

Spanish Diplomatic and Parliamentary Practice in Public International Law, 2007

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Except where otherwise indicated, the texts quoted in this section come from the OID (*Oficina de Información Diplomática*, Diplomatic Information Office), and more specifically from the OID publication Pol. Ext. 2007 (<http://www.mae.es>), and from the International Legal Service of the Ministry of Foreign Affairs, whose collaboration we appreciate.

The following is a list of abbreviations related to the documentation of the Spanish Parliament used in the preparation of this Section (<http://www.congreso.es>, and <http://www.senado.es>).

BOCG-Cortes Generales – Boletín Oficial de las Cortes Generales. Cortes Generales. Serie A, Actividades Parlamentarias (Official Journal of the Spanish Parliament. Spanish Parliament. Series A, Parliamentary Activities).

BOCG-Congreso.D – Boletín Oficial de las Cortes Generales. Sección Congreso de los Diputados. Serie D, Actos de control (Official Journal of the Spanish Parliament. Congress of Deputies. Series D, Acts of control).

BOCG-Senado.I – Boletín Oficial de las Cortes Generales. Sección Senado. Serie I, Boletín General (Official Journal of the Spanish Parliament. Senate. Series I, General Journal).

DSCG-Comisiones Mixtas – Diario de Sesiones de las Cortes Generales, Comisiones Mixtas (Official Record of the Spanish Parliament. Joint Committee Meetings).

DSC-C – Diario de Sesiones del Congreso. Comisiones (Official Record of the Congress of Deputies. Committee Meetings).

DSC-P – Diario de Sesiones del Congreso. Pleno y Diputación Permanente (Official Record of the Congress of Deputies. Plenary Sessions and Standing Committee).

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DSS-C – Diario de Sesiones del Senado. Comisiones (Official Record of the Senate. Committee Meetings).

DSS-P – Diario de Sesiones del Senado. Pleno (Official Record of the Senate. Plenary Sessions).

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I. INTERNATIONAL LAW IN GENERAL

1. Nature, Basis and Purpose

The Heads of State and of Government who met in Santiago (Chile), at the XVIIth Ibero-American Summit (8–10 November 2007), adopted a Final Declaration which expressed the need to:

(...)

– Work closely together to focus the international agenda on the interest in social cohesion and the need to achieve more inclusive societies with full respect for human rights, and the promotion of an international context favourable for national and international social and political protection efforts to overcome poverty, inequality, and hunger in the world and to comply with Millennium Development Goals.

(...)

- Assume the Quito Consensus, adopted at the 10th Regional Conference on Women in Latin America and the Caribbean, as the Ibero-American Equality Agenda, as agreed at the 1st Ibero-American Conference on Gender, including the crosscutting dimension of gender equality in public social cohesion policies, and to institutionalise the Annual Sector Meeting of Ministers Responsible for General Issues.

(...)

- Before 2015, comply with the Millennium Development Goals, as well as with the Monterrey Consensus commitments, in particular regarding the mobilisation of additional resources for Official Development Aid.

- Confront asymmetry and injustices in international economic and trade relations with a view to encouraging growth in international trade with positive consequences for level of employment and social inclusion in the Ibero-American area. In this regard, work constructively in the context of the WTO with a view to the satisfactory conclusion of the Doha Round.

- Strengthen multilateralism and the central role of the United Nations, while abiding by its purpose and principles, the fight against terrorism and transnational organised crime and the reject unilateral coercion measures contrary to International Law, as the indispensable international framework for bringing about social cohesion in our countries.

- Strengthen Ibero-American Cooperation, the key to integrating the Ibero-American Space, as an instrument in support of social cohesion and social policy by promoting programmes, projects and initiatives in priority sectors that contribute to integrated, inclusive development with effective benefit for all the Ibero-American citizens.

- Strengthen the promotion and respect of all human rights as an indispensable component in the adoption and implementation of policies aimed at achieving social cohesion.

(...)

- Eradicate all types of discrimination, preserve cultural diversity, foster interculturality and enhance the Ibero-American cultural heritage.

