

PLATFORM 'FORTRESS EUROPE?'

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Editor: Nicholas Busch, Lindsberg 10, S-791 91 Falun, Sweden; tel/fax: +46 23 43008

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Platform "Fortress Europe?"(PFE) is an international network of groups and individuals concerned with European harmonization in the fields of internal security, policing, justice, immigration and asylum and its effects on fundamental rights and liberties.

By serving as a forum of mutual information, analysis and critical debate among experts and laymen, scholars and practitioners in both the East and West of Europe, PFE wishes to encourage a common search for alternative policies in conformity with human rights and constitutional democracy. As an informal and open network, PFE refrains from taking public stands, leaving such to the own initiative of each participating group or individual.

PFE is associated with the European Civic Forum.

The PFE's **Circular Letter (CL)** is published 10 times a year. The Circular offers a selection of news, comment and messages based essentially on the contributions of its readers. Its main aim is to facilitate direct contacts among the participants of PFE.

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s**SWITZERLAND/s**

s**THE REORGANISATION OF POLITICAL POLICING - HISTORY OF A SCANDAL/s**

sln 1988 a scandal profoundly shook one of the most stable countries in the world - Switzerland. Almost four years later, its aftermath still dominates political debate in the alpine confederation and has severely affected the trust of a traditionally conservative people in its government. A broad popular movement demands nothing less than the abolition of any form of political policing and "preventive" surveillance./s

sln December 1988 the then Minister of Justice and Police, Elisabeth Kopp, was forced to step back after it came out that she had informed her husband, a well-known business lawyer, of a criminal investigation led by the Federal Prosecutor General (Bundesanwalt) against a Swiss-Lebanese banking institute on money laundering charges. As a result of his wife's warning Mr. Kopp immediately quit the bank, whose vice-president he had been. This first discovery quickly led to further revelations in the press. Investigative journalists produced strong evidence indicating that, for years, the office of the Federal Prosecutor General and the Federal Police (Bundespolizei) had shown astonishing inactivity in dealing with international money laundering activities (namely of the turkish drug maffia and various foreign secret services) while fervently spying on alleged subversives, ranging from Swiss leftists, pacifists and liberal editors to foreigners (among them Kurdish asylum seekers opposed to the Turkish regime) suspected of harming Swiss relations with "friendly nations". In Switzerland both the Federal Prosecutor's office and the Federal Police are attached to the Department of Justice and Police. They are in charge both of the prosecution of a number of crimes considered as a threat to internal security and public order (e.g international drug trafficking, terrorism, high treason) but also of political police and intelligence. This obviously conflicting combination of judicial prosecution tasks and (often extra-legal) secret service activities is quite unique in Europe. /s

sAlthough the Swiss Federal Court in a widely criticized decision later dismissed criminal charges against Mrs. Kopp and similar charges against the Federal Prosecutor General and senior officials of the Federal Police were dropped, the evidence indicating collusion of high levels of government and police with leading money laundering Swiss banking circles and their

foreign clients remained strong enough to produce a general outburst of indignation in a population which had always before strongly believed in the incorruptibility of its government and the integrity of its bankers. A special parliamentary commission (PUK I) was set up whose task it was to carry out a thorough inquiry. The PUK I proved remarkable tenacity in gradually investigating the activities and internal organization of the authorities concerned, and, moreover, did not hesitate to make its findings public. This courageous commitment to transparency laid the ground for a broad public debate on the role of political police and secret services - comparable only to the East Germans fervor in bringing to light the activities of the former GDR's state security service Stasi. Mrs. Kopp's resignation was followed by the retirement of the Federal Prosecutor General and of the head of simultaneously the Federal Police and the military secret service UNA. In March 1990 more than 35'000 people demonstrated against the political police after it was revealed that about 900'000 persons (of a total population of 6.5 million) had been spied upon and their personal data acrimoniously registered for years by the Federal Police in co-operation with cantonal police departments. Due to mounting public pressure the government was finally forced to little by little hand out copies of their personal files to citizens demanding this. 350'000 persons made such an application. The gradually growing number of file cards handed out further fueled popular anger. /s

