

EUROPE

SCHENGEN: FRANCE SAYS NO TO OPEN BORDERS

The time-table for a frontier-free Europe has derailed by France's sudden refusal to lift border checks on EC nationals despite its commitment under the Schengen Treaty. The French refusal leaves the nine Schengen states, originally in the vanguard of uprooting Customs posts, in disarray. The nine were due to sweep away passport controls at land frontiers on 1 July and at airports on 1 December this year. Both deadlines will now be missed, as was the previous symbolic date of 1 January 1993 when Europe was meant to become a single market.

The French government has justified its spectacular turn-about with the "inadequacy" of policies against drug trafficking in the Netherlands and the "incapacity" of Italy and Greece to control their borders.

The French Minister responsible of European affairs, Alain Lamassoure said that France will maintain its police controls at frontiers as long as the "preconditions for the entry into force of the Schengen Agreement are not fulfilled".

According to Mr. Lamassoure the conditions permitting the free movement of persons "will not be assembled until the end of 1993 and quite probably not even before quite a long time".

Mr. Lamassoure blamed Schengen-partner states for his government's decision. Germany, he said, was unable to ratify the agreement before July, pending the change of its constitutional legislation on asylum, and "the Greek and Italian administrations are not always in a position to enforce the planned strengthening of controls at the external borders". The minister further pointed at "technical problems" in setting up the "Schengen Information System" (SIS) which is to serve as a common data bank of polices within the Schengen territory.

Finally, Mr. Lamassoure cited drug trafficking as the main reason for wishing to keep controls. Authorities in northern France are particularly worried that liberal drug laws in the Netherlands will affect their region. France has repeatedly dismissed any notion of decriminalising the possession of any drugs (see CL No. 15, p.3), while the Netherlands, Spain, and, most recently, Italy have done so.

The Dutch response was angry and immediate. Prime Minister Ruud Lubbers cast aside diplomatic niceties to declare that he was "seriously astounded" by the French decision. He added that France would be bound to honour the Schengen Agreement's provisions.

No end of the row with the Netherlands was in sight after the meeting of EC interior and justice ministers at Kolding (Denmark) on 6/7 May.

The E17 motorway into Paris from Amsterdam is dubbed the "drug highway" by French officials. Despite the scaled down Customs presence since 1 January, drug seizures continue to rise sharply, up to 15 percent in just three months. But Dutch officials strenuously defend their tolerant strategy on drugs and say it is properly policed.

Another factor may have been the government's desire to clamp down on illegal immigration. The lifting of passport controls at frontiers would have complicated this task further in a nation that has borders with six countries.

In private, Interior Minister Charles Pasqua, a Gaullist hardliner, has for years expressed concern that France would be at the mercy of the inefficiency of other countries if proper policing were not maintained at the Community's external frontiers. He has said it could ease the movement of both illegal immigrants and terrorists.

The first Schengen Agreement (Schengen I) was negotiated outside Community law and signed by Germany, France and the Benelux countries in the village of Schengen (Luxemburg) in 1985. The treaty provided for the creation of a model area of free movement. The second Schengen agreement (Schengen II: on the enforcement of Schengen I) was signed by the same countries in 1990 and now comprises all EC-member states except Great Britain, Ireland and Denmark.

The agreement is based on the principle that frontiers between the signatory states be suppressed while police control and co-operation inside the common Schengen-area and, in particular at the external borders be reinforced in order to "compensate" an alleged "security deficit". Among other things, the agreement provides for the harmonisation of visa policies and asylum procedures and the setting up of a powerful common police data base, the SIS.

For the time being, six countries (France, the Netherlands, Luxemburg, Belgium, Spain and Portugal) have ratified the agreement.

At the debate preceding the ratification of the agreement by the French parliament in June 1991, representatives of the then opposition Gaullist RPR together with Alain Lamassoure, who was an MP of former president Giscard's UDF were the only ones to criticise the treaty they saw as a threat to French sovereignty and an efficient combat against drug related crime. But the treaty was finally ratified with impressive 495 against 61 votes including Mr Charles Pasqua's.

Yet, in December 1992, a report of a committee of inquiry of the french Senat expressed harsh criticism against the Netherlands and Luxembourg, accused of laxness in dealing with drug trafficking and drug related crime and called for a "redefinition" of the strategy for open internal borders in Europe (see CL No.11 p.4).