- Declare 2008 as the “Ibero-American Year Against all Forms of Discrimination,” with the conviction that full respect, promotion and defence of human rights, including the right not to be discriminated against, to encouragement of social development and consolidation of democracy, are the best ways to achieve social inclusion and cohesion and to eradicate poverty and marginalisation.

- Reiterate the Montevideo Commitment on Migration and Development, convinced that integrated, multidimensional efforts in the area of migration are indispensable to ensure social cohesion, emphasizing the need for a multidisciplinary approach pursuant to the principle of shared responsibility among countries of origin, countries of transit and countries of destination in the framework of international development cooperation. They commit to fully guaranteeing the human rights of migrants within the legal framework of each Country, regardless of their migration status.

(...)

– Based on the principle of common but differentiated responsibility, identify the areas and sectors in the countries of the region that are most vulnerable to the adverse effects of climate change, in order to promote adaptive and mitigation strategies, and promote Ibero-American cooperation and coordination in order to emergencies and contingencies brought about by natural disasters.

(...).

On 13 November, the Government answered a question posed in the Senate regarding the current status of the Prime Minister's project known as the "Alliance of Civilizations," stating:

The Alliance of Civilizations initiative was proposed by the Prime Minister in September 2004, and was taken on board personally in July 2005 by the United Nations Secretary-General. Since then, the Alliance has been a UNSG initiative that was backed by all the Members of the United Nations at the 2005 World Summit, of which Spain and Turkey are co-sponsors.

Since its inception, the Alliance of Civilizations has sought to present itself to the international community as an effective tool for building areas of understanding among different cultures and sensitivities, reinforcing the multilateral dialogue in an increasingly more diverse and interdependent world. The Alliance therefore seeks to consolidate itself as a political concept that is shared by all to help overcome differences and lack of understanding among our States and citizens.

For this purpose, to date a number of important steps have been taken to enhance the effectiveness of the initiative and ensure its future utility. In 2005, a High Level Group made up of 20 scholars from different countries was created to work on developing the Alliance of Civilizations. In 2006, this group presented the UNSG with a Report containing practical recommendations in four areas to which the Initiative should give special attention: youth, media, education and migration.

Furthermore, the Alliance of Civilizations became a recognised entity on the international scene on 26 April 2007, when it named a High Representative of great prestige: the ex President of the Republic of Portugal, Dr. Sampaio. Dr. Sampaio has improved the international dissemination of the Alliance and is the person responsible for guiding the initiative towards the future. The High Representative went quickly to work for the Alliance and in June 2007 presented an Action Plan for the next two years that will ensure the vitality of the Initiative.

Because of its open and integrating spirit, the Alliance of Civilisations has been backed politically by a continually growing Group of Friends, currently consisting of over 70 States and International Organisations.

Definitively, since it was presented in 2004 and later adopted by the UNSG in 2005, the Alliance of Civilisations has grown to become a solid, useful platform at the disposal of the international community for it to deal effectively and multilaterally with what will undoubtedly be one of the our world's main

challenges, together with climate change and economic globalisation: cultural harmony both inside and outside our borders. This has hence given rise to growing international accession to the initiative (in the last six months over 10 new countries and international organizations have joined the Group of Friends of the Alliance), also due to its becoming increasingly more interwoven into the United Nations context and provided with increasingly more specific orientation as to its activities and projects, as set forth in the High Representative's Action Plan and in the upcoming Forum of the Alliance set to take place in Madrid. (*BOCG-Senado.I*, VIII Leg., no. 818, p. 89)

II. SOURCES OF INTERNATIONAL LAW

III. RELATIONS BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW

IV. SUBJECTS OF INTERNATIONAL LAW

1. Self-determination

a) Western Sahara

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Cuyaubé, appeared before the Senate Foreign Affairs and Cooperation Committee on 7 May to report on Government policy relating to the Western Sahara. In his report, the Minister stated:

(...)