sIn the meantime the existence of P-26, a secret army unit firmly integrated in the NATO's "Gladio" - organization, had been uncovered. This led to the constitution of a second parliamentary commission (PUK II) entrusted with the investigation of all sections of the Federal Military Department EMD (ministry of defence) dealing with counter-intelligence, the collection of personal data and the preparation of emergency measures./s

sWith the scandal gradually developing into a genuine "crisis of the system" as a result of a massive loss of confidence of the people in government, two different attitudes in coping with the situation took shape: While the government, openly or tacitly supported by the right wing parties' establishment, tried to "limit the damage" by a policy of containment, concealment and sometimes disinformation, a strong popular movement, backed by a significant part of the media, the Social Democrats, the Greens and a considerable number of members of parliament from various parties called for transparency and radical action:/s

sIn application of one of the typically Swiss instruments of "direct democracy", the so called "initiative", a committee "Schluss mit dem Schnüffelstaat" (Stop the snooping state) collected the 100'000 signatures required for the carrying out of a constitutional popular referendum on nothing less than the abolition of political police. If voted by a majority of the people and the cantons the amendments required by the initiative become constitutional law./s

sThe government's response appears to consist in a campaign aiming at convincing a majority of the "continuing necessity" to maintain some form of intelligence and preventive police activity. The main objective seems to be, to create a legal base permitting not only the maintenance but the extension of preventive police surveillance far beyond the limits of criminal investigation (against suspects of a concrete delictuous act). The widely rejected previous spying activities marked by antiquated "cold war" patterns, sometimes ridiculous amateurism and an obsolete form of data collection based on type-written filing cards shall be reorganized: Advanced computer technology and new legislation giving a large marge of action to government and police are being justified by an "up-dated" scenario of security threats (organized crime, extremism, terrorism, drug trafficking). All this quite obviously paves the way for Switzerland's further integration in the Europe of Schengen and TREVI./s

sThe government however is continuously meeting strong resistance to its "face-lifting" projects. Thanks to Mrs. Kopp, probably nowhere in Western Europe is the popular disgust of and distrust against uncontrolled police surveillance activities as wide-spread right now as in Switzerland./s

sShould the initiative "Switzerland without a snooping state" be voted, the government would have a hard time finding a constitutional and legal base for its policing projects in the wake of European harmonization./s

sN.B./s

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sSources: "Schnüffelstaat Schweiz - Hundert Jahre sind genug", a book on hundred years of political police in Switzerland, edited by Komitee Schluss mit dem Schnüffelstaat, published by Limmat Verlag Genossenschaft Zürich; Swiss press clips (from 1988 - 1992); Own sources./s

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sTHE GOVERNMENT'S EFFORTS TO REORGANIZE INTERNAL SECURITY ACTIVITIES/s

sThe Swiss government's attempts to preserve and develop its preventive police surveillance and intelligence activities centres on the following projects:/s

s- Modernisation of data processing by the further improvement of the electronic police database RIPOL;/s

s- securing the secrecy of informers and of cooperation with foreign services threatened by the massive calls for total disclosure of the former files of the political police;/s

s- adaption of border control policies to Schengen standards prepared by a commission of experts "border police control"/s

s- extension of criminal investigation in the forefront of concrete delinquency (preventive policing) by amendments of criminal and procedural law;/s

s- maintenance of political policing publicly justified by periodical governmental reports on new forms of extremism;/s

s- amendment of the law on data protection as a condition for covert police and intelligence operations;/s

s- legalisation of preventive and political policing by the introduction of a law on "state protection"/s

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sTHE DRAFT BILL ON STATE PROTECTION (STAATSSCHUTZ)/s

sIn September 91 the government presented a draft bill on state protection. According to the governments plans, the bill should be adopted by parliament at the latest in March 1993. In this event however, a popular referendum on the bill is probable./s

sA summary of the state protection bill/s

sAccording to the draft, State protection (SP) has the following objectives:/s

s- The timely detection of "activities aiming at the alteration of the order of the state by force"/s

s- "the timely detection, prevention of and the combat against terrorist and intelligence activities as well as "violent extremism"/s

s- the combat against "efforts gravely endangering Switzerland's foreign relations and thus its security"/s

s- the combat against "organized crime" and the participation in "security policing tasks".

