



Council of the  
European Union

011036/EU XXVI. GP  
Eingelangt am 12/02/18

Brussels, 12 February 2018  
(OR. en)

14609/02  
DCL 1

COASI 38  
PESC 516

## DECLASSIFICATION

---

of document: ST14609/02 RESTREINT UE/EU RESTRICTED

dated: 18 November 2002

new status: Public

Subject: Report of the Asia Oceania Working Group of 7 November 2002

---

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 18 November 2002**

**14609/02**

**RESTREINT UE**

**COASI 38  
PESC 516**

## **TRANSMISSION OF TEXT**

---

from : Secretariat

---

Subject : Report of the Asia Oceania Working Group of 7 November 2002

---

Please find annexed the report of the Asia Oceania Working Group of 7 November 2002.

-----

## *I. OPERATIONAL CONCLUSIONS*

### **KOREAN PENINSULA**

The Presidency will circulate a revised version of the draft Council Conclusions on the Korean Peninsula in the light of comments on the Presidency draft circulated with a view to consideration by PSC/COREPER and approval by the GAERC on 18 November.

### **EU-ASEAN SOM and FMM**

The incoming Greek Presidency will circulate by Coreu the draft agenda and programme for the EU-ASEAN FMM (Brussels, 27/28 January 2003). Once these documents have been agreed internally by the EU, they will be transmitted to the ASEAN side in order to allow for a substantive discussion at the forthcoming SOM in Vientiane (16 December 2002).

Delegations will inform by Coreu on their intended participation in the Vientiane SOM (format: open-ended Troika).

### **REGIONAL COOPERATION WITH ASIA**

- EU relations with ASEM, ASEAN and ARF

Delegations will comment by Coreu before 21 November 2002 on the Presidency's discussion paper and on the Commission's non-paper.

### **ARF**

Delegations will make their possible comments to the Secretariat's draft steering brief available by Coreu before 14 November.

# RESTREINT UE

## AFGHANISTAN

The EU troika visiting Afghanistan on 11 and 12 November will convey to the Afghan authorities the main messages put forward by the EUSR at COASI (see below, under "Other points").

The German delegation will circulate by Coreu pertinent information on the December Petersberg Conference, incl. possible draft benchmarks.

## SRI LANKA

The EU will adopt conclusions on Sri Lanka at GAERC on 18-19 November, with the objective of expressing support and financial assistance to the peace process.

## BANGLADESH

HoMs in Dhaka are invited to draw up a report, to be discussed at next COASI, on the situation in Bangladesh following recent incidents in the framework of the Government campaign against crime.

## BURMA

The Group agreed to the demarche on new political arrests and to HoMs recommendations on the possible EU course of action on death penalty .

## HONG KONG

HoMs in Hong Kong are invited to report on the adoption of anti-subversion law under Article 23 of the Basic Law, and to make recommendations for possible EU action.

# RESTREINT UE

## II. REPORT

### KOREAN PENINSULA

The Group had a substantial, comprehensive and fruitful discussion on the situation resulting from the revelation of the DPRK's uranium enrichment programme. Many delegations considered that the draft Council Conclusions circulated by the Presidency were well balanced, while recalling some drafting amendments they had presented. The Presidency indicated that it would circulate a revised version in the light of partners' comments with a view to discussion in PSC on 12 November. As regards the possible EU approach, there was wide agreement on the need for a delicate balance to be struck between a united and firm stance on the issue of DPRK nuclear proliferation on the one hand and continued constructive engagement on the other. The EU should therefore maintain pressure on the DPRK to immediately dismantle its nuclear programme in a verifiable manner and come into full compliance with all its international commitments: DPRK's relations with the international community were dependent on prompt and visible DPRK actions in this direction. The EU should continue to stress the international, regional and bilateral aspects of the issue. One delegation considered that the EU should not allow any DPRK attempt to move to a new and different status quo, it should indicate that DPRK actions may lead to consequences such as possible suspension of EU technical assistance.

There was a consensus on continuing close coordination with the major actors, the US, Japan and South Korea, while recognizing the different extent of our respective roles. The Commission noted that a difference of view could soon arise between the US on the one hand and Japan and ROK on the other on the question of whether the Agreed Framework and KEDO should be allowed to lapse. One should not give the DPRK the opportunity in such a case to take advantage to expel the IAEA inspectors presently in the DPRK overseeing the spent fuel rods at the plutonium processing plant in Yong Byon. Some delegations considered that the EU should encourage the US to allow more time for the situation to cool down.

With regard to KEDO, the Presidency and the Commission would attend the KEDO board meeting on 14 November in New York, their mandate would be the EU statement issued on 17 October and the draft for new Council Conclusions referred to above. A meeting would take place between the US, Japan and South Korea in Seoul on 9-11 November.

## RESTREINT UE

As regards the European Parliament, the Commission indicated that Parliament had recently put the appropriation of 20 million euros, intended for the EU's contribution to KEDO, in the reserve for 2003. Since this was obligatory expenditure, the Council would have the power to decide in a second reading.

