



**COUNCIL OF
THE EUROPEAN UNION**



12770/04 (Presse 276)

PRESS RELEASE

2609th Council Meeting

General Affairs and External Relations

External Relations

Luxembourg, 11 October 2004

President **Mr Bernard BOT**
Minister for Foreign Affairs of the Netherlands

* Some external relations items were adopted without debate at the 2608th meeting on General Affairs (12767/04).

P R E S S

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Main Results of the Council

As part of a policy of engagement vis-à-vis **Libya**, the Council decided inter alia to lift the arms embargo against that country as well as to repeal a set of economic sanctions adopted by the EU in application of UNSC resolutions. The Council invited Libya to respond positively to this policy, notably with a view to the resolution of remaining EU concerns, in particular the case of the Bulgarian and Palestinian medical workers and other outstanding issues.

The Council, addressing the situation in the **Middle East**,

- condemned in the strongest terms the terrorist attacks perpetrated in the Sinai against innocent Egyptian and Israeli citizens;
- expressed grave concern at the unprecedented cycle of retaliatory violence in Israel and the Occupied Territories, called on both parties to take steps to fulfil their Roadmap obligations and commitments and welcomed the proposals made by the EU Special Representative for an EU coordinating mechanism for donor assistance to the Palestinian Civil Police.

Other main results in the field of external relations, such as those concerning the tightening of restrictive measures against the regime in **Burma/Myanmar**, as well as decisions taken in the field of the **European Security and Defence Policy** are reflected in the “General Affairs” press release, 12767/04 Presse 275.

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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 abovementioned Council Internet site or may be obtained from the Press Office.

OTHER ITEMS APPROVED

Please see "General Affairs" Press release 12767/04 Presse 275.

PARTICIPANTS

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

Belgium:

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Mr Didier DONFUT

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State Secretary for European Affairs

Czech Republic:

Mr Cyril SVOBODA

Deputy Prime Minister and Minister for Foreign Affairs

Denmark:

Mr Per Stig MØLLER

Minister for Foreign Affairs

Germany:

Mr Joschka FISCHER

Federal Minister for Foreign Affairs and Deputy Federal Chancellor

Estonia:

Ms Kristiina OJULAND

Minister for Foreign Affairs

Greece:

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Mr Denis MacSHANESecretary of State for Foreign and Commonwealth Affairs
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Mr Günter VERHEUGEN
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Ms Michaele SCHREYERMember
Member
Member
Member**Council Secretariat:**

Mr Javier SOLANA

Secretary-General/High Representative for the CFSP

ITEMS DEBATED**LIBYA - Council Conclusions**

The Council adopted the following conclusions:

- "1. The Council reiterated its support for Libya's announcement on 19 December 2003 that it would dismantle weapons of mass destruction programmes. Libya is among the first countries to dismantle voluntarily its weapons of mass destruction programmes under international supervision through a transparent and cooperative process.
2. The Council noted that a settlement was reached in Tripoli on 3 September 2004 on compensation for dependants of victims of the 1986 Berlin discotheque attack. The Council considered this settlement further proof of Libya's readiness to change its policies of the past and of its commitment to responsible government.
3. The Council regarded improvements in the human rights situation in Libya an essential element in the development of relations. Of immediate concern are serious impediments to the right of free speech and association, credible reports of torture of suspects and miscarriages of justice and inhuman conditions of detention. The Council reiterated its position against the death penalty.
4. The Council expressed its deep sympathy with those infected with HIV in the Benghazi hospital.
5. The Council expressed its grave concern over the plight of the Bulgarian and Palestinian medical workers arrested in 1999 as suspects in a criminal case and the death sentences handed down on 6 May 2004. The Council considered that Libya, upon re-examination of existing evidence, may wish to conclude that justice be served by their early release.
6. In reviewing the elements relevant to the development of relations with Libya, the Council recalled its conclusions of November 2002 that cooperation with Libya on migration is essential and urgent. It reiterated its concern about the level of illegal traffic across the Mediterranean from, or via, Libya. The loss of life at sea, maintenance of public order at the ports of entry and the burden of illegal immigration from, or via, Libya now require effective action by Libya. In this context, the Council also underlined that Libya should respect its international obligations. The Council considered important to the development of relations with Libya that cooperation materialises in areas where remedy is beyond Libyan capabilities or capacities.