/s

sThe responsibility for SP is with the Confederation. The Cantons (federal states) assist the Confederation according to the law./s

sThe Federal Police is the organ of state protection./s

sThe limits of state protection:/s

sThe organs of SP may not use means prohibited by penal law for penetrating into the spheres of privacy and secrecy. However, according to article 11 of the bill (covert collection of

information) the organs of SP may "by way of exception also collect information with undercover agents, mandated informants (beauftragte Gewährspersonen) and observation in the private sphere through optical and acoustic recordings./s

sObjects, length and modalities of such operations must be authorized by the president of the prosecuting chamber of the Federal Court./s

sNo such authorization is required for the collection of personal data by "the observation of activities at public places, namely with video- and audio recordings" and the federal police has automatic access to all personal records under public administration (art. 10)./s

sA consultative commission designated by the government advises the Federal Department of Justice and Police (FDJP) and periodically produces situation reports which "serve as a basis for state protection tasks"./s

sThe government defines the general task of state protection which serves as a base for the particular instructions given to the competent services./s

sAll public administrations and all organisations under federal public law are entitled to inform SP organs on threats for internal security on their own initiative./s

sIn the event of "increased threat to internal and external security" the government regulates by ordinance, when such information is compulsory./s

sThe federal police authorities assess on their own the accuracy and importance of their information./s

sSP data are processed with the help of an electronic data base accessible only to persons entrusted with SP. "Individual information" can however be communicated to third persons. Such "individual information" is transmitted to most federal administrations (as e.g. the authorities dealing with foreigners, asylum seekers, customs and border control, criminal prosecution, military intelligence, foreign trade, services dealing with security screening of persons). "Individual information" can also be handed out to private applicants, if such is "necessary for justifying a request for information"./s

sThe unrestricted communication of personal SP data to state security organs of foreign countries is permitted on condition that it is provided for by a law or a bilateral agreement or when it is "an imperative necessity for safeguarding considerable security interests of Switzerland or of the addressee" (art.13,2)./s

sAccording to art.23 the government is entitled to conclude treaties on the carrying out of SP tasks with foreign states through its own competence, as far as they "comply with the principles of this law"./s

sAny person is entitled to apply for access into the files concerning him. Information is however refused, restricted or postponed, "when this is necessary with regard to preponderant public or private interests..."/s

sAny person can demand the erasure of incorrect information or the mention of his contesting statement concerning contents of his file./s

sAn appeal procedure is provided for. The last instance of appeal is the Federal Court./s

sSecurity screening:/s

sThe government can introduce security screening for employees of the Confederation when, among other things, they have regular access to or influence on government, secrets of internal and external security, or defence matters./s

sThe government regulates the right of insight of persons submitted to security screening and of the inquiring administration./s

sThe Justice and Police department controls the legality, effectiveness and efficiency of SP organs./s

sParliamentary control of SP activities is assured by a special commission./s

sThe government periodically informs the public on the general mandate of state protection and on SP activities./s

si 0 4iSource: Bundesgesetz über den Staatsschutz, Vorentwurf vom 30.9.1991, Eidgenössisches Justiz- und Polizeidepartement./s