A few days ago, the United Nations Security Council adopted a new resolution on the Western Sahara issue. It was Resolution 1754, dated 30 April of this year. It was adopted by unanimity after intense negotiation in which Spain participated actively and intensely as a member of the Group of Friends of the Western Sahara. This is not just another resolution, despite there already having been many such resolutions since 1991 when the Security Council began more active involvement in seeking a solution to this prolonged conflict that has been ongoing for over 31 years.

This decision opens a new phase, a new political horizon within the framework of the United Nations, as this Government has been committed to advocating since it assumed its responsibilities in April 2004. Back then we saw that the animosity between the parties and the political void left by James Baker's departure from his position as the personal envoy of the United Nations Secretary-General were creating a dangerous situation in which no one would end up winning, but rather one in which all the peoples of the region would end up losing by being faced with the ominous alternative of stagnation or the risk of the conflict intensifying.

We therefore closed the path of hopelessness and pessimism and we fought to fill the political void, to get the United Nations to enthusiastically take charge of the conflict. To do so, we made a commitment that was both firm and responsible, based on the conviction that dialogue is the only way to resolve even the bitterest of differences. Our commitment has consistently been to achieve a fair, lasting and mutually acceptable political solution in accordance with International Law that is acceptable to all parties and that respects the Saharawi people's right to self-determination.

These are the parameters that have been set forth repeatedly by the many Security Council Resolutions and which were, to our satisfaction, expressly set forth in the last one. This last Resolution extended the MINURSO mandate to 31 October 2007. Spain considers that continuing the mission was very desirable in order to keep the United Nations presence in the territory and preserve the cease-fire...

Furthermore, the Resolution took note in its preamble of the proposals presented to the Secretary-General by both sides and acknowledged the major effort undertaken by Morocco in adopting the new initiative that was drafted in recent months and presented as being open to negotiation. The Security Council has not endorsed the proposals nor has it obligated the negotiating mandate to be based thereon, but it has recognised their relevance and usefulness for the negotiation it calls for.

Another very important aspect that I want to point out is that it asks the United Nations Secretary-General to put the negotiations under his auspices and to invite member States, including Spain, to provide their support for this dialogue...

The Government is therefore gratified to see that the Security Council shares the approach supported by Spain in recent years by opening the way to negotiation and, without abandoning its doctrine, appreciating the efforts made by the parties to take on their political responsibility.

Through its membership in the Group of Friends of the Western Sahara, Spain has been actively associated with negotiations that have been long and intense owing to the complexity of the different approaches and nuances that had to be taken into account. The result was a compromise text which preserves and reiterates International Law and lends important added political value, thus reflecting the commitment of the international community to help to unblock the conflict resolution process...

For this new process to be successful it must be within the United Nations framework and, with the support of the neighbouring and concerned countries of both sides, deal in good faith with this reiterated goal of achieving a fair, lasting, and mutually acceptable political solution that permits the self-determination of the people of the Western Sahara.

I do not need to remind anyone that the issue of the Western Sahara is one which we consider vital and essential in Spanish foreign policy. The Government has, for this reason, maintained a clear, transparent stance of commitment, aimed at a dialogue-based solution. It is therefore pleasing to see that

our commitment was aimed in the right direction, as the Security Council has adopted it as its own...

...with the new Resolution we are not facing a solution of the conflict but rather a new opportunity to seriously approach its solution with the cooperation of its principle players, in the framework of the United Nations. A new chapter is now being written, in which success is not guaranteed, but we at least have a clear, defensible mechanism and favourable predisposition of the parties and the international community. We have a difficult, complex road to travel, and it will be of utmost importance to keep the goal set by the Security Council clear, to at all times have active involvement by the negotiating parties. The United Nations will need to define and choose the negotiating modalities and format well, and the future facilitator who is chosen will need to have the adequate experience, desire to promote agreement and trust of the parties and neighbouring and interested countries. We all have a potentially historic opportunity. Spain, this Government, is determined to continue to work to make possible the impossible, to help reconcile old enemies and to make distanced neighbours come closer together.

(*DSS-C*, VIII Leg., no. 462, pp. 5–6).

