become law.
5. The Council once again urges the government of Iran to speed up the process of reform of the system of administration of justice in Iran. In this regard, the Council trusts that the Iranian government will implement as soon as possible the recommendations of the UN Working Group on Arbitrary Detention published in June this year. The continued violations of the human rights of women, and the discrimination, in law and in practice, against women and girls, are again noted with concern by the Council. It is a matter of deep regret that the Guardians' Council has rejected the Majlis' draft legislation permitting Iran to accede to the UN Convention on the Elimination of all forms of Discrimination against Women. The Council is moreover concerned at continued violations of the right to freedom of religion, particularly in relation to Baha'is, whose faith is not recognised by the Constitution and who face serious discrimination particularly in relation to education, property rights and employment. The Council urges the Iranian Government to comply with the recommendations made in August this year by the Committee on the Elimination of Racial Discrimination.
6. The visits of the thematic special procedures of the UN Commission on Human Rights ("CHR") represent an important step towards improvement in the protection and promotion of human rights in Iran, provided that their recommendations are implemented. As the Council stated in March, the Iranian government's standing invitation to these thematic special procedures is welcome, as is its engagement in unconditional dialogue on human rights with, inter alia, the EU.

The Council notes with satisfaction that a visit to Iran by the Special Rapporteur on Freedom of Expression has been arranged for November 2003, and that discussions are underway to agree a date for a visit by the Working Group on Enforced Disappearances during the first half of 2004. It is to be hoped that full co-operation will be extended to these special procedures and that visits by others will be arranged in the near future. The Council meanwhile welcomed the efforts pursued by the Majlis and its "Article 90 Commission", as well as the Islamic Human Rights Commission, to enhance the human rights situation in Iran. In this regard, the Council warmly congratulated Ms Shirin Ebadi, the eminent Iranian lawyer and human rights defender, on being awarded this year's Nobel Peace Prize.

7. The Council further reaffirmed its position of principle whereby the establishment of a dialogue is without prejudice to the tabling or co-sponsoring of a resolution at the Third Committee of the 58th session of the United Nations General Assembly or the 60th session of the Commission on Human Rights. Whilst welcoming the Iranian engagement in co-operation with the UN mechanisms and in the human rights dialogue, as well as the stated commitment by Iran to strengthen respect for human rights and fundamental freedoms and to promote the rule of law, the Council will convey its serious concern about the continuing violations of human rights in Iran and the lack of progress in a number of key areas.
8. The EU will return to the matter in the light of developments in the situation of human rights in Iran."

– ***Iranian nuclear programme - Council conclusions***

The Council adopted the following conclusions:

"1. Recalling the detailed review of relations with Iran at its last meeting, and in view of the date set by the Resolution adopted by the IAEA Board of Governors on 12 September 2003, the Council considered that the Iranian nuclear program remains an issue of grave concern and reaffirmed once again its position as outlined in the Council conclusions of 29th of September 2003.

2. The Council will keep the issue under review."

EU-RUSSIA RELATIONS

The Council held an exchange of views on the EU-Russia Summit to be held on 6 November in Rome, on the basis of an information from the Presidency and the High Representative.

The EU–Russia Summit will be the twelfth to be held under the EU–Russia partnership and co-operation agreement. It is due to address the following issues: EU–Russia relations – building the four "spaces" (common economic space; freedom, security and justice; external security; research and education), developments in Russia, developments in the EU and international issues.

Commissioner Pascal Lamy briefed the Council on current discussions concerning Russia's accession to the World Trade Organisation. Progress has been made in negotiations on Russia's accession to the WTO although a number of substantive issues of interest to the EU remain to be resolved.

OTHER BUSINESS

– ***Democratic Republic of Congo / ICC***

Over lunch, Ministers had an exchange of views on the role of the International Criminal Court in the Democratic Republic of Congo.

– ***Great Lakes***

The Belgian delegation briefed the Council on Minister Louis Michel's recent visit to the African Great Lakes region, underlining in particular the role the EU did and could play in this area.

– ***Afghanistan***

Ministers had a brief exchange of views on Afghanistan and on EU assistance to next June elections.

– ***Moldova***

At the Ministers' lunch, the situation in Moldova was raised in the light of recent discussions with the President of Moldova.

IN THE MARGINS OF THE COUNCIL

AGREEMENT WITH MACAO ON READMISSION

An Agreement was signed between the Community and the Special Administrative Region of Macao of the People's Republic of China on the readmission of persons residing without authorisation.