si 4 0i/s

sA critical comment/s

s"The law on state protection determines up to which limits the behaviour of the citizens may be kept under surveillance and registered before the presence of a materialized suspicion of a delictuous act justifying the opening of a criminal investigation. Thus it determines - more than any other law - the degree of personal freedom. A state protection law deserving its name must therefore unequivocally determine by which ways and means the political police may proceed and what is absolutely out of the question. The law must provide just as unequivocally which data may be registered and set maximum periods for their storage." (Peter Hug in an editorial in the Zurich daily "Der Tagesanzeiger")./s

sThese fundamental requirements are not met by the Swiss SP bill. /s

sOn the contrary, the draft constitutes a precedent for executive power efforts to undermine the rule of law by introducing laws with the character of general clauses. The aims and objectives of the law are vaguely defined in "elastic" provisions, while the government is entrusted with the promulgation of the ordinances and decrees which will give the law its real meaning. This leads to nothing less than the undermining of the rights of parliament./s

sThe SP bill provides for preventive intelligence against "terrorism". In its official comment on the bill, the government defines as "terrorist" every threat of an "attack against the physical or psychological integrity of a person, aimed at achieving a political or illegal goal by creating fear and and fright"./s

sWith this definition attempt the Swiss have gone beyond the sweetest dreams of even the German police. Indeed, the mere intention to commit burglary would thus become a "terrorist threat" .../s

sAnd what is "violent extremism"? The bill, it is true, prohibits political police activities against political and union organizations. But this restriction no longer applies, when the political police suspects the preparation not only of a serious crime, but of a simple delict. The following example shows what this can imply in practice: As late as 1989, Gret Haller and Anita Fetz, two members of the Swiss parliament, were secretly registered by the Federal Police, because they had both signed the "Basel Appeal against Gene-technology". A senior official of the Federal Police later publicly justified the measure on the grounds that a series of bomb attacks had been carried out the same year against gene-technology institutes... in Germany. Thus, in the view of the federal police, any person in Switzerland opposed to gene-technology was to be put under preventive surveillance as a potentially "violent extremist"./s

sAs for the "efforts seriously endangering the foreign relations of Switzerland", the previous practice of the political police leaves no doubt about its future interpretation of the provision: For years, the political police spied upon AAB, the Swiss section of the Anti-Apartheid movement. AAB was infiltrated by the South African secret service with the knowledge (and tacit support?) of the Swiss authorities. Based on troubling evidence found in the police files on AAB members the Swiss weekly "Die Wochenzeitung" recently publicly suspected the Federal Police of having been informed in advance of the assassination of ANC-representant Dulcie September in March 1988 in Paris. "Wochenzeitung" draws its conclusions from the numerous entries relating to winter 1987/88 on the AAB-files. Important passages of the entries were blackened by the official delegate of the government in charge of communicating the files to the persons concerned. The "Wochenzeitung's" call for public disclosure of these entries has not been heard by the government so far./s

sThe SP provides for the unrestricted video- and audiorecording of any activity in public places (e.g. peaceful demonstrations) and thus the hoarding of intelligence data "on stock". The use of undercover agents just as the bugging of bedrooms are legalized even beyond materialized suspicion of a crime./s

sThe respect of official secrets by public administrations and organizations is no longer guaranteed. According to the bill the post and telecommunication services are entitled, if not bound, to communicate information on "threats to internal security". This drew the following comment from Alexander Tschäppat, a judge member of the PUK I: "This very simply means: for the preventive, i.e. precautionary surveillance of telegrams and mail or the interception of telephone conversations there will no longer be a need for particular legal provisions. This is a step back in comparison with the regulations presently in force. All provisions concerning official secrets are invalidated in the sphere of state protection". Tschäppat's judgement of the bill as a whole is crushing: "Instead of eliminating the grievances revealed by the PUK in the domain of collection and passing on of personal data by the political police, the bill at issue in advance deprives any complaints of a legal ground. Thus, a situation intolerable from a constitutional point of view is not removed but simply legalized instead."/s

