

外務省・慶應ジャン・モネ EU 研究センター共催「日 EU 関係ワークショップ」  
第 2 回「日 EU 関係と安全保障/対米関係 (3)—トランスナショナルな視点から」

「EU と対人地雷禁止条約形成」

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問題設定

- ① グローバルな条約形成における欧州政策の意義・役割は何か。
- ② 対人地雷に関する CFSP 交渉過程の特徴。
- ③ トランスナショナル社会運動は、対人地雷に関するヨーロッパ共通安全保障政策にどのような影響をどのような経路で与えたのか。
- ④ 反地雷問題に関わる欧州外交の特徴と、そこから得られる日本への示唆。

1. 対人地雷禁止運動の欧州での動向概観

① 対人地雷禁止条約成立までの国際的反地雷政策形成過程の概観

② 欧州諸国の動向 資料 1

③ 欧州 NGO の動向 資料 2

④ 欧州委員会、欧州議会、欧州理事会 資料 3

- ・ EP B3-1744/92 “RESOLUTION on the injuries and loss of life caused by mines”
- ・ EP A4-0119/95 “Resolution on landmines and blinding laser weapons”
- ・ EP A4-0149/95 “Resolution on anti-personnel landmines: a murderous impediment to development”
- ・ EP B4-1360/95 “Resolution on the failure of the international conference on anti-personnel mines and laser weapons”
- ・ EP B4-1145/96 “Resolution on the Ottawa Conference on anti-personnel mines”

## 2. EU 共同行動の政策形成過程

### ①オタワプロセス前の共同行動 資料 4 :

- ・ 95/170/CFSP “Council Decision of 12 May 1995 concerning the joint action adopted by the Council on the basis of Article J. 3 of the Treaty on European Union on anti- personnel mines”
- ・ 96/251/CFSP “Council Decision of 25 March 1996 complementing Decision 95/170/CFSP concerning the joint action adopted by the Council on the basis of Article J. 3 of the Treaty on European Union on anti- personnel mines”
- ・ 96/588/CFSP “Joint Action of 1 October 1996 adopted by the Council on the basis of Article J. 3 of the Treaty on European Union on anti-personnel landmines”

### ②対人地雷禁止条約採択直前の共同行動 資料 4 :

- ・ 97/817/CFSP “Joint Action of 28 November 1997 adopted by the Council on the basis of Article J. 3 of the Treaty on European Union, on anti-personnel landmines”
- ・ 97/818/CFSP “Council Decision of 28 November 1997 on the implementation of Joint Action 96/588/CFSP on anti- personnel landmines with a view to co-financing the special appeals from the ICRC”
- ・ 97/819/CFSP “Council Decision of 28 November 1997 on the implementation of the Joint Action 96/588/CFSP on anti- personnel landmines with a view to contributing to the funding of certain programmes of the SADC and the ICRC”

### ③CODUN（グローバルな軍事管理・軍縮に関する作業グループ）と欧州理事会議長国の役割

### ④政府間主義の典型例？ : transgovernmentalism と transnationalism

### ⑤グローバル戦略における欧州地域の役割

## 3. 反地雷問題に関わる欧州外交の特徴と日本外交への示唆

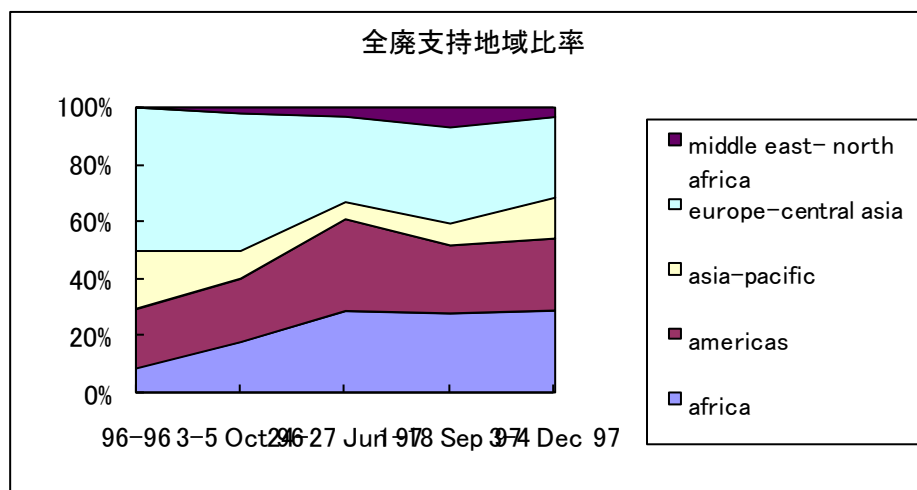
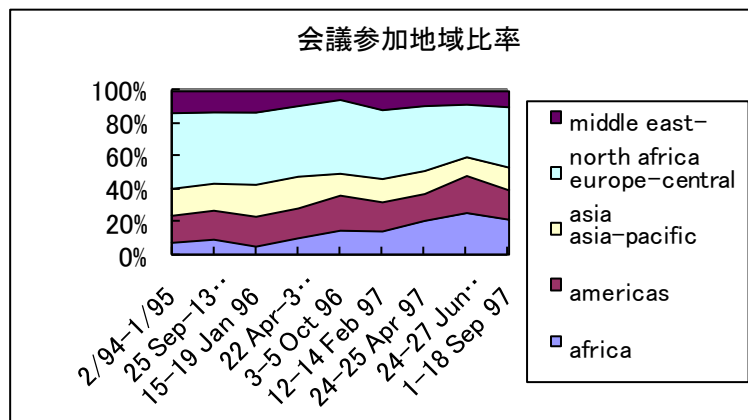
### ①人道主義外交