The French turn-about while creating consternation among most EC-member state governments is likely to be welcomed in Britain, where government and police have always been opposed to the abolition of border controls. In a memorandum addressed to the House of Commons in February 1992, the British Police Service solemnly stressed that "ports are our first and last lines of defense" (see CL No.7, p.7).

Sources: *Le Monde*, 3.5.93; *The Independent*, 1.5.93; *The European*, 6-9.5.93; *Der Standard*, 5.5.93

AD HOC GROUP IMMIGRATION: EXISTENCE OF SECRET SUB GROUP REVEALED

The Guardian newspaper has revealed the existence of a previously unknown group of European officials, known as the "expulsion sub group of the Ad Hoc Group on Immigration". The fact of the Ad Hoc group itself is well documented (not least within this publication), but the expulsion sub group is new.

According to the newspaper, which has obtained confidential papers of the sub-group, it has agreed a plan to introduce rigorous checks to identify and expel foreign students and residents who take jobs without authorisation. There will also be stricter monitoring of short stay visitors and people allowed to be reunited with their families or to marry a community resident.

After pressure from the new right wing french government, the group agreed at the end of May to toughen the wording of the policy to impose an obligation on states to mount a vigorous programme to detect and expel anyone in breach of the rules. The guardian quotes the document: "It is fundamental to expulsion practices that there should be effective means of identifying and apprehending those to be expelled".

It recommends that people who are not nationals of the EC or of EFTA or members of their families should normally be expelled if they are found to have entered or to have remained unlawfully in a member state; to be liable to expulsion on grounds of public policy or national security; to have failed definitively in an application for asylum; or to have worked in breach of immigration rules. Ministers should also consider taking powers to expel foreigners caught helping or employing illegal immigrants.

To make the policy effective, it says, member states should consider checks on people without residence permits; people with authority to reside but not work; people with limited rights to work; people who work without authorisation after being admitted as short term visitors or tourists; others who have been "authorised to be reunited with their family with a view to living together"; and people who have received a residence or work permit on the basis of marriage to an EC resident.

Glyn Ford, the leader of the British Labour Party MEPs, said: "All this is going to create a climate of fear and encourage the racists and xenophobes who are already damaging the lives of millions".

Source: *The Guardian*, 26.5.93

CONTINUOUS SQUABBLING ON EUROPOL HEADQUARTERS SITE

Disagreement over the location of a headquarters continues to delay the Europol project and threatens to make it a laughing stock, European Community interior ministers have been warned.

No progress was made at the interior and justice ministers' meeting in Kolding (Denmark), on 6 and 7 May on

setting up the European Drug s Intelligence Unit (EDU), the first stage of the proposed EC-wide police intelligence network.

Talks stalled in the face of continuing disagreement among France, Italy and Holland over where to base the unit. The deadlock threatens to prevent the team from being operational by the targeted date of July 1, itself a postponement from January.

The Danish Justice Minister, Erling Olsen, said: "We have to agree on the siting by the end of June. It would be ridiculous if we can't have Europol by July."

Kenneth Clarke, the British Home Secretary, said many of the ministers involved were becoming exasperated.

Source: *Police review* (GB), 14.5.93

THE HELSINKI CITIZENS' ASSEMBLY'S CONFERENCE IN PRAGUE

On May 20-23 the Helsinki Citizens' Assembly (HCA) held a conference in Prague under the title "Civil Society Between the reality of the nation State and the Vision of the United states of Europe". Eugene Sensenig (FG Boltzmann-Institute/ Steinocher-Fonds, Salzburg) sent us the following report.

With the demise of the iron curtain, many assumed that the walls within Europe were permanently coming down. The HCA's May conference dealt with the causes as well as the effects of the new barriers now going up in eastern central Europe.

Two topics played an unintendedly central role in Prague, i.e. the upcoming "reform" of para 16 of Germany's constitution, limiting refugee and immigrant access to that country via land, and the largely unreported suppression of various ethnic minorities in eastern Europe in general and the GUS states in particular. Both areas are linked in that the former was implemented in order to deal with the effects of the latter.