7. The Council agreed to embark upon a policy of engagement with Libya and decided upon the following steps:
- (a) To repeal the restrictive measures adopted by the EU in application of UNSCR 748(1992) and 883(1993).
 - (b) To lift the arms embargo.

The Council recalled that arms transfers to Libya will be subject to the EU Code of Conduct on Arms Exports and decided that a special post-embargo arms transfers regime ('tool box'), which is presently being developed within the Council, will apply.
 - (c) That a technical mission to Libya be conducted as soon as possible to examine arrangements for combating illegal immigration in accordance with the terms of reference elaborated in response to the Council's mandate of 16 June 2003.
 - (d) That an act of solidarity with those infected with HIV at Benghazi hospital be implemented as soon as possible.
 - (e) To follow closely the human rights situation in Libya.
8. The Council is ready to examine a Commission mandate for negotiations on a fisheries agreement with Libya.
9. The Council regarded Libya's full integration into the Barcelona Process the overall objective of engagement. It reiterated that participation in the Barcelona Process, and the subsequent progression towards an Association Agreement, remains subject to Libya's readiness to accept in full and unconditionally the Barcelona Declaration adopted at the Euro-Mediterranean Conference of 27/28 November 1995 and the Barcelona acquis.
10. The Council invited Libya to respond positively to the EU's policy of engagement as outlined above. In this light, it insisted that Libya resolves remaining EU concerns, notably the case of the Bulgarian and Palestinian medical workers and all outstanding bilateral issues with EU member states, and work together towards stronger relations in the future, bilaterally and in multilateral frameworks."

CHINA

Ministers, over lunch, took stock of the state of discussions on the embargo on the sale of arms to China, following the mandate given to the Council by the European Council in December 2003 to re-examine the question of the embargo.

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The Council also adopted the following conclusions on the EU-China dialogue on human rights:

- "1. The Council welcomes the evaluation of the EU-China Human Rights Dialogue, which was prepared in accordance with the EU Guidelines on Human Rights dialogues, and based on a wide range of reports and contributions, including from civil society.
2. The Council recalls the objectives it has set for the EU-China Human Rights Dialogue in its Conclusions of January 2001. It acknowledges that China has made considerable progress over the last decade in its social-economic development and economic freedom for ordinary citizens. It welcomes steps towards strengthening the rule of law and urges China to ensure effective implementation of such measures. It also welcomes moves to enhance cooperation with UN human rights mechanisms and China's work thus far towards the ratification of the International Covenant on Civil and Political Rights (ICCPR). The EU looks forward to further work in this area and would welcome early ratification. It also calls for the early reform of the re-education through labour system.
3. Despite these developments, the Council expresses its concern about continuing violations of human rights, such as the freedom of expression (including press freedom and internet), freedom of religion and freedom of assembly and association. It also concludes that there has been no progress in the respect for the rights of persons belonging to minorities, in particular as regards religious freedom, and a continued erosion of minority culture, in particular in Tibet and Xinjiang. The Council deplores the continued widespread application of the death penalty as well as the persistence of torture, despite acknowledgement of this problem by the Chinese authorities. The overall assessment of developments shows a mixed picture of progress in some areas and continuing concerns in others.

4. On balance, however, and from a long term perspective, a positive trend can be seen, with improvements in the rule of law and respect for economic rights and decline in the influence of the state on citizens' daily life. The Council is convinced that the dialogue, notably by providing a channel of communication and a forum for the candid expression of concerns, by exposing Chinese decision-makers to international human rights standards and practices, and by generating concrete human rights cooperation projects, remains a valuable process and has the potential to impact positively on the human rights situation in China.
5. At the same time, the Council notes that there is ample scope for improving and encouraging concrete outcomes of the dialogue and tangible results on the ground. It therefore endorses the operational conclusions made in the evaluation as regards the modalities of the dialogue, such as enlarging the scope of participation, increasing transparency by public debriefings, better preparation and follow-up of the dialogue, increasing coherence between dialogue and seminars and improved management of the list of individual cases.
6. The Council concludes that it considers the human rights dialogue a valuable instrument and an important element of overall EU-China relations. It will therefore pursue the human rights dialogue, the cooperation programmes and the seminars, taking into account the abovementioned recommendations. The EU will continue to raise human rights issues with China in bilateral and multilateral exchanges at all levels. As foreseen in the EU Guidelines on Human Rights Dialogues, the EU will continue to evaluate this dialogue on an annual basis."