### ②NGOとのパートナーシップ

### ③独自外交 : 非米スタンスをどこまで打ち出せるか

資料 1

<図 1> 国際反地雷政策形成過程におけるヨーロッパ諸国の位置



<表 1> 地域別参加率

|         | Af (48 カ国) | Am (35 カ国) | As-Pac (3 カ国) | E-CAs (5 カ国) | ME-NAf (18 カ国) |
|---------|------------|------------|---------------|--------------|----------------|
| オタワ宣言   | 18.8       | 31.4       | 12.8          | 45.3         | 5.6            |
| ウィーン会議  | 33.3       | 57.1       | 41            | 86.8         | 72             |
| ボン会議    | 52         | 57.1       | 43.6          | 88.7         | 61.1           |
| ブラッセル宣言 | 58.3       | 88.6       | 15.4          | 54.7         | 16.7           |
| オスロ条約案  | 52.1       | 60         | 17.9          | 56.6         | 33.3           |
| オタワ条約   | 75         | 88.6       | 46.2          | 66           | 22.2           |

資料 2

<表 1> 会議参加 NGO 数\*

| 国際会議                           | N   | Af         | Am         | As-Pac      | E-CAs       | ME-NAf   |
|--------------------------------|-----|------------|------------|-------------|-------------|----------|
| 第一回 NGO 会議 (93 年 5 月@ロンドン) **  | 50  | —          | —          | —           | —           | —        |
| 第二回 NGO 会議 (94 年 5 月@ジュネーヴ)    | 91  | 2 (2. 1)   | 17 (18. 6) | 5 (5. 4)    | 67 (73. 6)  | 0 (0)    |
| 第三回 NGO 会議 (95 年 6 月@プノンペン)    | 348 | 9 (2. 5)   | 22 (6. 3)  | 286 (82. 1) | 31 (8. 9)   | 0 (0)    |
| CCW (95 年 9-10 月)              | 101 | 3 (2. 9)   | 19 (18. 8) | 17 (16. 8)  | 62 (61. 3)  | 0 (0)    |
| CCW 再開第二 (96 年 5 月)            | 139 | 2 (1. 4)   | 30 (21. 5) | 20 (14. 3)  | 87 (62. 5)  | 0 (0)    |
| 第四回 NGO 会議 (97 年 2 月@マプート) *** | 400 | —          | —          | —           | —           | —        |
| ブラッセル (97 年 6 月)               | 133 | 22 (16. 5) | 17 (12. 7) | 23 (17. 2)  | 70 (52. 6)  | 1 (0. 7) |
| オスロ (97 年 9 月) ****            | 215 | 20 (9. 3)  | 31 (14. 4) | 32 (14. 8)  | 132 (61. 3) | 0 (0)    |

少数第二位切り捨て

カッコ内 (%)

