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Foreign and Commonwealth Office

London SW1A 2AH

25 June 1986

Dear Charles,

COP 27/6

Prime Minister's Breakfast with Lubbers, 27 June:
Political Cooperation Aspects

attached

I have sent you separately a checklist of points on Community issues. The obvious subjects to cover on the political cooperation side are South Africa and the Dutch proposal for a Declaration on Human Rights. Advice on South Africa should clearly be prepared on the spot in the light of discussion on 26 June.

At this stage, therefore, I enclose only Points to Make on the proposed Declaration on Human Rights. We are preparing a full brief on this for the European Council itself.

The Prime Minister will have seen the reference to this proposal in Mr Lubbers' letter. A brief note on it was included in my letter to you of 23 June. The Dutch have been trying since February to produce a Declaration on Human Rights for the European Council to issue. They began with a 1600 word UN Resolution-style text. We have whittled this down to a six paragraph text (copy attached), while making plain from the start our view that there should be no statement at all by Heads of Government because (as the latest draft makes painfully clear) there is nothing new to say. The French agree with us that the proposed statement would cut little ice with the public and have, so far, given us good support. The rest of the partners either positively favour it for reasons of their own (especially Greece, Spain and Portugal) or agree with us in principle but see the statement as a 'bouquet' for the Dutch and will be inclined to side with them.

The Foreign Secretary feels unable to commend the text to the Prime Minister. He sent a message to van den Broek on 24 June, urging him not to put the Declaration to the European Council. We have not yet had a reply. The message will have given Mr van den Broek pause for thought, but he is unlikely to back down without a final try at the European

/Council.

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Council. A final decision whether to continue to stand out against the Declaration will clearly depend on the way the discussion goes in the Hague and will have to be taken by the Prime Minister and Foreign Secretary on the spot.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
PS/10 Downing Street

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PRIME MINISTER'S BREAKFAST WITH MR LUBBERS 27 JUNE

PROPOSED HUMAN RIGHTS DECLARATION

Checklist of Points to Make

- Human Rights an abiding concern for us all. But remain very sceptical about statement by Heads of Government at this juncture.

- Important that our Statements reflect what we have actually discussed. Otherwise credibility problem with public. Also danger we all know that European Councils get bogged down in discussion of bureaucratic texts.

- Presidency's text still not agreed. I saw latest version for first time earlier this week. It says little new. Not at all sure this is what I would like to say about Human Rights. Wrong to rush statement on this important subject through without fullest consideration of what we are doing.

GRS 1006
FM LA HAYE COREU

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TO ALL COREU AND UN MISSIONS NEW YORK AND GENEVA - PRIORITE

CPE/PRES/HAG/996

20.06.1986 20.00 HRS. LT.

① Fax copy to
Mr. Team
Urup - Urgent

② copy to the
Parliament
copy to me
③

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SUBJECT: DRAFT DECLARATION ON HUMAN RIGHTS

REF.: CPE/PRES/HAG/988

FURTHER TO THE DISCUSSIONS IN THE MEETING OF THE POLITICAL COMMITTEE ON 20 JUNE 1986, THE PRESIDENCY TRANSMITS A REVISED DRAFT FOR A POSSIBLE DECLARATION ON HUMAN RIGHTS BY THE EUROPEAN COUNCIL. THE PRESIDENCY WILL CONSULT THE CHAIRMAN OF COREPER ON PARA 5.

Q U O

DRAFT DECLARATION ON HUMAN RIGHTS
BY THE EUROPEAN COUNCIL

1. RESPECT FOR HUMAN RIGHTS IS ONE OF THE CORNERSTONES OF EUROPEAN COOPERATION. THE EUROPEAN COUNCIL REAFFIRM THEIR COMMITMENT TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND EMPHASISE THE IMPORTANCE IN THIS CONTEXT OF THE PRINCIPLES OF PARLIAMENTARY DEMOCRACY AND THE RULE OF LAW.
2. THE TWELVE SEEK UNIVERSAL OBSERVANCE OF HUMAN RIGHTS. THE PROTECTION OF HUMAN RIGHTS IS THE LEGITIMATE AND CONTINUOUS DUTY OF THE WORLD COMMUNITY AND OF NATIONS INDIVIDUALLY. EXPRESSIONS OF CONCERN AT VIOLATIONS OF SUCH RIGHTS CANNOT BE CONSIDERED INTERFERENCE IN THE DOMESTIC AFFAIRS OF A STATE. NEITHER LACK OF SOCIAL AND ECONOMIC DEVELOPMENT, NOR ANY PERSUASION OR IDEOLOGY MAY SERVE AS A JUSTIFICATION FOR THE DENIAL OF CIVIL AND POLITICAL RIGHTS. THE MAJOR UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS SHOULD BE UNIVERSALLY RATIFIED AS SOON AS POSSIBLE. STATES SHOULD CO-OPERATE WITH INTERGOVERNMENTAL ORGANISATIONS WHICH MONITOR

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/IMPLEMENTATION

IMPLEMENTATION OF HUMAN RIGHTS AND OF WHICH THEY ARE A MEMBER. THE RESPECT FOR HUMAN RIGHTS CANNOT BE DISREGARDED IN THE RELATIONS MAINTAINED BETWEEN THIRD COUNTRIES AND THE EUROPE OF THE TWELVE.