IRAN

Ministers, over lunch, discussed Iran, with particular focus on the nuclear issue. They exchanged views on their approach for the weeks ahead, also with a view to the AIEA Board of Governors meeting on 25 November. The Presidency noted that the EU would remain engaged - notably through the efforts of France, Germany and the UK reinforced by High Representative Solana - with a view to achieving progress on the Iranian nuclear issue.

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The Council also adopted the following conclusions on the EU-Iran dialogue on human rights:

- "1. The Council recalled its previous conclusions on the subject (21 October 2002, 18 March 2003, 21 July 2003 and 13 October 2003), and welcomed the evaluation of the EU-Iran dialogue on Human Rights. This evaluation was prepared in accordance with the EU Guidelines on Human Rights dialogues and includes the fourth round of the dialogue, which took place on 14 and 15 June 2004 in Tehran.
2. The Council recalled the commitment expressed by the Government of Iran to strengthen respect for human rights in the country and to promote the rule of law.
3. The Council remains deeply concerned that despite this commitment, serious violations of human rights are continuing to occur in Iran.
4. The evaluation clearly establishes that with regard to the issues that this Council has designated as its priorities, although there seemed to be hopeful signs at some point, little overall progress has been achieved since the start of the dialogue in December 2002. These key areas of concern, which have been used as benchmarks to appraise the human rights situation in Iran and to measure the results of the dialogue, relate to Iran's cooperation with human rights mechanisms and implementation of their recommendations, ratification and implementation of key conventions; unhindered access for international observers and international NGOs; civil rights and political freedoms; reform of the judicial system; prevention and eradication of torture; criminal punishment; discrimination and the prison system.
5. The evaluation concluded that while Iran has extended a standing invitation for visits by UN Special Human Rights mechanisms and several such visits actually took place, little progress has been made on implementing the recommendations arising from them. With regard to the other priority issues, however, there has either been very little or no progress on the ground.

6. The Council noted that the situation with regard to the exercise of key civil rights and political freedoms such as freedom of expression, has deteriorated since the Parliamentary elections of February this year. The Council, bearing in mind its longstanding and firm position against the use of the death penalty, also expressed its concern about the recently increased number of reports about executions being carried out in apparent absence of respect for internationally recognised safeguards, and about the executions of juvenile offenders. It regretted that despite some recent legislative improvements numerous discriminatory practices continue against women as well as against persons belonging to religious minorities, both recognised and not recognised by Iran.
7. The Council reaffirmed that the human rights dialogue with Iran remains one of the means by which the EU can make a contribution to improving the human rights situation. While welcoming the efforts that Iran has so far put into its dialogue with the European Union, it reiterated that this dialogue is an effective instrument in human rights policy only if sufficient progress is achieved on the ground, both in the short and the long term. The dialogue itself should be able to make a positive contribution to EU-Iran relations in this regard. The EU remains committed to pursue the human rights dialogue, while however annually reviewing its modalities with the aim of improving its effectiveness in key areas of concern. Taking into account the outcome of the evaluation, the Council supported the need to attain a renewed commitment from the Iranian authorities to improve respect for human rights and promote the rule of law in the country and also supported the need to adjust the modalities of the dialogue with a view to enhancing its effectiveness.
8. The Council wishes to discuss with Iran a number of practical recommendations aimed at enhancing the effectiveness of the dialogue, such as early agreement on themes and regular dates before each UN Commission on Human Rights and UN General Assembly, a more thorough preparation for both the round table meetings and the government-only meetings, and more transparency towards the public. This dialogue has generated great expectations within the civil society in Iran. The EU and Iran should do their best to meet these expectations.
9. The Council expressed its intention that an EU troika mission shall discuss the contents of these Council Conclusions with the Government of Iran shortly, and stressed the need to improve respect for human rights and promote the rule of law in the country, and discuss the way forward.
10. The Council further reaffirmed its position of principle that the dialogue remains without prejudice to the tabling of a resolution at the UN Commission on Human Rights or at the Third Committee of the UN General Assembly. It agreed that at the 59th session of the UN General Assembly, the EU will convey its deep concern at the serious violations of human rights in Iran.
11. The EU will return to the matter in the light of developments in the situation of human rights in Iran."