Later, on 13 June, the Government answered a question posed in the Congress of Deputies regarding its opinion of Morocco's new plan for the Western Sahara, in the following terms:

The opinion of the Spanish Government regarding the document entitled "Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region," which was submitted to the United Nations Secretary-General by letter dated 10 April, coincides fully with Mr. Ban Ki-Moon's, who, in his latest report, submitted on 13 April states, "I welcome every effort from the parties that would advance the possibility of achieving a just and mutually acceptable solution that will provide self-determination for the people of Western Sahara. I encourage the parties to enter into good faith negotiations without preconditions." (paragraph 8, Report S/2007/202).

In this regard, the Spanish Government positively values the fact that the United Nations Secretary-General has taken the decision to recommend to the Security Council that it "call upon the parties, Morocco and the Polisario Front, to enter into negotiations with no preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of the Western Sahara." (paragraph 47, Report S/2007/202).

It is, ultimately, not up to the Spanish Government to take sides in favour of a specific proposed solution, but rather up to the parties, the sole legitimate entities that can accept it or reject it, in the framework of direct negotiations held under the auspices of the United Nations.

(*BOCG-Congreso.D*, VIII Leg., no. 567, p. 224).

Furthermore, on 21 June, the Government answered a question in the Congress of Deputies on the approval by the Prime Minister of Morocco's Autonomy Plan for the Western Sahara during his recent visit to that country:

During the debate on the question regarding the Spanish position in relation to the new Moroccan autonomy plan for the Western Sahara in the Senate on 21 March, file number 670/150, the Government once again denied the basic premise contained in the question put forth by the Member of Congress, that he expressed himself to be in favour of the Kingdom of Morocco regarding the Autonomy Plan for the Western Sahara conflict, in view of the UN opposition to the plan and breaking the tradition of neutrality of previous Governments.

The position of the Government on the Western Sahara has not changed and continues to be one of active commitment to "help the parties reach a fair, lasting and mutually acceptable political solution that provides for the free determination of the people of the Western Sahara in the framework of provisions in accordance with the principles and intentions of the United Nations Charter" (Security Council Resolutions 1675 and 1720 of 28 April and 27 October 2006).

The Government expressed itself in these terms, both in Parliament during the visit to Madrid by a Moroccan delegation last 8 February, at the Joint Press Conference after the VIIIth Spain-Morocco High Level Meeting on 6 March and in the Joint Declaration ensuing from that meeting.

In his two most recent reports (19 April and 16 October 2006), the Secretary-General recommended to the Security Council to "call on the parties to undertake negotiations with no prior conditions," a recommendation that was recently reiterated by his successor, Ban Ki-Moon in his first report on this matter, presented on 16 April.

The Spanish Government expressed itself along these same lines on 8 February when it stated that it had listened with due and logical interest to an outline of the new initiative presented as a contribution to negotiations leading to a solution of the conflict and, on 6 May in Rabat, in recalling the importance for the Moroccan proposal to be considered in the context of dialogue among the parties in the United Nations framework, aimed at finding a solution pursuant to the United Nations *acquis* as expressed above.

The Government reaffirms at every opportunity, first and foremost in the United Nations, and to all parties involved, its active commitment to helping them find a solution in accordance with the United Nations *acquis*.

(BOCG-Congreso.D, VIII Leg., no. 573, pp. 111–112).

Lastly, on 29 November the Government answered a parliamentary question on the reasons why it has not resumed a position of active neutrality on the Sahara matter. The Government stated as follows:

(...)

The Spanish Government feels legitimately proud of having been able to actively contribute to unblocking the agreement process, as Resolution 1754 is the result of efforts made by the Government over the last three years, in its dual role as a member of the Group of Friends of the Western Sahara and

a privileged interlocutor of the two parties (Morocco and the Polisario Front), neighbouring countries (Algeria and Mauritania) and the principle concerned countries, particularly the United States, the United Kingdom and France.

Through Spanish Government efforts it has become possible first to recover United Nations protagonism, with the naming in 2005 of a new Personal Envoy of the United Nations Secretary-General, and to retain it later by urging for negotiations to be held between the parties under the auspices of the Secretary-General.