Responding to suggestions made by some delegations, the Presidency offered to start work in cooperation with the Commission on a list of possible reactions by the EU in regard to the DPRK. There was wide agreement that humanitarian or food related actions would not be affected. Some delegations also considered that the accreditation of the DPRK Ambassador to the EU should be delayed.

Regarding a HOMs report of a high-level visit to Pyongyang, there was wide support in principle for such a visit, however many delegations felt that further study was needed on the level, timing and terms of reference of such a visit. Some delegations suggested that HR Solana should lead this Mission.

Concerning the Council on 18/19 November, the Presidency indicated that the Council would be invited to adopt Conclusions in the light of consideration by PSC/COREPER, the Ministers would also have a free and general exchange of views on the situation in Korea in the light of the most recent developments.

### INDONESIA

The Group noted that the high-level Troika was currently holding talks in Jakarta. The Group also noted the agreement of PSC that the COTER-Troika should soon visit Indonesia.

The Commission briefed delegations on the scheduling and the priorities of the forthcoming RRM Experts mission to Indonesia. Delegations suggested that this mission should visit Jakarta, if possible, jointly with the COTER Troika.

The Group agreed to come back to the situation in Indonesia in the light of the results of the Troika visits at its next meeting in December.

# RESTREINT UE

## EU-ASEAN SOM and FMM

On the basis of Coreu COP 1295/02, the Presidency briefed delegations on the state of play concerning the SOM in Vientiane. The incoming Greek Presidency informed the Group on its intention concerning the programme and the agenda of the meeting. Several delegations suggested additional items for the draft agenda, including human rights, FTAs, the dialogue of cultures and civilisations, or renewable energies; the Asian side might wish to discuss the EU travel advise for the region and the issue of Schengen-Visa. It was agreed the the EU should aim for the FMM outcome to be presented in a factual Chair-statement along the ASEM model, possibly complemented by joint declaration(s) on specific issues, and not in the traditional lengthy joint statement which would have to be negotiated and agreed by all participants.

The Group agreed that the Vientiane SOM should finalise the agenda for the FMM, hold a first substantive discussion on the topics of the agenda, and seek agreement on the character of the FMM statement. It was also essential to reach an understanding that Burma would be discussed by Ministers.

## EU relations with ASEM, ASEAN and ARF

The Group welcomed the general thrust of the Presidency's discussion paper and of the Commission's non-paper on the issue. The Group agreed to pursue the discussion at its next meeting in December on the basis on additional comments that delegations will submit by Coreu.

## ARF

Delegations noted the draft agenda and programme of the forthcoming ARF ISG on CBMs in Wellington (DS 172/02)

## AFGHANISTAN

The EUSR Vendrell addressed the Group and gave an in-depth analysis of the current situation in Afghanistan.

## RESTREINT UE

Amongst the achievements, the EUSR mentioned the improvement of the security situation, President Karzai's enhanced legitimacy through his election by secret vote by the ELJ, the more co-ordinated functioning of the different ministries despite the different background of the ministers, the smooth change of currency, the establishment of the National Security Council, the Constitutional Drafting Committee and the Judicial Commission, and the positive reaction in Kabul to the presence of ISAF.

Amongst the matters of concern, the EUSR stressed that Karzai has not succeeded yet in establishing ascendancy on the men with guns in his own cabinet, particularly Marshall Fahim. Karzai is yet to neutralise some former muyahedin leaders like Rabbani and Sayeef. He also needs to expand his authority to the North, the West and the very South, and reach agreements with regional leaders on customs revenues. The EUSR felt that Karzai's legitimacy had suffered by manoeuvres in ELJ by some people with guns and a number of third countries to prevent the election of the former king. Had Karzai been appointed Prime Minister by the king, his legitimacy – and his physical safety - would have been stronger.

The EUSR pointed out that the Tajik-led government is causing growing discontent amongst Pashtuns. There is a danger that this frustration could play into the hands of Hekmatyar or former Talibans. The EUSR also referred to some attempts of islamisation, in particular the use of the name "Transitional Islamic State of Afghanistan" instead of the "Afghanistan" provisionally agreed under the Bonn Agreement.

In general, the pace of rebuilding and reforming institutions – intelligence services, civil service, and judiciary - was very slow. As far as the army was concerned, the EUSR noted that steps had been taken, but more needed to be done. It was important to ensure that the army has a figure acceptable and realistic of 60.000-80.000 people. It should be a secular army under civilian control. The tendency to foreign interference has not died off. Each commander seeks weapons from traditional suppliers. Russia's decision to provide Fahim with weapons worth 100 Mio \$ was a matter of concern, especially because Karzai was only told once the agreement had been reached. As for drugs, production and traffic threatens to grow. This year's poppy crop will be amongst the largest in the last years.