MIDDLE EAST***– Terrorist attacks in Taba and Ras Satan - Council Conclusions***

The Council adopted the following conclusions:

"The Council condemned in the strongest terms the terrorist attacks in Taba and Ras Satan against innocent Egyptian and Israeli citizens. Among the victims were two young citizens of the European Union.

The Council expressed its deepest condolences to the families of the victims and solidarity to the peoples of Egypt and Israel. It praised the two Governments for their close cooperation in the rescue and investigation activities and stands ready to provide the necessary support. It hopes that the perpetrators of these crimes will be rapidly identified and brought to justice.

This horrendous attack strengthens our common resolve in the fight against terrorism."

– Middle East Peace Process - Council Conclusions

The Council adopted the following conclusions:

- "1. The Council assessed the situation in the Middle East and welcomed the statement of the Quartet at principals level on 22 September in New York.
2. The Council expressed its grave concern at the unprecedented cycle of retaliatory violence in Israel and the Occupied Territories. The Council reiterated its full and unconditional condemnation of all forms of terrorism, including rocket attacks into Israel, and called upon the Palestinian Authority to take firm action against the planners and perpetrators of such terrorist acts. Though the Council recognised that Israel has the right to protect its citizens from terrorist attacks, it stressed that the exercise of this right should take place within the boundaries of international law. The Council also condemned the disproportionate nature of the Israeli military actions in the Gaza Strip. These actions have claimed the lives of many innocent civilians, including children, and left many injured. The Council called on Israel to put an immediate end to this operation and to fully respect the Fourth Geneva Convention. It reminded Israel of its obligation to ensure full and secure access for the diplomatic missions and humanitarian organisations.

3. The Council called upon both parties to end the spiral of violence and to implement their obligations. The Council reminded Israel and Palestinians to consider the longer-term consequences of their actions. It emphasised that the only way to achieve lasting peace in the Middle East is through the resumption of security cooperation and direct negotiations between the parties, as called for in the Roadmap.
4. The Council reaffirmed its commitment to a negotiated two-State solution agreed between the parties which would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side in peace with an Israel living within recognised and secure borders. It recalled the established EU-position, that the Union will not recognise any change to the pre-1967 borders other than those arrived at by agreement between the parties. The Council unequivocally reaffirmed that the Roadmap, as endorsed by Security Council resolution 1515, is the fundamental framework for a resolution of the Israeli - Palestinian conflict, and called on both parties to take steps to fulfil their Roadmap obligations and commitments.
5. The Council reiterated its view that proposals for an Israeli withdrawal from the Gaza Strip and part of the Northern West Bank could represent a significant step towards the implementation of the Roadmap, provided that it comprises a full and complete withdrawal and is implemented in accordance with the five elements laid down by the European Council in March 2004, i.e.:
 - it took place in the context of the Roadmap;
 - it was a step towards a two-state solution;
 - it did not involve a transfer of settlement activity to the West Bank;
 - there was an organised and negotiated hand-over of responsibility to the Palestinian Authority;
 - and Israel facilitated the rehabilitation and reconstruction of Gaza.

In the light of recent statements, the Council also underlined that the withdrawal must not be an attempt to replace the Roadmap and the two-State solution it encompasses. It also recalled that settlement activity is contrary to the Roadmap.

6. The Council reiterated that it stands ready to assist the parties to render the Israeli withdrawal successful, including valued Egyptian efforts in the field of Palestinian security reforms. The Council also welcomed the proposals made by the EU Special Representative for an EU coordinating mechanism for donor assistance to the Palestinian Civil Police in agreement with the interested parties. The Council commended the World Bank for its efforts and encouraged the Palestinian Authority and Israel to prepare for the forthcoming meeting of the AHLC.
7. The Council underlined its readiness to continue providing assistance to the Palestinian Authority in its reform process. It urged the Palestinian Authority to implement in full and without further delay the reform package agreed upon with the international community in the framework of the Task Force on Palestinian Reform.
8. In this regard, the Council expressed its support for Palestinian elections, which should conform to international standards, and noted the process of voter registration currently underway. While taking note of the encouraging number of voters registered so far and expressing its hope that this number will continue to rise, the Council called on the Palestinian Authority to ensure that these elections will be free, fair, transparent and carried out in the whole of the Occupied Territories. It urged Israel, in accordance with its responsibilities under the Fourth Geneva Convention, to facilitate voter registration, the preparations for and conduct of the elections, the movement of candidates and voting officials, including in occupied East Jerusalem. The Council was also of the opinion that the elections should, in principle, be held in one step in order to expedite the development of accountable structures of government in the Occupied Territories. The European Union stands ready to further support and assist the Palestinian electoral process.
9. The Council once again urged all sides in the region to immediately implement policies conducive to dialogue and negotiations. The EU relationship with those who take steps to the contrary will be inevitably affected by such behaviour."

