*(Acts adopted under Title V of the Treaty on European Union)*

# 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.

[1] OJ L 260, 12. 10. 1996, p. 1.

[2] See page 5 of this Official Journal.

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 prodution 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 appropraite 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 implementating 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

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**Statement by Denmark for entry in the Council minutes**

In accordance with Section C of the decision adopted at the Edinburgh European Council meeting on 11 and 12 December 1992, Denmark does not take part in the elaboration or 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 following up the joint actions 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 hinder the development of closer cooperation among Member States in this area. The position set out above consequently does not prevent the adoption of such Council decisions.

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