The location of the conference proved to be of great advantage to all participants in that it allowed a large number of delegates from the European reform states to attend. One major drawback of conferences held in the west is that eastern European academics, experts, and activists are often unable to supply the funds necessary to receive a visitor's visa to the west. This matter was also brought up at various times during the Prague conference, illustrating the fact that "Fortress Europe" affects all aspects of civil interaction on the "sub-continent" of Western Europe.

The informational value of the conference per se was, as is all too often the case at such large international get-togethers, limited to a few of the keynote speeches held by such HCA regulars as Sonja Licht (Serbia), Gert Weisskirchen (Germany), and Jose Palau (Spain). Of far greater value was the fact that the HCA, as mentioned above, was able to bring together representatives of a wide range of academic, political, and cultural institutions and movements all over Europe, and not merely from the western "sub-continent", as it is usually the case. The conference was highlighted by four excursions on the second day, either to the Bela and Doksy refugee centres near Prague, the Ministry of the Interior, the Czech UNHCR, or the Ministry of Foreign Affairs. This author participated in the excursion to the Ministry of the Interior, where he spoke at length with Milos Mrkvica, head of the Migration department. A summary of this discussion is included in this Circular letter.

Finally, various resolutions and letters of protest were passed by the participants of the conference, concerning international refugee policy, migrant workers' civil rights, and the CSCE process, and forwarded to the Council of the European Community, the members of the European Parliament and the July 1993 Session of the CSCE Parliamentary Conference. The resolution on migrant workers' civil rights was submitted by this author representative of the Salzburg chapter of "SOS-Mitmensch" and is included in this Circular Letter.

Eugene Sensenig

HELSINKI CITIZENS' ASSEMBLY: RESOLUTION ON MIGRANT WORKERS' CIVIL RIGHTS

To the Council of the European Community, Members of the European Parliament, and the Ministers responsible for immigration at their meeting in Copenhagen next month.

We, the participants in the conference of the Helsinki Citizens' Assembly on *"Civil Society - Between the Reality of the Nation State and the Vision of the United States of Europe"*, taking place in Prague, May 20 - 23, 1993, have agreed the following statement.

The division of populations within Europe is now entering a new phase. With the foundation of a Single Market and the European Economic Area (EEA), the overwhelming majority of western Europe's people will be united in one economic unit.

At the moment concrete plans only exist to harmonize the social, cultural, and political rights of the citizens of the EEA countries. Eastern Europeans and the nationals of tricont countries are excluded. The Helsinki Citizens' Assembly calls on the EC to avoid this new division within Europe, and create a situation where citizens of all nations in Europe are equally treated.

This objective depends on the political will of the peoples of Europe and their governments to change the direction of the current European integration process.

One project should and must be implemented immediately. The division of populations within Europe is now leading to a division of labour into four groups:

- 1) local nationals;
- 2) EEA citizens;
- 3) long term third country residents;
- 4) new immigrants, asylum seekers, illegal aliens.

This policy must definitely lead to the end of any solidarity now left within the European populations and their labour and social movements. In order to prevent this from happening the EC and EEA should take one simple but far reaching step toward a unification of all of Europe's peoples' rights, that is, **the social, cultural, and political rights of all non-nationals now living within the area of the EC and/or EEA should be harmonized, irrespective of their race, gender, sexual preference, physical ability, age, national origin or current citizenship.**

The Helsinki Citizens' Assembly and the participants of the conference are not only concerned about residents in Europe, but also about the openness of Europe towards the outside. There is a concrete fear that a "Fortress Europe" is being established, whose borders will be somewhere east of the EC. EC member states are - by applying the concept of "safe" third or host countries - sending persons who seek protection from human rights violations, from persecution, discrimination or for other reasons, to neighbouring (especially Eastern European) countries, without any consideration of their need for protection. By doing so, EC countries are releasing their burden onto other - less well-equipped - countries, and forcing them to build up borders and close them, only shortly after the fall of the "Iron Curtain".

This policy would and can only be a beginning. However it would be an important symbol that Western Europeans indeed believe in the unity of all of Europe.

Gert Weisskirchen (MP of the German Bundestag, Member of the international HCA's Executive Council),

Martin Palous (Chairman of the Czech HCA and Czech Helsinki Committee)

POLAND TO RE-ADMIT REFUGEES ENTERED ILLEGALLY INTO GERMANY FROM ITS TERRITORY

In exchange against financial aid Poland has finally accepted the demand by the German government that it re-admit unwanted immigrants having entered into Germany via Poland. An agreement was signed in Bonn on 7 May by the German and the Polish Interior Ministers, Rudolf Seiters and Andrzej Milczanowski. The

agreement opened the way for the adoption of new legislation further restricting the right of political asylum in an attempt to reduce the number of refugees.