\*表 1、表 2 とも、オタワ戦略会議 (96 年)、ウィーン会議 (97 年)、ボン会議 (97 年)、オタワ条約調印会議 (97 年) のデータは無い。

\*\*ロンドン会議報告書には参加者リストが無いが、ICBL 公式年表によれば、40 団体から 50 人の出席者があった。

\*\*\*マプート会議報告書にも参加者リストが無いが、ICBL 公式年表によれば、60 カ国以上から 400 人以上の出席者があった。

\*\*\*\*表 1、表 2 ともオスロ公式会議に並行して開催された NGO フォーラム参加者。

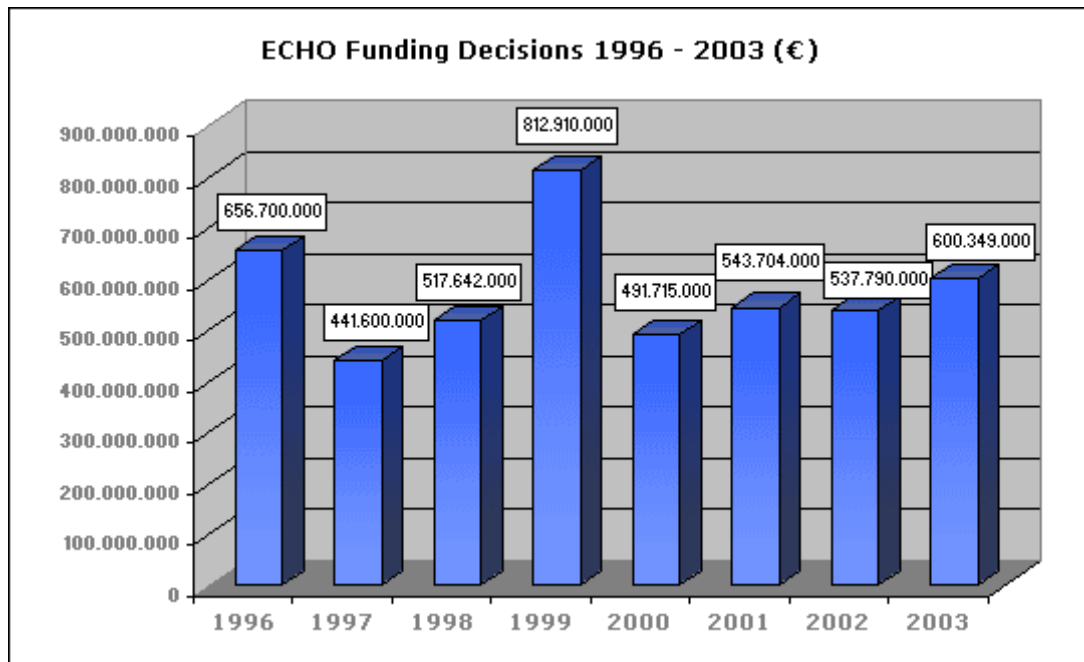
<表 2> 会議参加 NGO 活動国数

| 国際会議                        | N  | Af         | Am        | As-Pac     | E-CAs      | ME-NAf   |
|-----------------------------|----|------------|-----------|------------|------------|----------|
| 第二回 NGO 会議 (94 年 5 月@ジュネーヴ) | 19 | 1 (5. 2)   | 2 (10. 5) | 4 (21. 0)  | 12 (63. 1) | 0 (0)    |
| 第三回 NGO 会議 (95 年 6 月@プノンペン) | 34 | 4 (11. 7)  | 2 (5. 8)  | 18 (52. 9) | 10 (29. 4) | 0 (0)    |
| CCW (95 年 9-10 月)           | 16 | 2 (12. 5)  | 1 (6. 2)  | 2 (12. 5)  | 11 (68. 7) | 0 (0)    |
| CCW 再開第二 (96 年 5 月)         | 23 | 2 (8. 6)   | 2 (8. 6)  | 6 (26. 0)  | 13 (56. 5) | 0 (0)    |
| 第四回 NGO 会議 (97 年 2 月@マプート)  | 60 | —          | —         | —          | —          | —        |
| ブラッセル (97 年 6 月)            | 40 | 12 (30. 0) | 1 (2. 5)  | 10 (25. 0) | 16 (40. 0) | 1 (2. 5) |
| オスロ (97 年 9 月)              | 45 | 11 (24. 4) | 3 (6. 6)  | 14 (31. 1) | 17 (37. 7) | 0 (0)    |

少数第二位切り捨て

カッコ内 (%)

資料3 : the European Community Humanitarian Aid department (ECHO)による地雷除去支援



[http://europa.eu.int/comm/echo/presentation/background\\_en.htm](http://europa.eu.int/comm/echo/presentation/background_en.htm)

## European Union (European Commission)

### Mine Clearance Actions<sup>(1)</sup> 1996/97<sup>(2)</sup>

| COUNTRY     | PERIOD  | COMMISSION SERVICE | AMOUNT (ECU) | BUDGET LINE | AGENCY                                    |
|-------------|---------|--------------------|--------------|-------------|---|
| Afghanistan | 1996-97 | ECHO DGIB.C4       | 5,280,000    | B7-212      | Halo Trust (HT), Handicap Int (HI), Sandy |
|             | 1996-97 |                    | 7,100,000    |             | Gall                                      |
| Angola      | 1996-97 | DGVIII.E3          | 574,200      | B7-615      | HI  |
|             |         | DGVIII.E3          | 2,385,000    | B7-661      | ITC, Demira                               |
|             |         | DGVIII.E3          | 800,000      | B7-6410     | HI  |
|             |         | DGVIII.E3          | 1,650,000    | B7-3210     | HT  |
|             |         | ECHO               | 1,010,000    |             | HI, ICRC, HT                              |
| Bosnia      | 1996    | DGIA.B1            | 600,000      | B7-5450     | Italtrend                                 |
|             | 1996-97 | DGIA.A1            | 6,295,444    | B7-615      | DSL, Bactec, Help, Tecnicas               |
|             | 1997    | DGIA.D1            | 2,430,000    | B7-661      | Help                                      |

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|               |         |           |                   |                     |               |
|---------------|---------|-----------|-------------------|---------------------|---------------|
|               | 1996-97 | ECHO      | 1,570,000         |                     | HI, Intersos  |
| Cambodia      | 1996    | ECHO      | 1,250,000         |                     | HI            |
|               | 1997    | DGIB.C3   | 2,000,000         |                     | CMAC          |
| Laos          | 1996-99 | DGIB.C3   | 1,200,000         | B7-615              | MAG           |
|               | 1997    | DGIB.C3   | 1,700,000         | B7-661              | HI            |
| Mozambique    | 1996    | DGVIII.E3 | 848,000           | B7-6410             |               |
|               | 1996    | DGVIII.E3 | 35,000            | NIP                 | Handicap Int. |
|               | 1996-98 | DGVIII.E3 | 1,142,076         | B7-615              | GTZ           |
|               | 1997    | DGVIII.E3 | 520,000           | B7-661              |               |
| Nicaragua     | 1997    | ECHO      | 250,000           | B7-210              |               |
| Northern Iraq | 1996-97 | ECHO      | 5,210,000         | B7-210              | MAG, HI       |
| Zimbabwe      | 1996    | DGVIII.E3 | 10,000,000        | 7h EDF/Lomé art.229 |               |
| <b>Total:</b> |         |           | <b>53,849,720</b> |                     |               |