EUROPEAN NEIGHBOURHOOD POLICY

The Council took note of a progress report by the Commission on the state of play of the European Neighbourhood Policy Action Plans with the seven countries concerned. It welcomed the considerable progress made and invited the Commission to submit its formal proposals to the Council by 20 October.

SUDAN/DARFUR - Council Conclusions

The Council adopted the following conclusions:

- "1. The Council notes the reports of the United Nations Secretary General presented by the Special Representative on 5 October to the United Nations Security Council. The Council, while taking note of progress achieved in the implementation of some commitments, urges the parties to redouble their efforts in order to comply with all outstanding demands. In this respect, the Council urges the Government of Sudan to provide information on actions taken thus far to neutralise and disarm the Janjaweed militias and to bring to justice perpetrators of human rights violations and crimes against civilians.
2. The Council remains extremely concerned about continued fighting, including attacks on civilians, in various parts of Darfur, causing grave human suffering. It calls upon the Government of Sudan, the JEM and the SLM/A to strictly abide by the cease-fire agreement signed on 8 April 2004 in N'djamena and reiterates its appeal to all parties to publicly declare a moratorium on military operations in contravention of the cease-fire agreement, in order to create a conducive environment for the peace talks at Abuja which would favour a rapid agreement on a protocol on security arrangements.
3. The Council urges the Government of Sudan and the SLM/A and JEM to meet the demands contained in UNSC Resolution 1556 and 1564, and the Council Conclusions of 12 and 26 July and of 13 September 2004. The Council will take appropriate measures, including sanctions, against the Government of Sudan and all other parties, in accordance with the United Nations Security Council Resolution 1556 and 1564, if no tangible progress is achieved in this respect.
4. The Council welcomes the recent mission and the recommendations of the United Nations High Commissioner for Human Rights and of the United Nations Special Advisor on the Prevention of Genocide to Darfur. The Council further welcomes the decision of the United Nations High Commissioner for Human Rights to increase the number of human rights monitors deployed in Darfur.
5. The Council welcomes the United Nations Security Council Resolution 1564 and the establishment of a Commission of Inquiry into violations of international humanitarian law and human rights in Darfur by all parties, with a mandate that includes investigating whether acts of genocide have occurred in Darfur. The Council calls upon all parties to extend their full cooperation to this Commission of Inquiry.

6. The Council reiterates its readiness to support the African Union in its efforts to stabilise the security situation in Darfur and to act as a mediator in the Abuja talks. The Council reaffirms its commitment to assist the African Union in the planning and implementation of a significantly expanded pro-active monitoring mission with a sufficiently broad mandate, in order to improve the security situation in Darfur.
7. The Council notes with urgency the need for additional humanitarian assistance and coordination. The EU has already committed well over EUR 300 million. The Council also emphasises that humanitarian assistance and measures to enhance security are mutually supportive, and deserve equal attention by the international community.
8. The Council notes with appreciation the resumption of the negotiations between the Government of Sudan and the SPLM/A under the auspices of IGAD and urges both parties to conclude the discussions on the outstanding issues as soon as possible, to sign a comprehensive peace agreement and to implement it without delay. The Council is of the view that a speedy conclusion of the 'Naivasha process' could provide a political platform to address the underlying causes of the ongoing conflicts in Sudan, including Darfur; to accelerate the pace of reforms; to promote human rights; and to establish a genuine and constructive dialogue with the political forces that are not present in Naivasha.
9. The Council takes note of the planned resumption of the Abuja talks on 21 October and urges all parties to send high-level, fully mandated delegations to these talks and to negotiate in good faith and with a sense of urgency. The Council notes the forthcoming dialogue in Cairo between the Government of Sudan and the National Democratic Alliance. The Council urges the parties to use this initiative to ease tensions with other political forces, in particular in Eastern Sudan, and looks forward to receive further information on these talks.
10. The Council takes note of the following commitments made by the Government of Sudan:
 - to cooperate with an enlarged AU monitoring mission with an expanded mandate and a possible police component, as decided by the AU;
 - to demarcate clearly, and to notify the AU CFC of, the areas under its military control and the location of its own and allied military forces;
 - to bring their forces and armed groups aligned with them under control in defined areas;
 - to implement immediately and unilaterally the Abuja Humanitarian Protocol;

- to work to conclude a comprehensive peace agreement with the SPLM as soon as possible.