By the agreement Poland binds itself to take back all refugees and migrants refused entry by Germany. The number of such unwanted aliens is expected to rise massively once new German asylum legislation voted on 26 May will come into force on 1 July. According to the new German asylum policy, any person having arrived via a neighbour country considered as "safe", i.e. having signed international conventions on refugees, may be deported without further procedure. This means no less than that it will be come virtually impossible for refugees to enter into Germany via its land borders. The "safe country" regulation will also apply to Switzerland, Austria and quite certainly to the Scandinavian countries. The social-democrat opposition had accepted this measure only on condition that it was accompanied by special agreements with the countries through which the biggest part of immigration reaches Germany - in particular Poland and the Czech Republic. These refugees will be refused access to the asylum procedure.

The agreement reached with Poland stipulates that the German authorities may hand over to the Polish within a period of 6 months after his arrival any person having entered Germany illegally via Polish territory. In exchange, Bonn will grant Poland 120 million Deutschmarks in aid for 1993 and 1994. This sum is to enable the Polish government to set up or modernise reception camps and to improve the control of its borders.

Source: *Le Monde*, 9/10.5.93.

POLAND AND CZECHIA AGREE ON RECIPROCAL RE-ADMISSION OF ILLEGAL MIGRANTS

Poland and Czechia concluded an agreement in May on the reciprocal re-admission of person who illegally entered the respective neighbour country. The agreement is a consequence of a conference in Prague in March held by eastern central European states with a view to agree on a common immigration and asylum policy. The six attending states failed to reach agreement and as a result, each state is now acting on its own in an attempt to cope with the rising number of migrants to be deported from Germany in the wake of this country's anti-refugee and migrants policy (see also CL No.14, p.1).

Poland's Interior Minister, Andrzej Milczanowski announced at the occasion of the signing of the agreement together with his Czech counterpart, Ján Ruml, that a similar agreement was to be concluded at the end of June also with Slovakia.

Problems, however, remain between the two successor states of Czechoslovakia in that, according to Mr Ruml, Slovakia is opposing the setting up of frontier posts between the two former federative states. Prague will be unable to conclude a re-admission treaty with Germany sought by Bonn, as long as Slovakia refuses to give in on border controls. Germany earlier concluded such an agreement with Poland after strenuous negotiations. Meanwhile, Bulgaria has agreed to negotiate the change of travel modalities with Czechia. In the view of Prague, such negotiations are urgent. A senior official of the Czech government asserted after a visit in Sofia that thousands of Bulgarians were currently taking advantage of visa free entry regulations into Czechia in their attempt to get to Germany.

Czechia is also striving for a similar agreement with Romania.

Actually, Germany is pressing Czechia into an ever more restrictive policy by systematically sharpening controls at German-Czechian borders.

Of a total number of 188 "illegal" aliens caught by the Czech authorities within a week, 52 were Bulgarians and 29 Romanians. Of a total number of 92 persons re-admitted from Germany, Austria and Poland the same week, 39 were nationals of either Bulgaria or Romania. The largest number of deportees however was made up by persons from ex-Yugoslavia.

In Germany, authorities have begun recruiting volunteers as border guards. Any person willing to assist the authorities in defending German borders against unwanted "illegal" aliens can become a volunteer border guard after attending a three weeks(!) training class. At the same time, violent clashes involving border guards, illegal migrants and smugglers are in the rise, according to the chief of the German border police in Frankfurt/Oder (Eastern Germany).

Sources: *Die Presse*, 17.5.93; our sources.

CZECHIA

REFUGEES AND MIGRANTS: THE CZECH POLICY

The following is a discussion with Milos Mrkvica, head of the Migration Department, Czech Ministry of the Interior, Prague, 21 May 1993 as reported by Eugene Sensenig.

Milos Mrkvica's report to the HCA delegation centered around three topics, all now occupying the headlines of the Central European press, i.e. the fate of the mainly Moslem refugees from the republic of Bosnia and Herzegovina (B&H); the effects Germany's new refugees and immigration policies will have and are already having on its neighbours; and finally, the fate of the Vietnamese contract workers who were recruited to the GDR, Czechoslovakia and Hungary under the former regimes and are now threatened with expulsion by the new reform governments.