### Notes:

- May include related activities such as mine awareness training or assistance to mine victims. The figures do not include **Research into Mine Detection** (probably totalling **16 mecu** in projects involving DGIA/JRC and DGIII during the period 1996-98) or the **EU contribution** to the **UN Voluntary Trust Fund for Assistance in Mine Clearance, International Committee of the Red Cross** and to other organisations (from the CFSP Budget line B8-013) as follows:
  - 1996: **3.6 mecu** to UNVTF (to support the establishment and development of the UN-led Mine Action Centres in Bosnia and Croatia)
  - 1997: **3.5 mecu** to UNVTF for mine actions in Angola, Mozambique, Former Yugoslavia, Somalia, Tadjikistan
  - 1997: **3.5 mecu** (2,07 mecu to **SADC**; 1,4 mecu to **ICRC**)
  - 1997: **3.0 mecu** (to be confirmed) to **ICRC**
- Projects continued from previous years, for which no additional financial commitment has been made, are not included.

<http://eu-mine-actions.jrc.cec.eu.int/>

資料 4 : 共同行動

**95/170/CFSP: Council Decision of 12 May 1995 concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti- personnel mines**

*Official Journal L 115 , 22/05/1995 P. 0001 - 0003*

COUNCIL DECISION

of 12 May 1995

concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines

(95/170/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992 which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

HAS DECIDED AS FOLLOWS:

Article 1

Objectives of the joint action

The aim of this joint action shall be to help combat the indiscriminate use and spread throughout the world of anti-personnel land mines which are very dangerous for civilian populations.

Without prejudice to other international initiatives in this area, this joint action shall also be aimed at increasing the chances of success of the Conference to review the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, hereinafter referred to as 'the 1980 Convention'.

To this end, the joint action entails three elements, as set out in Titles I, II and III:

- a common moratorium on exports of anti-personnel mines,
- active preparation of the 1980 Convention Review Conference,
- a contribution by the European Union to international mine clearance.

TITLE I

MORATORIUM ON EXPORTS OF ANTI-PERSONNEL MINES

Article 2

A common moratorium on exports of anti-personnel mines shall hereby be implemented by Member States in the light of the relevant United Nations General Assembly resolutions.

This moratorium shall comprise a total ban on exports of non-detectable anti-personnel mines and non-self-destructing anti-personnel mines to all destinations, as well as a ban on exports of all other types of anti-personnel mines to those States which have not yet ratified the 1980 Convention and Protocol 2 thereto.

Member States which so wish may apply moratoria which are broader in scope.

## TITLE II

### ACTIVE PREPARATION OF THE 1980 CONVENTION REVIEW CONFERENCE

#### Article 3

1. With a view to the 1980 Convention Review Conference, those Member States which are not yet bound by that Convention, and in particular Protocol 2 thereto, shall take the necessary steps to become parties to that Convention and Protocol 2 thereto.

2. Member States shall endeavour to foster the universal nature of the 1980 Convention and strengthen Protocol 2, in particular by:

- extending its scope to non-international armed conflicts,
- substantially strengthening restrictions or bans on anti-personnel mines, including those on transfers of such mines,
- including an effective verification mechanism.
- including provisions on technical assistance for mine clearance.

3. In order to contribute to the success of the 1980 Convention Review Conference, the European Union shall actively work to promote with third countries the universal nature of the 1980 Convention and the strengthening of Protocol 2 thereto along the lines of the position defined in paragraph 2. To this end, the Presidency shall carry out démarches under the conditions set out in Article J.5 (3) of the Treaty.

4. At the Review Conference, Member States shall uphold the position set out in paragraph 2.

## TITLE III

### CONTRIBUTION TO INTERNATIONAL MINE CLEARANCE

#### Article 4

European Union contribution to United Nations activities

1. Member States shall participate in the International Conference on mine clearance organized under the responsibility of the United Nations Secretary-General.

The European Union shall contribute ECU 160 000 to funding for the organization of this Conference.

This contribution shall be charged to the general budget of the European Communities for 1995.

2. Without prejudice to Member States' contributions, a contribution of up to ECU 3 million will be paid by the European Union to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance. This contribution shall be charged to the general budget of the European Communities for 1995.

This contribution will be allocated to operations having priority for the European Union. The Presidency, in association with the Commission, will make, together with the United Nations Secretary-General, the necessary contacts to define the conditions for using the European Union's contribution to the Voluntary Trust Fund for Assistance in Mine Clearance.

3. The expenditure financed by the amounts stipulated in paragraphs 1 and 2 shall be managed in compliance with the European Community procedures and rules applicable to the budget.



## Article 5

### Activities of the European Community

The European Community has undertaken mine clearance operations in the context of humanitarian aid and development cooperation. The Commission of the European Communities intends to pursue these operations, which constitute an important part of the Community's humanitarian action vis-à-vis certain third countries. The Community shall also pursue research activities which are of relevance to mine clearance.

## Article 6

### Specific actions by the European Union

1. The European Union shall provide assistance for mine clearance undertaken in certain third countries. The European Union shall act at the request of regional organizations or at the request of a third country's authorities. It shall intervene in the context of programmes conducted by the United Nations Organization or, where appropriate, in cooperation with the latter to complement its action.