sOpponents of the bill criticize the lack of sufficient parliamentary control. Indeed the planned hand-picked commission of control is not granted the right of complete information, and worse, can be prevented by the government from making its findings public. Obviously the government has not forgotten the role of parliament in going public with the "file scandal"/s

sThe temporally unlimited storage of data, the breach of official secret and the intrusion in the sphere of privacy provided for in the SP bill conflict with current Swiss legislation on data protection. The government intends to eliminate the problem by proposing an amendment of the data protection law. A new article 21 is to authorize the government to permit data processing in the domain of state protection and military security without a formal legal provision and beyond the restrictions of the data protection law. /s

sThe introduction of this exception clause in the data protection law and the cooperation with police and security of foreign countries provided for by the SP bill pave the way for the European harmonization of Swiss policing policies./s

sAccording to "Wochenzeitung" Switzerland intends to officially exchange liaison officers with the EC countries. /s

sAlready, Switzerland is leading with regard to the transfer of know-how in the domain of data-processing. South-Africa is among the countries, whose police forces have benefited from the expertise of their Swiss colleagues./s

sIn the view of the critics of the political police, these developments lead directly to the country's integration into a "European snooping state"/s

sIn their opinion, there is only one alternative to unbridled political and "preventive" snooping: Political policing must be prohibited by law, the SP bill rejected. As judge Tschäppat puts it: "With the penal code presently in force and thus without a state protection law, a sufficient number of legal provisions exist which allow for an extensive protection of the state and its citizens."/s

sNicholas Busch/s

si 0 4iurces: "Fichen-Fritz" (newsletter of the committee "Stop the Snooping State") no.1-9, Komitee Schluss mit dem Schnüffelstaat, Postfach 6948, CH-3001-Bern; "Der Brückenbauer", Zurich, 11.3.92; "Der Tages-Anzeiger", Zurich, 12.10.91; "WochenZeitung", Zurich; 4.10.91; "Tagwacht", 19.3.92./s

sFor further information contact: Catherine Weber, Komitee Schluss mit dem Schnüffelstaat, Postfach 6948, CH-3001 Bern, Tel: +41 31 454858; Beat Leuthardt, Postfach 1856, CH-4001 Basel, Tel: +41 61 2616464./s

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sSWEDEN/s

**sMOTIVATION OF AN ASYLUM APPLICATION HANDED OUT TO PROSECUTION
AUTHORITIES OF FOUR FOREIGN COUNTRIES/s**

sSince 1988 the records of Gerard McGeough's asylum procedure in Sweden are downrightly "travelling" around in Europe. The Swedish state has sent the entire file to criminal prosecution authorities in Belgium, the Netherlands, the United Kingdom and Germany./s

sBoth the Council of Europe and the UNHCR have repeatedly stipulated that refugees must be guaranteed complete secrecy when disclosing the grounds for their asylum application. The Swedish government openly breaches these recommendations./s

s/s

sGerard McGeough, a Northern-Irishman, came to Sweden in 1983. He applied for asylum on the grounds that he feared persecution in his home country as a result of his pro-republican activities. Four years later, in 1987, his application was definitively rejected. McGeough went underground in order to escape deportation./s

sIn August 1988 he was arrested in West Germany, together with another man from Northern Ireland. The two were charged with illegal possession of arms and bomb attacks against British targets in West Germany. For a while they were also suspected of involvement in the murder of a British soldier in Oostende, Belgium, but the case was later dropped without accusation./s

sIn Sweden McGeough had lived together with a Swedish woman in Malmö. On request of the Belgian prosecution authorities the Malmö police searched the apartment of the woman. On this occasion the police found copies of parts of the file of McGeough's asylum procedure. The copies were sent to Belgium. The Belgians became interested and officially asked the Swedish government to lend it the entire records of McGeough's asylum procedure. The Belgian request was followed by similar requests from the United Kingdom, the Netherlands and Germany. Sweden gave way to all requests and even expressly authorized the German judicial authorities to make use of the documents in McGeough's trial in Düsseldorf. /s