Vietnamese Contract Workers

The policy of the Czech Republic towards the Vietnamese contract workers varies from that of the United States. Whereas the German federal authorities have been pressured by a wide range of solidarity organisations to allow a large percentage of the GDR's former contract workers remaining in the country to stay on and work indefinitely, the Czech federal authorities have chosen a different route.

In Czechia, the Vietnamese are permitted to work the full five years guaranteed by their contracts. As these contracts run out, the contract workers are to be turned over to the federal authorities by their private employers and returned home at the expense of the Czech Ministry of Labour and Social Affairs. Many Vietnamese have gone underground as their contracts neared an end or enroute from their previous place of work to Prague. If they are caught they are forcibly deported. Many have gotten as far as Holland before running into the local authorities. In one case mentioned by a HCA delegate, the Dutch rounded up a group of ca. 200 Vietnamese from Czechia working illegally in Holland. The Czech authorities refused to take the group back. They were able to remain in the Netherlands and formalise their status within the EC.

Milos Mrkvica emphasised that the Czech Republic did foresee one possibility for Vietnamese to legalise their status and remain in the country indefinitely. Those who wished to stay on had to file for permanent residency before their contracts ran out. Permanent resident status had been given mainly to Vietnamese who had married Czech nationals.

Refugees from the Republic of Bosnia and Herzegovina

At the moment, 2,400 refugees from former Yugoslavia are living legally within the Czech Republic. One third of them have found lodging in private households. Their status is covered by the Refugee Acts of 1990 and 1992. As of present, former Yugoslavs, not citizens of B&H, are no longer given refugee status.

The difficulties of the B&H refugees are, according to Mrkvica, mainly cultural. A B&H refugee member of the delegation pointed out that the families at the various Czech centres are not allowed to carry out Moslem services and religious education within the camps. An imam had also been harassed by the authorities. The only possibility of carrying out Moslem funerals within Czechia was in Brno and the refugee administration would not pay for the added costs of such burials.

Cascade Agreements - German Refugee Policy and its Effects on its Neighbouring Countries

The Czech Republic is heading towards a "Polish solution" to its relations to Germany, according to Milos Mrkvica. In order to take back refugees and illegal immigrants Czechia must, however set up "cascade agreements" with its neighbours to the east and the south. According to the logic of such agreements, unwanted aliens received from Germany could then be "cascaded" onward through Slovakia to their countries of origin.

In 1992 27'000 people were apprehended trying to cross the Czech-german border. In the first four months of 1993 alone, over 20'000 have already been caught and turned back. Czechia is now bargaining with both Germany and Slovakia in order to reach an agreement according to which all aliens, irrespective of their nationality and travel route, will be sent via Czechia and Slovakia back to their country of origin. At the moment Germany is not willing to supply financing for this project at the level considered necessary by the Czech authorities. The cornerstone of the "cascading policy" are the "Agreements of Re-admission" signed since 1992. Such an agreement went into effect with Austria on November 1, 1992, will go into effect with Slovakia on November 1, 1993, and was signed with Poland the beginning of May, 1993.

Czechia is now in the process of undoing the liberal immigration policies introduced by the Czechoslovak government following the "Velvet Revolution". In 1990 the CSSR introduced visa-free entry on a reciprocal basis with a large number of states. The undoing of this policy must be co-ordinated closely with Slovakia due to the long and largely unguarded common border. Unwanted aliens returned from the west and who are not nationals of ex-Yugoslavia are required to leave the country within 48 hours. Those who refuse and are caught are deported to Slovakia. Many, however, return and attempt anew to enter Germany illegally.

The "Visograd Three Process", initiated after the "revolutions" in the central European states of Poland, Czechoslovakia and Hungary in 1989, never got off the ground, according to Milos Mrkvice. According to the Visograd (check spelling) process, the three countries separating eastern Europe from the west were to develop independent policies in a variety of areas, including refugee and immigration policy. Whereas the respective middle-range authorities in the three (and now four) countries have at all times been willing and able to reach agreement between themselves, the heads of state and individual cabinet officials, especially in Hungary, have not. Mrkvice now hopes to center Czech policy in the immigration and refugees areas around the Council of Europe because this setup includes all European countries involved. The EC has demonstrated that it is often not aware of the needs of the transit countries and countries of origin.