2. When the Council decides to carry out a specific action vis-à-vis a third country, it shall determine the funding for it taking into account any contributions in kind from Member States. It shall define the priority guidelines for European Union assistance, which may in particular take the following forms:

- information in the countries concerned,
- training of mine clearance specialists and mine clearance instructors,
- participation in mine clearance operations.

The adoption of the decisions referred to in the first subparagraph shall require the Council to act unanimously.

3. Pursuant to Article J.3 (2) of the Treaty, the Council shall define the conditions for implementing specific actions of the European Union, taking into account the possible value of designating, in certain instances, a person responsible for implementing the specific action on the spot.

## Article 7

### Contribution by the Western European Union

The European Union shall reserve the right to ask the Western European Union to contribute to the definition and implementation of specific actions of the European Union. In that case, the Council shall act unanimously.

## Article 8

### Preparation and monitoring of European Union actions

1. The relevant Council Working Party shall be responsible in particular for:

- examining requests from regional organizations or a third country's authorities,
- establishing priorities for the use of the European Union's contribution to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance,
- determining the conditions for implementing specific actions of the European Union in third countries.

2. Under the conditions set out in Article J.5 (3) of the Treaty, the Presidency shall:

- ensure liaison with the United Nations Organization;

- establish, with regional organizations and third countries, the contacts needed to implement the European Union's specific actions.

It shall keep the Working Party regularly informed of the outcome of such contacts.

3. The Working Party shall see to the monitoring of the specific actions adopted pursuant to this Decision. It shall make all appropriate recommendations for the pursuit of objectives of the European Union, in particular as regards the advisability of reviewing this joint action following the 1980 Convention Review Conference.

4. Any relevant information shall be submitted to the Working Party to enable the Council and the Commission to ensure, under the best possible conditions, the consistency of the European Union's external action.

#### Article 9

This Decision shall enter into force on the day of its adoption. It shall be published in the Official Journal.

Done at Brussels, 12 May 1995.

For the Council

The President

A. JUPPÉ

### **96/588/CFSP: Joint Action of 1 October 1996 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines**

*Official Journal L 260 , 12/10/1996 P. 0001 - 0003*

JOINT ACTION of 1 October 1996 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines (96/588/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992 which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas, in the light of the outcome of the Review Conference on the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, hereinafter referred to as 'the 1980 Convention', it is appropriate to update and further develop the initiatives carried out by the European Union under the terms of Council Decision 95/170/CFSP of 12 May 1995 concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines (1), and Common position 95/379/CFSP of 18 September 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning blinding lasers (2);

Whereas Council Decision 96/251/CFSP, of 25 March 1996 complementing Decision 96/170/CFSP concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel

mines (3) has already provided a contribution to assistance in mine clearance in Bosnia-Herzegovina and Croatia for 1996,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

The European Union has resolved to combat and end the indiscriminate use and spread throughout the world of anti-personnel landmines as well as to contribute to solving the problems already caused by these weapons. The aim of this joint action shall be to reinforce the extensive political and practical actions already taken by the European Union in pursuit of these objectives.

To this end, this joint action entails three elements, as set out in Titles I, II and III:

- continued efforts of the European Union with a view to ensuring full implementation of the results of the first Review Conference of the 1980 Convention on the one hand, and support for international efforts to ban anti-personnel landmines on the other hand,
- a common moratorium on exports of anti-personnel landmines,
- a multi-faceted contribution by the European Union to mine-clearance.

TITLE I ENDING THE INDISCRIMINATE USE OF ANTI-PERSONNEL LANDMINES

Article 2

The European Union is committed to the goal of the total elimination of anti-personnel landmines and shall work actively towards the achievement at the earliest possible date of an effective international agreement to ban these weapons worldwide.

Article 3

1. As an immediate step, all Member States:

- shall take all possible action to ratify at an early date without invoking the provisions concerning deferral of compliance, the amended Protocol II on landmines as well as the new Protocol IV on blinding laser weapons, annexed to the 1980 Convention,
- shall take steps to ensure their compliance with the prohibitions and restrictions contained in these Protocols pending their entry into force.

2. The European Union shall promote universal accession to the 1980 Convention and in particular to its amended Protocol II and new Protocol IV.

To this end, the Presidency shall, as appropriate, carry out demarches under the conditions set out in Article J.5 (3) of the Treaty.

3. In addition, in order to promote accession to and compliance with the amended Protocol II, Member States shall contribute actively to the annual conferences of High Contracting Parties provided for in Article 13 thereof.

4. The European Union shall seek to raise without delay the issue of a total ban, to which it is committed under Article 2, in the most appropriate international forum.

5. The European Union shall focus attention on those third countries which continue the irresponsible supply and indiscriminate use of anti-personnel landmines.

## Article 4

Member States shall endeavour to implement national restrictions or bans additional to those contained in amended Protocol II, particularly on the operational use of anti-personnel landmines.

## TITLE II MORATORIUM ON EXPORTS OF ANTI-PERSONNEL LANDMINES

### Article 5

Member States shall implement a common moratorium on the export of all anti-personnel landmines to all destinations. They shall refrain from issuing new licences for the transfer of technology to enable the manufacture of anti-personnel landmines in third countries.