The Council recalls the Government of Sudan's commitment under the Joint Communiqué between the Government of Sudan and the United Nations of 3 July 2004, as referred to in United Nations Security Council Resolution 1556.

The Council reiterates that cantonment of the SLM/A and the JEM represents a critical element in achieving a return of peace and stability in Darfur, and calls upon the SLM/A and the JEM for its swift implementation.

11. The Council calls upon all neighbours of Sudan and all countries of the region to help promote the stabilisation of the situation in Sudan, and to grant their full support to the African Union and IGAD in their efforts to facilitate the restoration of peace in Sudan. In this respect, the Council recalls the arms embargo on all non-Governmental entities and individuals in Darfur, including the Janjaweed, imposed by United Nations Security Council Resolution 1556."

AFRICAN GREAT LAKES REGION - Council Conclusions

The Council adopted the following conclusions:

- "1. The Council discussed the situation in the Great Lakes region. In spite of several positive developments the Council remains concerned about the overall situation in the region. The Council called on all parties to respect and fulfill their obligations under the relevant Peace accords and called on all countries to ensure that their territory is not used to infringe on the sovereignty of others.
2. The Council underlined that improvement of the security situation in the Great Lakes Region, especially in the border regions of the DRC, Rwanda, Burundi and Uganda is a joint responsibility of all countries concerned and crucial for the peace processes in Burundi and the DRC.
3. The Council welcomed the adoption of UN Security Council Resolution 1565, which further strengthens the mandate of MONUC and calls for a significant increase and improvement of MONUC's capabilities, to fulfill the important tasks that have been assigned to it. The Council underlined in that sense the responsibility of the international community, including the regional actors, to provide full support to the peace process in the DRC.
4. The Council, while confirming its September conclusions on EU support to UN efforts to strengthen MONUC, stressed that the European Union and its Member States are currently investigating possible contributions to MONUC, with a focus on the specific request made in the third report of the Secretary General of the UN on MONUC. In this respect the EU will, inter alia, provide EU support to MONUC via access to SATCEN capabilities.
5. The Council invited the relevant Council bodies to activate a "clearing house process", on the basis of indications from Member States, in close consultation with relevant UN bodies, with a view to a coordinated European response to reinforce MONUC's capabilities and to report back to the Council in November. Moreover, the Council invited relevant Council bodies to explore different options for an EU response, including through ESDP, in the field of police training and security sector reform, including army integration and training.

6. The Council expressed its full support to the conclusions of the recent meeting of Ministers of CIAT member states in New York. The Council also welcomed the establishment of the Joint Verification Mechanism between the DRC and Rwanda and expressed the hope that it will help the parties in their efforts to ensure that attempts by spoilers do not derail the peace process, and provide a basis for resolution of problems in close coordination between parties and MONUC. The Council stressed the need to take conclusive action against ex-FAR/Interahamwe forces in the Eastern DRC. The Council called upon the Government of the DRC in coordination with MONUC to draw up a strategy to deal with this problem, and implement it.
7. The Council reiterated its full support of President Ndayizeye of Burundi in his efforts to implement the Arusha Peace Agreement, and to organise as a matter of priority a referendum on the draft Constitution, to be followed soon after by elections. The Council underlined the importance of the role of ONUB regarding the organisation of elections in Burundi. The Council called upon all parties involved in the Burundian peace process to remain fully committed to the objective of the transition mentioned in the Arusha Peace Agreement.
8. The Council strongly urged all parties and groups in Burundi to find an agreement on a limited and targeted prolongation of the transition period and to refrain from any action that might create tension or lead to violence. In that respect the Council called on all parties to cooperate with ONUB, to proceed with swift DDR and to bring about a rapid stop to hostilities."

ICTY

The Council held an exchange of views with the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mrs Carla del Ponte (*see ICTY section of the Conclusions on the Western Balkans below*)

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The Council also adopted, without debate, a Common Position and a Regulation freezing all funds and economic resources belonging to the ICTY indictees Ante Gotovina, Radovan Karadzic and Ratko Mladic (*see "General Affairs" Press release, 12767/04 Presse 275*).