sIn late May, after almost four years of detention on remand the bombing charges against McGeough were dropped and the proceedings concerning illegal possession of arms quashed. However, instead of being set free, McGeough was extradited to the USA, where he is accused of having attempted to illegally buy arms in 1982. /s

sBut what Mc Geough now fears most is an eventual later extradition to Britain./s

sIndeed, the records of the Swedish asylum procedure which are in the hands of British prosecution authorities contain, among other documents, a 17 page type written text which is said to give a detailed description of Mc Geough's relations with the IRA. The text is however not signed./s

sMc Geough's German defence attorney, Elke Nill is nonetheless worried about the possible effects of the Swedish asylum records in Britain. According to Ms. Nill the British authorities have no other information on Mc Geough than the Swedish documents./s

sThe Swedish breach of secrecy with regard to information given by refugees within the asylum procedure cannot be seen as a regrettable, solitary "accident"./s

sThe head of the legal section of the Swedish Foreign Department (Utrikes Departementet), Hans Corell, says that asylum requests do not benefit from absolute secrecy. He points at Swedish secrecy legislation which entitles the public administration to hand out secret information in certain cases, as e.g. when this is necessary for police enquiries. Indeed, para 14,3 of the secrecy law states that secret information can be communicated to public administration "when it is obvious that the interest of handing out the information has priority over the interest which secrecy shall protect"./s

sMc Geough's case demonstrates that, according to official Swedish interpretation of the

paragraph, the interests of the public administrations of foreign countries, including the country the asylum seeker has fled, prevail against his interest in secrecy./s

sAs elsewhere, asylum seekers in Sweden are under strong pressure to exhaustively disclose the grounds for their fear of persecution. According to Swedish asylum regulations the withholding of any information of importance for the procedure can lead to a summary rejection of the asylum application on the formal ground of obstruction of the procedure./s

sThe fundamental right to seek protection from persecution by seeking asylum in a foreign country is deprived of its content, once refugees can no longer be sure whether their most intimate confidences justifying a claim for protection will benefit from absolute secrecy./s

sThe Swedish government's handling of the McGeough case is indeed a grave precedent./s

sN.B./s

si 0 4iurces: "Arbetaren", Stockholm, No.17, 24.4.92, article by Jonas Fogelqvist; Ingmarie Edwards, Stockholm./s

sFor further information contact: Ingmarie Edwards, Tegelvägen 14, S-161 20 Bromma, Sweden, Tel:+46 8 986436; Elke Nill, lawyer, Handschuhsheimer Landstr.41, D-6900 Heidelberg, Germany, Tel: +49 6221 46017, fax: +49 6221 400469./s

si 4 0i/s

sTHE INTRODUCTION BY GERMANY OF VISA FOR YUGOSLAVS AFFECTS SWEDEN/s

sAfter the introduction of the visa obligation for Yugoslavia by Germany, Sweden fears a further rise of asylum requests. So far, over 25'000 Yugoslavs have fled to Sweden. Every week thousand more arrive via Germany and Poland. The Swedish immigration administration, SIV, recently decided to tolerate the stay of refugees from all former Yugoslav states, except Macedonia and Slovenia on Swedish soil and at the same time to suspend their asylum procedures pending an end to the war. According to SIV, only few Yugoslavs will be granted asylum. SIV now fears an administrative breakdown, once the deportation stop will be lifted and many refugees will insist on their right to an asylum procedure. Christina Rogestam, head of SIV now calls for the introduction of the visa obligation in Sweden too./s

si 0 4iurce: "Dagens Nyheter", 12.5.92/s

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DENMARK

WILL DENMARK'S CRIMINAL LAW BECOME MORE REPRESSIVE AS A RESULT OF THE EC'S LEGAL HARMONIZATION?

Vagn Greve, professor for criminal law at the Institute for Criminology of the University of Copenhagen has a critical view of European legal harmonisation efforts. According to Greve, the harmonization in the domain of criminal law will lead to more severe punishment in Denmark.