3. THE WORLDWIDE HUMAN RIGHTS SITUATION REMAINS ALARMING, IN PARTICULAR THE PERSISTENCE OF VIOLATIONS OF INDIVIDUAL LIBERTIES AS WELL AS TYRANNY, OPPRESSION AND INDISCRIMINATE VIOLENCE IN MANY COUNTRIES. CONCERN FOR VIOLATIONS OF HUMAN RIGHTS FORMS AN IMPORTANT FOCUS OF ATTENTION FOR THE TWELVE, A CONCERN THEY SHARE WITH THE EUROPEAN PARLIAMENT. IN RECENT YEARS THE EUROPEAN PARTNERS HAVE DELIVERED VARIOUS DECLARATIONS ON BEHALF OF FOREIGN MINISTERS AND MADE REPRESENTATIONS ON NUMEROUS OCCASIONS WITH MANY GOVERNMENTS, ATTEMPTING TO AMELIORATE THE HUMAN RIGHTS SITUATION IN THE COUNTRIES CONCERNED AND TO COUNTER CASES OF SPECIFIC HUMAN RIGHTS ABUSE. JOINT STATEMENTS IN INTERNATIONAL FORA ON HUMAN RIGHTS ISSUES HAVE BECOME STANDARD PRACTICE FOR THE TWELVE, AS HAVE FREQUENT DISCUSSIONS ON ALL CONSULTATIVE LEVELS EXISTING AMONG THEM. THE EUROPEAN COUNCIL RESOLVE THAT THE TWELVE WILL CONTINUE ACTION WITHIN THE FRAMEWORK OF EUROPEAN POLITICAL CO-OPERATION AGAINST VIOLATIONS IN ANY PART OF THE WORLD.
4. INDIVIDUALS AND NON-GOVERNMENTAL ORGANISATIONS THE WORLD OVER HAVE MADE VALUABLE AND COURAGEOUS CONTRIBUTIONS TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS. THE EUROPEAN COUNCIL APPEAL TO ALL STATES TO ENHANCE PUBLIC AWARENESS CONCERNING THE CAUSE OF HUMAN RIGHTS THROUGH EDUCATIONAL PROGRAMMES AND BY ALLOWING NON-GOVERNMENTAL ORGANISATIONS FREELY TO DISSEMINATE HUMAN RIGHTS INFORMATION.
5. THE EUROPEAN COUNCIL DEPLORE THAT COUNTLESS PEOPLE AROUND THE WORLD SUFFER HUNGER, DISEASE AND LACK OF OPPORTUNITY, THUS BEING DENIED THE ENJOYMENT OF THE MOST BASIC ECONOMIC AND SOCIAL RIGHTS. THE PROMOTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS WELL AS OF CIVIL AND POLITICAL RIGHTS IS OF PARAMOUNT IMPORTANCE FOR THE FULL REALISATION OF HUMAN DIGNITY AND FOR THE ATTAINMENT OF LEGITIMATE ASPIRATIONS OF EVERY INDIVIDUAL. THE EUROPEAN COUNCIL AFFIRM THAT IN THE DEVELOPMENT OF THEIR RELATIONS WITH NON-MEMBER STATES AS WELL AS IN THE ADMINISTRATION OF AID THE EUROPEAN COMMUNITY AND ITS MEMBER STATES WILL CONTINUE TO PROMOTE FUNDAMENTAL RIGHTS AND THUS WILL SEEK TO ELIMINATE THE OBSTACLES PREVENTING INDIVIDUALS AND PEOPLES FROM ACTUALLY ENJOYING TO THE FULL THEIR CIVIL AND POLITICAL RIGHTS AND THEIR ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

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6. LASTING PEACE AND SECURITY ARE UNATTAINABLE WITHOUT UNIVERSAL ENJOYMENT OF HUMAN RIGHTS. THE EUROPEAN COUNCIL EXPRESS THE HOPE THAT THE PROCESS OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE WILL PRODUCE CONCRETE ADVANCEMENT OF HUMAN RIGHTS, RESPECT FOR WHICH IS AN ESSENTIAL FACTOR FOR THE PEACE, JUSTICE AND WELL-BEING NECESSARY TO ENSURE THE DEVELOPMENT OF FRIENDLY RELATIONS AND COOPERATION AMONG ALL STATES.

U N Q U O

LA HAYE COREU

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ECD (V)

ECD (E)

UND

MR DERGIL THOMAS

MR RATFORD

MR SLATER

MR BROWNING (ODA)

MR RENWICK.