WESTERN BALKANS - Council Conclusions

The Council adopted the following conclusions:

"COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

The Council noted with deep concern the presentation today by ICTY Chief Prosecutor, Mrs Carla del Ponte, who emphasised the need for improvement in the level of cooperation with the Tribunal. The Council recalled the pledge by the countries of the region made during the 9 December 2003 Western Balkans Forum meeting to "full and unequivocal cooperation with the ICTY, in particular with regard to the transfer to The Hague of indictees still at large and access to documents and witnesses". The Council reiterated its call on all States, in particular Serbia and Montenegro, Bosnia and Herzegovina, and also Croatia to render all necessary assistance to the ICTY, particularly to bring Ratko Mladic, Radovan Karadzic and Ante Gotovina, and all other fugitive indictees to the ICTY without delay. The Council looked forward to the report by ICTY Chief Prosecutor, Mrs Carla del Ponte, to the UN Security Council in November 2004. Continued failure to cooperate fully and in a timely manner with the ICTY would seriously jeopardise further movement towards the EU.

SERBIA AND MONTENEGRO

The Council welcomed the result of the mission of High Representative Solana and Commissioner Patten to Belgrade. The Council expressed its support for the twin-track approach, which would imply a single Stabilisation and Association Agreement with distinct negotiations with the Republics on trade, economic and possibly on other relevant sectoral policies. The Council reaffirmed its commitment to a strengthened State Union of Serbia and Montenegro based on the Constitutional Charter. The Council welcomed the Commission's intention to relaunch the feasibility report on a Stabilisation and Association Agreement. It urged the country's political leaders to take advantage of the twin-track approach with the aim of contributing to a positive outcome of the feasibility report early next year. It recalled that respect for international obligations, including full cooperation with the ICTY, remained crucial for further progress in the process towards EU integration. In this light, the Council welcomed the recent surrender of Mr Beara to the ICTY and looked forward to the transfer of all other fugitive indictees to the The Hague.

The Council welcomed the commitments made by the Government of Serbia on 8 September to intensify the dialogue with all ethnic communities and looks forward to the implementation of these commitments. The EU will continue to follow the situation.

SERBIA AND MONTENEGRO / KOSOVO

The Council exchanged views on the forthcoming Kosovo Assembly elections on 23 October. It looked forward to the elections being conducted in a peaceful and democratic environment and in a free and fair manner, with the widest participation of all communities. The Council welcomed the call by President Tadic encouraging Kosovo Serbs to participate in the forthcoming elections and also welcomed the subsequent registration of Kosovo Serb parties in these elections. The Council stressed the importance of the early formation of a functioning Government, fully committed to the Standards implementation that will pave the way for a positive review in mid-2005. It also reiterated its commitment to a multi-ethnic Kosovo, ensuring full protection of minorities, contributing to the stability of the region and consistent with EU values and standards."

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The Council also adopted conclusions on:

- The extension of EU Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA) for another 12 months. (*see "General Affairs" Press release, 12767/04 Presse 275*);
- The approval of the Operational Plan for Operation ALTHEA in Bosnia Herzegovina (*see "General Affairs" Press release, 12767/04 Presse 275*).

INDONESIA - Council Conclusions

The Council adopted the following conclusions:

"The Council congratulated Susilo Bambang Yudhoyono on his election as President. The Council congratulated Indonesia on the peaceful elections held in accordance with international standards with remarkable voter turn-out, thus further strengthening the democratic reform process in Indonesia.

The Council reiterated its attachment to a united, democratic, stable and prosperous Indonesia. It reiterated the EU's respect for the territorial integrity of the Republic of Indonesia and recognition of its importance as a major partner. The Council welcomed Susilo Bambang Yudhoyono's policy intentions, in particular with regard to further economic and legal reforms and to implement security sector reforms. The Council believes that this would improve good governance, strengthen investor confidence and reduce poverty. The Council encouraged the Indonesian Government to seek peaceful solutions in conflict and potential conflict areas and welcomed the statement by Susilo Bambang Yudhoyono that he intended to implement Special Autonomy for Papua and Aceh. The Council asks the authorities to provide a normal access to the province of Aceh for international non-governmental organizations as well as the possibility of field visits by diplomats. The Council hoped that the new President would make further advances in all aspects of human rights. The Council reiterated its principled stance against the death penalty and hopes that the Indonesian government will reinstall the de facto moratorium on the death penalty.