At present, sentences pronounced in Denmark are often harder than in Norway, Sweden or the Netherlands but milder than in most other European countries and particularly the United Kingdom. "I have no doubt that Danish criminal law will have no more importance than East German legislation today."

In the opinion of Greve the "centralist EC" lacks understanding for difference of standards of value among the different peoples of Europe.

i 0 4iurce: "Nordisk Netvaerk" No.34, April 92

i 4 4ii 4 0is**AUSTRIA/s**

sGOVERNMENT BACKS DOWN ON EARLY SCHENGEN MEMBERSHIP/s

sAs late as March the Brussels delegates of the Austrian and the Swiss government

announced that their countries were negotiating an early accession to the Schengen agreement. The announcement was met with enthusiasm by Brussels (see: CL No.5, p.4). A month later the Austrian Interior Minister, Franz Löschnak denied that his country had any such plans. The Austrian backdown produced consternation in Italy./s

sAsked in March, when their countries would sign the Schengen treaty, the Austrian negotiator in Brussels, Gregor Woschnagg boasted: "Maybe no later than autumn". And Reinhard Büscher, a collaborator of the European Commission's vice-president, Martin Bangemann, expressed relief: "If no agreement was reached, this would result in a European traffic infarctus from the first of January, 1993."/s

sBut already on 23 April Minister Löschnak harshly disavowed the government's own negotiator, by declaring that only "informational contacts" had taken place and that there would be "no negotiations in a near future". Pressed by journalists, Löschnak refused to explain the government's motives for the sudden back down: "You may not ask me why." As for the government's Brussels negotiator Woschnagg, he was not authorized to make such statements, the Interior Minister said./s

sThe Italian government is infuriated by the Austrian withdrawal which, according to rumors circulating in Vienna, is due to Austrian reservations with regard to "lax" Italian border control policies resulting in Italy having the highest quote of illegal immigration within the EC-countries./s

sThe Italian Minister Daniele Machini said to the Viennese daily "Der Standard": "Vienna knows that our security authorities are working on a draft (...) It is also hard to understand that the Swiss cantons see no unsurmountable problems with regard to the reduction of controls whereas the Austrians do indeed" ./s

sThomas Sperlich/s

si 0 4iurce: "Der Standard", Vienna, 22, 24 and 25/26.4.92/s

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UNITED KINGDOM

HOME SECRETARY CLARKE REJECTS EC OPEN BORDERS

The Home secretary has put Britain on a collision course with Brussels by refusing to accept an ultimatum that all European Community frontiers be scrapped by the end of the year.

Kenneth Clarke rejected the need to abolish passport checks at European borders, saying: "It is for individual member states to take the measures they consider most appropriate to control immigration from third countries and to combat terrorism, crime and drugs."

Mr Clarke also rejected the terms of the Commission which said the drive towards a single market "allows no margin of discretion".

The ruling said states are legally bound to remove all internal border controls at the end of 1992. The Community's 1986 Single European Act leaves no room for border controls even to handle immigration or security, EC-officials said.

Ministers have stressed for years that with no intention of introducing identity cards - an alternative check on the movement of people within the country - border controls must remain. The European Commission is demanding a commitment at the June EC summit in Lisbon that all border controls end on December 31. It is threatening legal action against any government which fails to comply.

Mr Clarke disputed the need to remove all frontier controls. "The UK has already taken steps to lighten control on EC nationals and we will look for further improvements."

The latest Commission ruling urges EC leaders at next month's summit to make an

"unequivocal political declaration" to abolish all controls at internal frontiers".

In a direct warning to Britain, the Commission goes on: "This is a clear and straitforward objective. It imposes an obligation to produce results and leaves no margin of discretion. All controls must go, whatever their form and whatever their justification."

The issue will come to a head as Britain takes over the EC presidency in July.

Source: "The Guardian", London, 8.5.92