## TITLE III CONTRIBUTION TO INTERNATIONAL MINE CLEARANCE

### Article 6

#### Action by the European Community

The European Community has intensified its activity in the field of mine clearance in the context of humanitarian aid, reconstruction and development cooperation. The Commission of the European Communities intends to continue Community's support for these activities which constitute an important part of the Community's action vis-à-vis certain third countries. The Community will also continue to pursue research activities relevant to mine clearance.

### Article 7

#### Financial contribution of the European Union

1. In addition to the European Community operations mentioned in Article 6 and without prejudice to Member States' contributions, the European Union shall, on an ongoing basis, support international mine clearance efforts, including through further contributions to the UN Voluntary Trust Fund for assistance in mine clearance and/or in response to the request of a regional organization or a third country's authorities. An amount of ECU 7 million shall be charged to the general budget of the European Communities. Half of this amount shall be allocated to the UN Voluntary Trust Fund. The remaining amount shall be allocated to European Union initiatives to be launched in the period up to 31 December 1997, in accordance with the procedures set out in Article 10.

2. Any contribution to the UN Voluntary Trust Fund for assistance in mine clearance will be allocated to operations having priority for the European Union. The Presidency, in association with the Commission, will establish the necessary contacts with the United Nations Secretary General to define the conditions for using the European Union's contribution. The expenditure financed by the amounts stipulated in paragraph 1 shall be managed in compliance with the European Community procedures and rules applicable to the budget.

### Article 8

#### Specific actions of the European Union

1. The European Union may provide assistance for mine clearance undertaken in certain third countries. The European Union may act at the request of regional organizations or at the request of a third country's authorities. It may also intervene in the context of programmes conducted by the United Nations Organization or, where appropriate, in cooperation with the latter to complement its action. It recognizes the important role of the

Department of Humanitarian Affairs of the United Nations secretariat as the focal point in the United Nations for coordinating de-mining and related issues.

2. When the Council decides to carry out a specific action vis-à-vis a third country, it shall determine the funding for it taking into account any contributions in kind from Member States. It shall define the priority guidelines for European Union assistance which may, in particular, take the following forms:

- mine awareness activities,
- training of mine clearance specialists and mine clearance instructors,
- participation in mine clearance operations,
- development of a database on mines,
- assistance towards the rehabilitation of victims.

When adopting the acts referred to in the first subparagraph the Council shall act unanimously.

3. Pursuant to Article J.3 (2) of the Treaty, the Council shall define the conditions for implementing specific actions of the European Union, taking into account the possible value of designating, in certain instances, a person responsible for implementing the specific action on the spot.

4. In accordance with Article J.4 (2) of the Treaty, the European Union shall retain the option of having recourse to the Western European Union for the elaboration and implementation of specific actions of the European Union in the field of assistance for mine clearance.

## Article 9

### Consistency of the European Union's action

1. The Council and the Commission shall be responsible for ensuring the consistency of the European Union's activities in the field of mine clearance. They shall ensure implementation of their respective action, each in accordance with its respective powers.

2. Member States shall seek to increase the effectiveness of their national contributions to mine clearance. As far as possible, actions under Article 8 will be coordinated with those of Member States and of the Commission.

## Article 10

### Coordination of the contribution of the European Union

1. The relevant Council Working Party shall be responsible in particular for:

- the allocation of funds in response to requests from regional organizations or third country's authorities and the establishment of priorities in that respect,
- establishing priorities for the use of the European Union contribution to the UN Voluntary Trust Fund,
- determining the conditions for implementing specific actions of the European Union in third countries under Article 8.

2. Under the conditions set out in Article J.5 (3) of the Treaty, the Presidency shall:

- ensure liaison with the United Nations Organization,
- establish, with regional organizations and third countries, the contacts needed to implement the European Union's specific actions.

It shall keep the Working Party regularly informed of the outcome of such contacts.

3. Any relevant information shall be submitted to the Working Party to enable the Council and the Commission to ensure, under the best possible conditions, the consistency of the European Union's external action.

Article 11

This joint action shall enter into force on the date of its adoption.

This joint action shall be published in the Official Journal.

Done at Luxembourg, 1 October 1996.

For the Council

The President

D. SPRING

(1) OJ No L 115, 22. 5. 1995, p. 1.

(2) OJ No L 227, 22. 9. 1995, p. 3.

(3) OJ No L 87, 4. 4. 1996, p. 3.

STATEMENT BY THE DANISH DELEGATION

Article 8 (4)

'In accordance with section C of the decision adopted at the European Council in Edinburgh on 11 and 12 December 1992, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

The Danish Government has decided that Denmark will not participate in future Council decisions on follow-up to the common action on anti-personnel landmines based on Article J.4.2. of the Treaty on European Union.

In accordance with the Edinburgh decision, Denmark will not prevent the development of closer cooperation between Member States in this area. Accordingly, the position indicated above does not prevent the adoption of such Council decisions.'