In general, this discussion made quite clear to this author that the spirit of the "Velvet Revolution" was dead. As soon as the Czech republic was faced with the nuts and bolts of western European migration and refugee policy, it caved in. Czechia, it seems, will play a similar role in relation to Germany and the EC as a whole, as Austria and Poland now do. As Mrkvice stated: "the Czech republic is heading towards a 'Polish solution' ". Hopefully it will not turn out to be a final one.

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BRITAIN

MORE SCRUTINY OF MI5 AFTER BUGGING OF PRINCE CHARLES?

A senior minister is pressing for new measures to open up the security services, including the creation of a new ombudsman with powers to make secret files available to those who have been under surveillance.

William Waldgrave, Secretary of State responsible for open government, has proposed strengthening the complaints procedure against MI5 in a paper circulating in Whitehall.

The move comes as scrutiny of the security services is increasingly called into question following the publication of a transcript of a bugged conversation, allegedly between Prince Charles and the Princess of Wales.

The cabinet had recently failed to agree on the details of a new system of scrutiny for the security services, expected to involve a committee of Privy Councillors. Ministers are thought to have already rejected a plea from MPs that the select committee itself should undertake the scrutiny.

Current arrangements provide for a tribunal to review complaints against MI5, but none were upheld last year. With the changing world climate and declining fears about left-wing subversion, many MPs feel that subjects of surveillance in the 1950s and 1960s could be allowed to see their files without any risk to national security. A new

ombudsman might be given powers to range back several decades. However, any proposals to relax secrecy are likely to provoke opposition from the agencies themselves and in Parliament. One minister warned last week that the scrutiny system must not allow the role of the security services to "degenerate into farce".

Those cautious about moves to open up the services argue that the Government has "to balance accountability against practicalities and worries about putting sources at risk".

Condensed from *The Independent*, 16.5.93

HOUSE OF LORDS PROPOSES EXTENSION OF DATA PROTECTION PRINCIPLES TO CROSS-BORDER SECURITY AND POLICING

The British House of Lords has issued a report on the protection of personal data, which is critical of the current arrangements for the transfer of police and security information between countries.

The criticisms were made by the House of Lords select committee on the European communities, which undertook a detailed investigation of the EC's draft directive on data protection. Under the so-called Maastricht "pillars" arrangement, "home affairs" will continue to be outside the competence of EC institutions, but will be dealt with on an "intergovernmental" (i.e. secret and unaccountable) basis. This means that the draft directive, which goes much further than the data protection laws in many EC countries, would not apply to police data - stored, for example, in the Schengen information system. The committee's report notes:

"We were impressed by the examples supplied [by the current author] of individuals who had suffered real harm from the inaccuracy or misuse of personal data, and noted that all these cases related to matters, such as police and counter-terrorism co-operation, which are outside Community competence. It is in the nature of things that these areas are the ones where real harm is most likely to result to individuals. There is little benefit to the individual in being protected from an unwanted charitable appeal, from unfair loading of his insurance premiums or denial of credit, if he is not also protected from conviction abroad based on suspect police evidence or from mistaken arrest as a supposed terrorist."

The European Commission has proposed that there should be a resolution by EC ministers to bind themselves under international law to apply principles of the directive to those activities that are outside community competence. However, no discussion of such a resolution has taken place, and the committee expresses "concern" at this. "While we would accept that any extension of the data protection principles to police and security matters would require wide exemptions from transparency obligations, there are aspects - such as fair obtaining and the need for accuracy - which should apply generally.... we hope that a better balanced directive, with appropriate exceptions and the supervision of material not open to individual access, would be capable of extension by virtue of a resolution of member states to areas outside community competence."

Jolyon Jenkins

Source: Select Committee on the European Communities report on the protection of personal data; HL Paper 75 (1993), 231 pages.

Comment

Although the House of Lords is not, of course, elected, it is part of the UK legislature. Its members tend to be naturally conservative, and the membership of the European Communities committee could not be described as radical. However, by any objective criterion it is distinguished - it includes the country's most prominent labour relations lawyer, Lord Wedderburn, one law lord (i.e.) supreme court judge), Lord Skidelsky (a Conservative historian) and Lord Colville (who oversees the implementation of the Prevention of Terrorism Act). For such a committee to have made such a forthright declaration can be counted as a victory. It is considerably more trenchant than anything produced by the House of Commons, which has barely considered the issue.

