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(Common positions defined by the Council of the European Union)

COMMON POSITION

of 20 November 1995

defined by the Council on the basis of Article J.2 of the Treaty on European Union, on
Nigeria

(95/515/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

HAS DEFINED THE FOLLOWING COMMON POSITION:

1. It strongly condemns the execution, on 10 November, of Mr Ken Saro-Wiwa and his eight co-defendants. This constituted a clear failure by Nigeria to honour its commitment to human rights, as it stems from a number of international instruments to which Nigeria is a party.
 2. The European Union condemns the human rights abuses perpetrated by the military regime, including capital punishment and harsh prison sentences, implemented after flawed judicial process and without granting the possibility of recourse to a higher court. In this context, it expresses its particular concern at the detention without trial of political figures and the suspension of habeas corpus.
 3. The European Union recalls its deep concern at the annulment in June 1993 of elections that were considered free and fair and the subsequent installation of a new military dictatorship. It notes that the military regime has yet to demonstrate convincingly its intention to return to civilian democratic rule within a credible and rapid time-frame and:
 - (a) reaffirms the following measures adopted in 1993:
 - suspension of military cooperation,
 - visa restrictions for members of the military or the security forces, and their families,
 4. Development cooperation with Nigeria is suspended. Exceptions may be made for projects and programmes in support of human rights and democracy as well as those concentrating on poverty alleviation and, in particular, the provision of basic needs for the poorest section of the population, in the context of decentralized cooperation through local civilian authorities and non-governmental organizations.
 5. This Common Position will be monitored by the Council, to which the Presidency and the Commission will regularly report and will be reviewed in the light of developments in Nigeria. Further measures are under examination.
- suspension of visits of members of the military,
 - restriction of movement of all military personnel of Nigerian diplomatic missions,
 - cancellation of training courses for all Nigerian military personnel,
 - suspension of all high-level visits that are not indispensable to and from Nigeria;
- (b) introduces the following, additional measures:
- (i) visa restrictions on members of the Provisional Ruling Council and the Federal Executive Council and their families,
 - (ii) an embargo on arms, munitions and military equipment ⁽¹⁾.

⁽¹⁾ The aforementioned embargo covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment. The embargo also covers spare parts, repairs, maintenance and transfer of military technology. Contracts entered into prior to the date of entry into force of the embargo are not affected by this Common Position.

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6. This Common Position shall take effect on 20 November 1995. Done at Brussels, 20 November 1995.

7. This Common Position shall be published in the Official Journal.

For the Council
The President
J. SOLANA

(Joint actions adopted by the Council of the European Union)

COUNCIL DECISION

of 4 December 1995

adapting and extending the application of Decision 93/603/CFSP concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina

(95/516/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to Council Decision 93/603/CFSP of 8 November 1993 concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina ⁽¹⁾,

Having regard to Council Decision 93/729/CFSP ⁽²⁾ of 20 December 1993 supplementing that joint action,

Having regard to Council Decision 94/308/CFSP ⁽³⁾ of 16 May 1994 adapting and extending the application of Decision 93/603/CFSP,

Having regard to Council Decision 94/510/CFSP ⁽⁴⁾ of 27 July 1994 supplementing Decision 93/603/CFSP,

Having regard to Council Decision 94/789/CFSP ⁽⁵⁾ of 12 December 1994 extending the application of Decision 93/603/CFSP,

1. The application of Decision 93/603/CFSP, as supplemented and adapted by Decisions 93/729/CFSP, 94/308/CFSP and 94/510/CFSP, shall be extended until 31 December 1996.

2. Member States' contributions shall be allocated in accordance with the Presidency's Decisions of 15 December 1994 and 27 March 1995 taken for the application of Decision 94/510/CFSP.

3. This Decision shall enter into force on the date of its adoption.

4. This Decision shall be published in the Official Journal.

Done at Brussels, 4 December 1995.

For the Council

The President

J. SOLANA

⁽¹⁾ OJ No L 286, 20. 11. 1993, p. 1.

⁽²⁾ OJ No L 339, 31. 12. 1993, p. 3.

⁽³⁾ OJ No L 134, 30. 5. 1994, p. 1.

⁽⁴⁾ OJ No L 205, 8. 8. 1994, p. 3.

⁽⁵⁾ OJ No L 326, 17. 12. 1994, p. 1.

COUNCIL DECISION

of 4 December 1995

concerning the joint action, adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on continued support for European Union administration of the town of Mostar

(95/517/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 Council Decision 93/603/CFSP of 8 November 1993 concerning the joint action decided on by the Council on the basis of Article J.3 of the Treaty on European Union on support for the conveying of humanitarian aid in Bosnia and Herzegovina ⁽¹⁾ and to Decisions 93/729/CFSP ⁽²⁾, 94/308/CFSP ⁽³⁾, 94/790/CFSP ⁽⁴⁾ and 95/23/CFSP ⁽⁵⁾ adapting and extending that Decision,

Having regard to the conclusions of the Presidency reached at the European Council meeting in Corfu on 24 and 25 June 1994,

Having regard to the Council conclusions of 31 October 1994,

HAS DECIDED AS FOLLOWS:

1. The European Union administration of the town of Mostar is hereby confirmed as from 23 July 1994 for a maximum of two years with the aim of contributing to the establishment of a single, multi-ethnic and lasting administration of the town. The Memorandum of Understanding approved by the Council on 13 and 14 June 1994 and signed in Geneva on 5 July 1994 sets out the conditions of application of this joint action.
2. The total budget for the administration referred to in paragraph 1 for the period up to 22 July 1996 shall be fixed by a decision taken at a later date.

The whole of this amount shall be borne by the general budget of the European Communities. The management of the expenditure financed by this amount shall be in accordance with Community procedures and rules applicable to budget matters.

3. The funds shall be paid into an account opened in the name of the Administrator of the town of Mostar.
4. The implementation of this support action, and in particular with regard to the financial resources available for that purpose within the limits laid down, shall be carried out as follows:

The Administrator shall assess the requirements, and the means necessary for their financing, and shall communicate those particulars to the Presidency of the Council.

On the basis of those particulars the Presidency, assisted by an Advisory Working Party composed of representatives of the Member States and acting in association with the Commission, shall issue guidelines, determine what measures are needed to meet the requirements and decide to release the amounts necessary to finance them one tranche at a time.

The Administrator shall follow those guidelines, carry out those measures and regularly submit reports to the Presidency, which shall forward them to the Advisory Working Party and the Commission.

The Court of Auditors of the European Communities is invited to audit the Administrator's accounts.

5. This Decision shall come into force on the date of its adoption. It shall apply until 22 July 1996.
6. This Decision shall be published in the Official Journal.

Done at Brussels, 4 December 1995.

*For the Council**The President*

J. SOLANA

⁽¹⁾ OJ No L 286, 20. 11. 1993, p. 1.

⁽²⁾ OJ No L 339, 31. 12. 1993, p. 3.

⁽³⁾ OJ No L 134, 30. 5. 1994, p. 1.

⁽⁴⁾ OJ No L 326, 17. 12. 1994, p. 2.

⁽⁵⁾ OJ No L 33, 13. 2. 1995, p. 1.