**97/817/CFSP: Joint Action of 28 November 1997 adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on anti-personnel landmines**

*Official Journal L 338 , 09/12/1997 P. 0001 - 0004*

JOINT ACTION of 28 November 1997 adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on anti-personnel landmines (97/817/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992 which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas it is appropriate to update and further develop the initiatives carried out by the European Union under Joint Action 96/588/CFSP adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on anti-personnel landmines (1); whereas that Joint Action was adopted in the light of the outcome of the Review Conference on the Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects, hereinafter referred to as 'the 1980 Convention` ;

Whereas the Council Resolution of 22 November 1996 on the fight against anti-personnel landmines identified certain measures which could be adopted and the criteria which should govern the allocation of funds for mine-clearing projects;

Welcoming the adoption in Oslo on 18 September 1997 of the international Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction and its opening for signature in Ottawa on 3 and 4 December 1997;

Considering the adoption by the First Committee of the 52nd United Nations General Assembly of the Resolution on the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, the Resolution on contributions towards banning anti-personnel landmines and the Resolution on the Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects;

Whereas the Council Decision of 28 November 1997 on the implementation of Joint Action 96/588/CFSP on anti-personnel landmines with a view to co-financing the special appeals from the IRC (2), allocated ECU 8 million to co-finance the 'special appeal` by the International Committee of the Red Cross,

HAS ADOPTED THIS JOINT ACTION:

#### Article 1

The Union is committed to the goal of total elimination of anti-personnel landmines worldwide as well as to contributing to solving the problems already caused by these weapons. The aim of this Joint Action is to reinforce the extensive political and practical actions already taken by the Union in pursuit of these objectives.

To this end, this Joint Action entails three elements, as set out in Titles I, II and III:

- continued political efforts by the Union in pursuit of these objectives,
- a common moratorium on transfers and a common moratorium on production of anti-personnel landmines,
- a multi-faceted contribution by the Union to mine-clearance and related activities.

#### TITLE I

#### Article 2

The Union is committed to the goal of total elimination of anti-personnel landmines worldwide and welcomes in this connection the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction.

#### Article 3

1. All Member States:

- shall take all possible action to ratify at an early date, without invoking the provisions concerning deferral of compliance, the amended Protocol II on landmines as well as the new Protocol IV on blinding laser weapons, annexed to the 1980 Convention,

- shall take steps to comply with the prohibitions and restrictions contained in the Protocols referred to in the first indent pending their entry into force.

2. The Union shall promote universal accession to the 1980 Convention and in particular to its amended Protocol II and new Protocol IV.

To this end, the Presidency shall, as appropriate, take steps under the conditions set out in Article J.5 (3) of the Treaty.

3. In addition, in order to promote accession to, and compliance with, Protocol II as amended, Member States shall contribute actively to the annual conferences of High Contracting Parties provided for in Article 13 thereof.

4. Member States of the Union which sign the international Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction shall use their best endeavours to ratify it at the earliest opportunity.

5. Member States of the Union shall take appropriate steps to comply with the objectives of the international Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction pending its entry into force.

6. The Union welcomes all efforts made by the signatories of the international Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction to promote universal accession thereto.

In pursuit of the objectives stated in Article 1, the Presidency may, as appropriate, take steps under the conditions set out in Article J.5 (3) of the Treaty.

7. In addition, in order to support the operation and implementation of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, Member States of the Union shall undertake to participate actively in the conferences to be organized after the Convention has been opened for signature.

8. The Union shall seek to promote, in all appropriate fora, including the Conference on Disarmament, all efforts likely to contribute to the objectives to which it is committed under Article 1.

9. The Union shall focus attention on those third countries which continue the irresponsible supply and indiscriminate use of anti-personnel landmines.

## TITLE II

### Article 4

In pursuit of the objectives to which they are committed under Article 1 and without prejudice to national measures already taken, Member States shall:



- implement a common moratorium on transfers of all anti-personnel landmines. They shall refrain from issuing new licences for the transfer of technology to enable anti-personnel landmines to be manufactured in third countries,
- take the legal measures necessary to implement a common moratorium on the production of all anti-personnel landmines.

### TITLE III

#### Article 5

##### Action by the European Community

In recent years, the European Community has increased its contribution in the field of mine clearance and relief for victims in the context of its humanitarian aid, reconstruction and development cooperation. The Commission will continue to support these activities, which constitute an important part of the Community's action vis-à-vis certain third countries. The Community will also continue to pursue research activities relevant to mine clearance.

#### Article 6

##### Specific actions and financial contributions of the Union

1. In addition to the European Community's operations referred to in Article 5 and without prejudice to Member States' bilateral contributions, the Union shall provide ongoing support for international efforts directed at mine clearance and relief for victims. It shall provide assistance or contribute financially to programmes or projects in response to a request from a regional organization, a third country's authorities, the International Committee of the Red Cross, the United Nations or other organizations concerned. Such assistance may include further contributions to the UN Voluntary Trust Fund. It shall be shared fairly between programmes or projects for mine clearance and those covering relief for victims.
2. Any contribution to assistance for mine clearance should be allocated to operations having priority for the Union. The Presidency, in association with the Commission, will establish the necessary contacts to define the conditions for using the Union's contributions. Expenditure incurred through the implementation of paragraph 1 shall be managed in compliance with the Community procedures and rules applicable to the budget.
3. When the Council decides to carry out or support a specific action, it shall determine the funding for it and shall define the priority guidelines for Union assistance, which may, in particular, take the following forms:
  - participation in mine clearance operations,
  - relief for victims, including assistance towards their rehabilitation,
  - training of mine clearance specialists and mine clearance instructors,
  - development of a database on mine clearance activities,
  - mine awareness activities.
4. Pursuant to Article J.3 (2) of the Treaty, the Council shall define the conditions for implementation specific actions of the Union, taking into account the possible value of designating, in certain instances, a person responsible for implementing the specific action on the spot.