Jolyon Jenkins

AUSTRIA

AGREEMENT WITH TURKEY ON CO-OPERATION AGAINST TERRORISM AND ORGANISED CRIME

The Austrian Interior Minister, Franz Löschnak, and his Turkish counterpart, Ismet Sezgin have signed a bilateral agreement on co-operation in the combat against drug trafficking, smuggling of persons, terrorism and organised crime.

Turkey's main goal with seeking such co-operation appears to consist in gaining Western European condonement of its warfare against Kurdish resistance. Turkey has already signed similar agreements with Denmark, Italy and Spain.

Mr. Szegin suggested in Vienna that the Kurdish resistance movement PKK was largely accountable for the smuggling of illegal immigrants and asylum seekers and announced that he would spare no effort to stop such "human trafficking". In return, the Turkish Interior Minister, stressing that alone in the first weeks of this year more than hundred policemen and soldiers were among the victims of PKK attacks, expects Austria to help him to "put out the fire inside Turkey".

Mr. Szegin's demand appears to have been met with some understanding by the Austrian Interior Minister, who stated with regard to the PKK, that "whenever penal law is violated, this is terrorism, according to Austrian law, and this must be stopped." Mr. Löschnak however made no secret about the fact that, as late as 1991 more than hundred Turkish refugees were granted asylum in Austria and that this figure had not significantly changed in 1992 although the number of applications from Turkish nationals had decreased from 2,300 to 1'200.

The agreement provides for the exchange of information and personal data and the mutual delegation of police liaison officers.

Information exchange will include drugtrafficking (new methods and psychotropic substances); terrorism (information on terrorist groups and attacks, a regular evaluation of terrorist threats and know-how exchange on preventive action);

organised crime (information on its various forms, arms trafficking, car and culture theft, money laundering and forgery, human trafficking and smuggling).

Minister Löschnak stressed the importance of police co-operation in the domain of drug trafficking: "Turkey is a central emporium for Central and Western Europe...and Austria is concerned both as a transit country and a consumer."

The Balkan routes is now as before the smuggling route number one for the whole of Europe. According to Interpol, more than 80 percent of the heroin intercepted in Europe reach the continent by this way and Istanbul is considered as the "gateway to Europe".

In 1992 the Austrian police confiscated a total of 78 kilos of heroin, 17 kilos of which were found on Turkish nationals.

Source: *Der Kriminalbeamte* (Vienna), May 93.

Comment:

Recent reports from the Council of Europe, and regular up-dates from Human Rights NGOs leave no doubt about the conduct of police and security forces in Turkey: torture is common, leading oppositionals and journalists are killed by "death squads", Kurdish civilians are permanently harassed and terrorised, entire villages burned to the ground and their inhabitants forced to leave in the regime's attempt to deprive the fish of its water, i.e. the Kurdish guerilla of its popular growing ground. The Turkish regime's warfare against its Kurdish population has since long ago reached an extent that can only be qualified as "ethnic cleansing".

But what is considered a crime against humanity, when occurring in other parts of the world, is silenced by Western media, when it happens in the NATO-country and Gulf war ally Turkey. Even worse, European democracies co-operate with the Turkish security forces with the pretext of combatting "terrorism" and "organised crime".

In order to brush aside eventual scruples in Western Europe about supporting rather political oppression than criminal repression, Turkey has always tried to blur the lines: The extradition of political opponents was sought by presenting forged criminal accusations, Kurdish asylum seekers are labeled either as "terrorists" or as "false

refugees" exploited by ruthless smuggling rings.

Now, the Turkish Interior Minister, in line with the latest European "fashion" of justifying ever more policing with the need to combat "organised crime", is depicting the Kurdish problem as an issue of "organised crime" by pointing at the Kurdish role in drug trafficking and the PKK's alleged involvement in the smuggling of migrants.

Kurds will now be persecuted as "organised criminals" - with the support of liaison officers from Vienna, Copenhagen and other capitals of European democracies. This is likely to continue as long as there is no common and formal European commitment to prohibit any form of police co-operation with states that systematically violate human rights.

N.B.