On the role to be played by the EU, the EUSR felt that the EU should aim high. The EU is best placed to foster the plans of the Bonn Agreement. In particular the EU could help developing a



## RESTREINT UE

detailed roadmap, including benchmarks, for the period between the ELJ and the elections. The next step would be to bring together like-minded countries like Japan, the US and Norway, and coordinate with other players. A non-interference declaration by neighbouring countries would be a most welcome step, but it should be open to other countries that are non-immediate neighbours. The UNSG should support such declaration.

The EUSR felt that, in the next 20 months, the EU should pay attention to the following objectives:

- a) the rule of law should replace the rule of the gun;
- b) an elected civilian leadership should put into place;
- c) regional and local institutions should be strengthened;
- d) integration of self-appointed regional leaders into government structures;
- e) reform of the army and the security services;
- f) agreement by third countries not to transfer weapons to any faction before obtaining the authorisation of the Afghan cabinet;
- g) Fahim should transfer his weapons to the new army;
- h) urgent need for a law on political parties.

The EUSR felt that the EU should encourage Afghanistan to provide for the following in the new Constitution:

- a) adherence to generally accepted norms of conduct and human rights principles;
- b) protection of human rights without discrimination based on ethnic, language or gender reasons;
- c) respect for the international obligations Afghanistan has adhered to, when defining the rights to be enshrined in the constitution;
- d) make sure that the role of sharia is compatible with international human rights obligations Afghanistan has adhered to;
- e) separation of powers: at least one chamber of the parliament to be elected by universal suffrage;
- f) include the right to form a political party;
- g) an independent, secular judiciary;
- h) secular, multiethnic army and security services, and an independent, career-based civil service;
- i) electoral system with some sort of representation for minorities.

A good opportunity to debate constitutional options is the constitutional workshop sponsored by the EU and Switzerland, to be held in Kabul in January.

## RESTREINT UE

The EUSR pointed out that the Constitutional Loya Jirga (CLJ) should not be less representative than the ELJ. People with guns should not be part of CLJ unless agreed in advance. Decisions ought to be made by secret vote and in the presence of international observers.

The EUSR expressed concerns on worrying report on possible postponement of the elections that - in accordance with the Bonn Agreement - are due to be held not later than June 2004. He felt that it is too premature to speak about postponement. Efforts must be made to ensure free and fair elections, inter alia by creating a register of voters, establishing an independent election commission, launch vote education campaign, training of polling officials. The EU should supply, if necessary, the assistance that normally provides the UN.

The EUSR also elaborated on the human rights situation, in particular women's rights and the mass-graves issue. He pleaded for an urgent ratification of the Rome Statute on the International Criminal Court as a means to prevent atrocities. He underlined that the EU should convey the message that those who committed crimes should be held responsible, and an end should be put to impunity. He felt that, at this stage, a Truth Commission would not be appropriate in Afghanistan, as it would only encourage human rights violators.

As a conclusion, the Presidency highlighted the following elements of the EUSR intervention: need for a constitutional process with international standards, need for a legal basis for the creation of political parties, risk of postponement of the elections, and need to establish an Afghan national army.

### Petersberg Conference

The German delegation informed about the preparations for the Petersberg Conference to be held in December 2002. Until now, president Karzai and Ministers Abdullah and Fahim have confirmed their attendance. The Presidency stressed the need for an EU coherent position towards the Petersberg Conference. The Presidency also underscored the need to prepare the benchmarks to be adopted at Petersberg in close co-operation with the Afghan authorities.

### Afghan return plan

The Working party took note of the Afghan return plan (doc. 13521/02). Some delegations commented on the appropriateness of early informing the Afghan authorities on the plan. One delegation felt that the plan should only refer to voluntary return.

# RESTREINT UE

## INDIA/PAKISTAN

### Kashmir

The Group noted and welcomed some positive developments, like the appointment of Mufti Mohammed Sayeed as PM of Kashmir, his conciliatory attitude, indications of willingness by the Government of India to enter into a dialogue with stakeholders in Kashmir, and the Indian announcement on 16 October to withdraw soldiers from the international border.

The Commission pointed out its intention to hold on 11 December an unofficial brainstorming on EU's perspectives and ambitions on India, with participation of the Commission, the Secretariat and the India desks of the Member States.

### Pakistan Elections

Delegations exchanged views on the outcome of the Pakistan elections and the perspectives for the formation of a new government. The Group also took note of some differences between the report of the EU Electoral Mission and the EU declaration on the elections.

At the EP meeting on 20 November, the Presidency intends to recommend ratification of the 3rd Co-operation Agreement with Pakistan. The Commission would also see merit in pushing the dossier forward. Presidency and Commission will ensure close co-ordination on tactics towards the debate at the EP.

## SRI LANKA

Delegations exchanged information on their expected level of representation at the 25 November Oslo Conference.

### **A.O.B.**

### **- Travel advice to Southeast Asian Countries**

Germany recalled the ASEAN Summit conclusions, in which ASEAN countries had argued for a

## **RESTREINT UE**

softer international stand on travel advise which had damaging effects to the countries' tourism industry. The Presidency recalled the document it had produced on the matter and confirmed that the Consular WG would pursue the discussion, if necessary with appropriate COASI input.

---

DECLASSIFIED