The Council reaffirmed the EU's wish to build a closer partnership with Indonesia. It recalled the EU's commitment to further strengthening the political dialogue. The Council proposed that the political dialogue be institutionalised on a regular basis through ministerial EU Troika meetings.

The Council stressed the importance of sustainable economic development for progress in the abovementioned sectors. It welcomed the fact that further deepening economic reforms was a Government priority and confirmed the EU's readiness to support those efforts.

The Council expressed solidarity with Indonesia in its fight against terrorism and recognised the serious challenges Indonesia faces. It reiterated the Union's commitment to supporting the Indonesian Government in combating terrorism and welcomed the establishment of the Jakarta Centre for Law Enforcement Cooperation. It reiterated the EU's offer of financial and technical anti-terrorism assistance.

The Council emphasised the need to ensure that the exploitation of natural resources is placed on a sustainable footing in order to preserve Indonesia's natural diversity also in the interest of future generations.

The Council expressed its commitment to assist the Indonesian Government to further strengthen measures designed to eradicate poverty and address humanitarian needs, including the needs of internally displaced persons.

The Council confirmed the EU's willingness to further support reform efforts, particularly in the field of judicial, legal, good governance, anti-corruption, sustainable management of natural resources and poverty alleviation. It called for closer coordination among Member States and the Commission in delivering assistance to meet the above mentioned challenges. Such cooperation will give the Union a more coherent, effective and visible role.

In order to enhance mutual understanding and respect between the citizens of the EU and Indonesia, the Council encouraged broad people-to-people dialogue, cultural interaction and reaching out to parliamentarians, religious groups and civil society."

UKRAINE - Council Conclusions

The Council adopted the following conclusions:

" The European Union values Ukraine as a key neighbour and partner which also plays a major role in regional and global security. The Council is supportive of Ukraine's pursuit of democratisation and economic reform, acknowledges Ukraine's European aspirations and welcomes Ukraine's resolve to engage in closer cooperation with the EU. The EU stresses that the deepening of its relations with Ukraine will continue to depend first and foremost on Ukraine's successful transformation into a democratic state based on rule of law principles, fundamental freedoms, and a market economy. In this respect, the Council recalls the strategic importance of the neighbourhood policy framework for the development of a strong relationship with Ukraine, based on common values, as set out in its June 2004 conclusions.

The EU has called upon the Ukrainian authorities on several occasions to safeguard all necessary conditions for holding free, fair and transparent presidential elections this autumn. The Council reiterates this appeal, most recently highlighted in the EU declaration of 29 September 2004 on the forthcoming elections and media freedom, and reminds the Ukrainian leadership that the conduct of these elections will be proof of Ukraine's commitment to the democratic values of the Council of Europe and the OSCE and bears great significance for EU-Ukraine relations.

Considering the conditions under which the campaign has taken place so far, the Council stresses the paramount importance of independence of the media and freedom of expression for a fair and transparent campaign.

The EU has welcomed the invitation to monitor the election campaign and the elections. Its member States will send an appropriate number of international observers.

The Council urges Ukraine to also enable domestic observers, including non-partisan observers, to monitor the presidential elections.

Finally, the Council looks forward to working closely together with a democratic Ukraine as an important partner in the context of the European Neighbourhood Policy."

OTHER BUSINESS

– *EU-Mercosur*

The Commission, at the French delegation's request, briefly informed the Council on prospects for possible further EU-Mercosur contacts at ministerial level concerning the trade aspects of the EU-Mercosur negotiations for an Association Agreement.

– *Guinea-Bissau*

The Council took note of an intervention by the Portuguese delegation on recent events in Guinea-Bissau and on efforts required to support the resolution of tensions.

EVENTS IN THE MARGINS OF THE COUNCIL

The following events were held in the margins of the Council meeting:

- Signature of an **EU-Tajikistan** Partnership and Cooperation Agreement (*see Press release 13294/04 Presse 289*)
- Association Council and political dialogue with **Jordan** (*see EU position in Press release 13269/04 Presse 288*)

OTHER ITEMS APPROVED

Please see "General Affairs" Press release 12767/04 Presse 275.