SWITZERLAND

MORE POSITIVE ASYLUM DECISIONS

The Federal Office for Refugees granted refugee status to a significantly higher number of asylum seekers within the first for months of this year as compared to the same period last year.

The quota of recognition increased from 3,2 to 20 percent.

Asylum was granted to three quarters of all asylum seekers from Bosnia-Herzegovina and to 16,6 percent of asylum seekers from Turkey.

According to the Federal Office for Refugees, besides new applications, more old pending cases demanding more time for consideration, were decided upon.

Source: *Neue Zürcher Zeitung*, 18.5.93

GERMANY

INTERIOR MINISTER PRAISES FINGER-PRINT DATA BANK

At the end of 1992, the Federal Office for Criminal Investigation (BKA) set AFIS, a computerised data base for finger-prints, in operation. Since, almost 7000 refugees who had made double or multiple asylum applications, using different names, have been detected, thanks to the system. According to Minister Seiters the quota of so-called "double-identities" rose from 5,5% in January to 20% in early April. Between January and March 118'000 foreigners applied for asylum in Germany.

Mr. Seiters said that with 150'000 finger-prints of asylum seekers already stored Apis had proven a full success.

Source: *Berliner Zeitung*, 24/25.4.93

DOCUMENTS AND PUBLICATIONS

Oversigt over genomførelsen af Palma-rapporten (review of the implementation of the report of Palma); General Secretariat of the European Council, Brussels, 5.11.92, CIRC 3658/4/92, 25 p., in Danish.

Samordning af spoersmål vedrørende narkotika samt CELAD's fremtidige rolle (Harmonisation of goals with regard to narcotics and CELAD's future role); Report by CELAD to the European Council, Brussels, 3.12.92; European Council 10495/1/92 REV 1, CELAD 124, 5 p., in Danish.

Rapport fra Det Europaeiske Udvalg for Narkotikabekaempelse (CELAD) til det Europaeiske Råd (den 11./12. december 1992 i Edinburgh) Report by CELAD to the European Council of Edinburgh, 11/12.12.93), Brussels, 3.12.92; European Council 10589/92, CELAD 126, 31 p., in Danish.

Meeting of Justice and Interior Ministers of the EC Member States; Kolding, Denmark, on 6 and 7 May 1993; press release by the Danish Presidency of the EC, 7.5.93, 4 p., in English.

Report of the Committee on Civil Liberties and Internal Affairs and resolution on the resurgence of racism and xenophobia in Europe and the danger of right-wing extremist violence, Rapporteur: C. De Piccoli, EP A3-0127/93, 1.4.93. Resolution as adopted by the European Parliament on 21.4.93.

The EP adopted the De Piccoli report after the withdrawal by the rapporteur of his proposal to grant Union citizenship to non-EC nationals legally residing in the EC for more than five years. The parliament however does, among other things, call upon the Council, the Commission and the Member States to grant immigrants legally residing in the EC for five years the right to vote at municipal elections and, moreover, invites Member States to recognise national citizenship to children of immigrants and refugees born in the countries of the EC.

Den Europaeiske Festning? Om politisamarbeidet i EF (The European Fortress? - on police co-operation in the EC), paper by Prof. Thomas Mathiesen, Oslo University, publ. by NEI TIL EF, 3.4.93, ISBN 82-91026-10-6, 32 p., in Norwegian.

This brochure offers a synoptical and critical survey of the history, the mechanisms and the goals of police co-operation in the EC.

MESSAGE FROM THE EDITOR

SOMETHING IS ROTTEN IN THE STATE OF DENMARK

The night following the Danish people's vote for the Maastricht Treaty, Copenhagen became the scene of nightmarish events likely to deeply traumatise a country known throughout the world for a deep-rooted tradition of peace and democracy.

That night, police opened fire on an angry, stone casting crowd of youthful demonstrators. The drama is unprecedented in Western Europe since World War II. Neither in Paris in 1968, nor in Brixton did police ever make use of live ammunition.

The Danish government was quick - too quick, as it might appear - in giving its full support to the police who say they acted in self-defence, and the public was so stunned by the events which would have seemed unconceivable in a Nordic country, that questions on what really happened and why, are just beginning to rise.

In agreement with our Danish reader/correspondants we have decided to await current investigations by the government and Danish NGOs before commenting the incident in the Circular Letter.

N.B.

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