5. In accordance with Article J.4 (2) of the Treaty, the Union shall retain the option of having recourse to the Western European Union for the elaboration and implementation of specific actions of the Union in the field of assistance for mine clearance.

Article 7

Consistency of the Union's action

1. The Council and the Commission shall be responsible for ensuring the consistency of the Union's activities in the field of mine clearance, including relief for victims. They shall ensure implementation of their respective action, each in accordance with its powers.

2. Member States shall seek to increase the effectiveness of their national contributions to mine clearance and relief for victims. As far as possible, actions taken pursuant to Article 6 shall be coordinated with those of Member States and of the Commission.

Article 8

Coordination of the Union's contribution

1. The Council shall decide on:

- the allocation of the financial contributions referred to in Article 6,
- establishing priorities for the use of those funds,
- determining the conditions for implementing specific actions of the Union.

2. Under the conditions set out in Article J.5 (3) of the Treaty, the Presidency shall:

- ensure liaison with the United Nations Organization, the International Committee of the Red Cross and any other organization involved,
- establish, with regional organizations and third countries, the contacts needed to implement the Union's specific actions.

It shall keep the relevant Council bodies regularly informed of the outcome of such contacts.

3. Any relevant information shall be submitted to the relevant Council bodies to enable the Council and the Commission to ensure, under the best possible conditions, the consistency of the Union's external action.

Article 9

This Joint Action shall enter into force on the date of its adoption.

It shall replace Decisions 95/170/CFSP, 96/251/CFSP and 96/588/CFSP.

Article 10

This Joint Action shall be published in the Official Journal.

Done at Brussels, 28 November 1997.

For the Council

The President

G. WOHLFART

(1) OJ L 260, 12. 10. 1996, p. 1.

(2) See page 5 of this Official Journal.

**97/818/CFSP: Council Decision of 28 November 1997 on the implementation of Joint Action 96/588/CFSP on anti- personnel landmines with a view to co-financing the special appeals from the ICRC**

*Official Journal L 338 , 09/12/1997 P. 0005 - 0005*

COUNCIL DECISION of 28 November 1997 on the implementation of Joint Action 96/588/CFSP on anti-personnel landmines with a view to co-financing the special appeals from the ICRC (97/818/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992 which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas on 1 October 1996, the Council adopted Joint Action 96/588/CFSP (1) on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines;

Whereas, as part of the specific actions provided for in Article 8 of that joint action in order to support the Union's priority effort to help the victims of anti-personnel landmines, the 'special appeals` by the International Committee of the Red Cross (ICRC) should be co-financed by an additional contribution,

HAS DECIDED AS FOLLOWS:

Article 1

1. ICRC special appeals shall be eligible for Union co-financing.

The exact amount of the Union's contribution shall be the subject of a financial agreement between the Commission and the ICRC in accordance with the financial Regulation to co-finance a significant percentage of eligible costs, having due regard to the principles of sound financial management, including cost-effectiveness and value added by the Union's contribution.

2. A maximum amount of ECU 8 million shall be charged to the general budget of the European Communities for 1997 in order to finance the measures provided for in paragraph 1.

3. The expenditure financed by the sum stipulated in paragraph 2 shall be managed in compliance with the European Community procedures and rules applicable to the budget.

Article 2

This Decision shall enter into force on the date of its adoption.

It shall be published in the Official Journal.

Done at Brussels, 28 November 1997.

For the Council

The President

G. WOHLFART

(1) OJ L 260, 12. 10. 1996, p. 1.

**97/819/CFSP: Council Decision of 28 November 1997 on the implementation of the Joint Action 96/588/CFSP on anti- personnel landmines with a view to contributing to the funding of certain programmes of the SADC and the ICRC**

*Official Journal L 338 , 09/12/1997 P. 0006 - 0006*

COUNCIL DECISION of 28 November 1997 on the implementation of the Joint Action 96/588/CFSP on anti-personnel landmines with a view to contributing to the funding of certain programmes of the SADC and the ICRC (97/819/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to Joint Action 96/588/CFSP of 1 October 1996 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines (1),

Whereas, under the specific actions provided for by Article 8 of the Joint Action to support the Union's priority effort to help the victims of anti-personnel landmines, a contribution should be made to the funding of the regional programme of the Southern Africa Development Conference (SADC) and to the programmes of the International Committee of the Red Cross (ICRC) in the former Yugoslavia and in Iraq,

HAS DECIDED AS FOLLOWS:

Article 1

1. The following initiatives shall be eligible for the funding provided for by Joint Action 96/588/CFSP:

- the SADC's regional mine clearance programme, to be allocated an amount of ECU 2,07 million, and
- the ICRC's Mines Awareness Programme in the former Yugoslavia and the programme for the rehabilitation of victims disabled by mines in Iraq, to be allocated an amount of ECU 1,43 million.

Eligibility for expenditure shall commence on 1 July 1997.

2. The expenditure financed by the sums stipulated in paragraph 1 shall be managed in compliance with the European Community procedures and rules applicable to the budget.

Article 2

This Decision shall come into force on the date of its adoption.

It shall be published in the Official Journal.

Done at Brussels, 28 November 1997.

For the Council

The President

G. WOHLFART

(1) OJ L 260, 12. 10. 1996, p. 1