COPIES TO:

MR P FREEMAN ECD/ODA

PS/NO 10 DOWNING ST

MR MH JAY, CABINET OFFICE

MR WILLIAMSON, CABINET OFFICE

THIS TELEGRAM
WAS NOT
ADVANCED

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14/17



Foreign and Commonwealth Office

London SW1A 2AH

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Dear Charles,

Prime Minister's Breakfast with Lubbers

/ I attach a checklist of EC points for the Prime Minister's breakfast with Mr Lubbers on 27 June. Separate briefing on South Africa and the possibility of a Declaration on Human Rights follows.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
PS/10 Downing Street

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PRIME MINISTER'S MEETING WITH MR LUBBERS

Checklist of Points to Make

- Tribute to Dutch Presidency.
- Must keep up momentum on internal market. Rolling Action Programme we have worked out together best vehicle for this.
- [As necessary] We will ensure Agriculture Council gives proper priority to internal market items.
- [As necessary] ECOFIN has agreed how tax measures are to be handled. Can endorse that. Ready to look at how more taxes could be levied away from frontiers. Not prepared to go further. This has to be worked out in ECOFIN.
- Both we and you have put forward positive proposals on employment. Must get Commission and Social Affairs Council working on them and progress report at December European Council.
- On agriculture should affirm agreement on negotiation in the GATT; parallel work in OECD on problems of structural adjustment; consultations with the other major suppliers to ensure that we do not compound each others' problems in third country markets; and continuing action where there are structural surpluses. [Following what has been done on milk and cereals, must carry forward reform of beef sector and examine "set-aside" for cereals].
- On EC/US, if US take unilateral action on 1 July, EC will have to take equivalent measures. But much better to avoid confrontation. Major negotiating effort needed meanwhile. Commission now making such an effort.



- [Chernobyl: as necessary] Community and member states should take the lead in IAEA in securing binding international agreement on information exchange and warning in event of nuclear accident; and establishment of rapid response system of mutual assistance. Commission has to make proposals for agreed contamination levels for food standards, based on objective scientific criteria, when present measures vis-à-vis eastern Europe expire on 30 September. Can be some research on nuclear safety in existing Joint Research Centre programme. [As necessary: Will not accept Commission safety inspectorate for nuclear installations. Nor will French. New bureaucracy, duplicating effective national systems. Commission does have role in safeguards on nuclear materials: have reached agreement with them on Sellafield.]

- [As necessary] Want to see Transport Council making faster progress on land, sea and air. [Axle weights: only if raised] Will be trying to work towards agreement at 30 June Council. But this has to be on basis of an open-ended 10.5 tonne derogation for the UK on similar terms to our existing derogation on gross lorry weight. Very sensitive issue in Parliament.



THE PRIME MINISTER'S BREAKFAST WITH MR LUBBERS IN THE HAGUE ON
27 JUNE

BILATERAL POINTS (ONLY IF RAISED BY MR LUBBERS OR MR VAN DEN BROEK)

Tercentenary of William and Mary in 1988-89

(if Lubbers refers to the disparity between the official Dutch commitment of £500,000 mainly from the Education and Defence Ministries, and the £22,000 provided from the FCO vote for the administrative expenses of the British Tercentenary Trust).

- Confident that patronage of the Prince of Wales and Princess Margriet (sister of Queen Beatrix) will ensure a fitting celebration in both countries. In the UK we expect the bulk of funding to come from private sponsors. Sir Geoffrey Howe is taking a personal interest and will be in touch with the Chairman of Anglo/Dutch companies such as Shell and Unilever, and others to see how they might contribute. British Council will support events in the Netherlands to mark the Tercentenary.

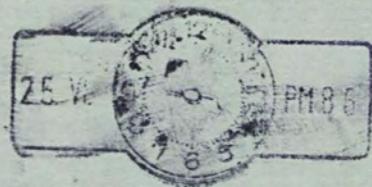
Extradition of IRA man

(if Lubbers comments on the case of Brendan McFarlane and Gerard Kelly)

- Grateful to Dutch authorities for their help in this matter. Disappointed that Amsterdam District Court found that Kelly was not extraditable and McFarlane only in respect of his previous convictions (ie not those committed in breaking out of the Maze prison). Hope Supreme Court will overturn those parts of the judgement which were unfavourable to the British interest. Attach great importance to return of these 2 dangerous convicted criminals.

Background

Both McFarlane and Kelly are still being held in the Netherlands pending appeal to the Supreme Court.





PRIME MINISTER'S MEETING WITH MR LUBBERS

TRANSPORT

Mr Moore spoke to the Dutch Transport Minister (Mrs Smith-Kroes) this morning. He told her that we could agree to the measure on lorry axle-weights at the Transport Council on Monday provided:

- a) the other Road Transport liberalisation measures were agreed;
- b) we secured a derogation in the same terms as the derogation we have for general lorry weights (ie an open ended derogation which could be terminated only by the unanimous decision of the Council. We would not be able to accept a time-limited derogation).

Mrs Smith-Kroes seemed receptive. We have explained to all the key Dutch officials that if this were mishandled in the Transport Council, that would cause severe Parliamentary difficulties in Britain. The Commission are expected to propose the kind of derogation we want.

Mr Lubbers may raise this. The Prime Minister will wish to point out that we want to see rapid progress on all the issues for the Transport Council, ie shipping (including cabotage) and air transport, as well as road transport. We shall be working for a positive outcome at the Transport Council on Monday - provided we secure the derogation we need on axle-weights. If others continue to block progress on cabotage, we shall be considering instituting proceedings in the Court.