This has contributed, ultimately, to bringing the parties to the negotiating table to take on the responsibility of direct negotiations in the framework of the United Nations, the only way to reach a fair and lasting solution.

For this same purpose, the Government has responded to the call by the Security Council to Member States to assist in facilitating the current negotiating process, the third round of which is expected to be scheduled for this Fall, and is following it with hope and caution, and maintaining constructive contact with all the parties and players involved.

Lastly, the Government's support of the agreement process does not stop there, but is accompanied by an unprecedented effort to reduce tension on the ground, through the Government's constant support of confidence-building measures between the parties (250,000 euros in 2006 and 2007) and the half-yearly renewal of MINURSO (United Nations Mission for the Referendum in Western Sahara), against temptations to shorten the length of the mandate and even to terminate it.

Furthermore, it contributes to improving the humanitarian and human rights situation (the Spanish International Cooperation Agency's 2007 budget for Saharawi refugees at camps in Tindouf is 6.5 million euros), inextricably linked to the resolution of the conflict.

Based on all the above, I want to state that the Spanish Government has at no time altered its position of impartiality, but it can be said to have decisively contributed to the launching of a new dynamic in the process through its strong, active commitment to conflict resolution.

(*BOCG-Congreso.D*, VIII Leg., no. 642, pp. 419–420).

2. Middle East

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Cuyaubé, responded on 7 February to a question posed in the Senate on the Government's assessment of the current situation in the Middle East:

...The Middle East is at a critical and enormously serious time that is fraught with dangers and challenges for the international community. Hence, the Prime Minister of Spain, together with the President of France and with the support of the Prime Minister of Italy, took this initiative in Gerona to bring the international community out of its stagnation to become more involved and to help the parties find a definitive solution to the so-called Middle East conflict. Nonetheless, while the international community has become mobilised since

then, we are witnessing a series of initiatives and diplomatic efforts by the U.S. Government, the European Union, and moderate Arab countries and we continue seeing these devastating images, whether in Iraq, in Palestine, or in the Middle East as a whole.

Therefore, the only action that it is up to Spanish diplomacy to take is to continue insisting on the need for more vigorous, more active action by the international community. Spanish diplomacy has therefore mobilised, in accordance with the European Council which set out the points and guidance launched in the Gerona initiative, to make the European Union, as a member of the Quartet and within its scope of action, increasingly more active and to seek peace with greater dedication. Spanish diplomacy has, therefore, in recent weeks, been working very hard in search for peace...

(*DSS-P*, VIII Leg., no. 109, p. 6589).

The Minister also appeared before the Foreign Affairs Committee of the Congress of Deputies on 18 December to report on the Middle East peace process. During this appearance, the Minister explained:

For Spain, peace in the Middle East has long been a strategic objective: all governments of Spain have consistently made themselves available to facilitate and support efforts by the parties and the international community to find a solution to the Arab-Israeli conflict. It was this conviction that led us to host the first major meeting, The Madrid Peace Conference of 1991. Great effort was devoted to starting up a process whose ultimate goal was to seek peace. Since then, Spain has backed the peace process. It has made an important contribution to normalisation between Israel and the Arab countries, for example through the Euro-Mediterranean process launched in Barcelona in 1995.

In recent years, Spain has adopted a whole series of initiatives for peace, including the holding of a new international conference as the best way to get the peace process moving. This was agreed in Gerona last year by Prime Minister Zapatero, the President of France and the Prime Minister of Italy, on the basis of a platform drafted in Alicante with other Arab and European countries. This initiative received the support of the European Union as a whole at the European Council in December 2006. The Annapolis Conference, admirably prepared by Condoleezza Rice, reactivated the peace process with a consensus in line with the terms of the Madrid Conference and, therefore, thus falls within the framework of the multilateral view of international relations with which Spain identifies fully. The emphasis on the central issues in conflict and the global nature of the process had not been present in any of the milestones of the peace process since 1991. There is talk of new meetings, including a possible one to be held in Moscow during the first half of 2008.

...Lastly, there is a commitment regarding project content, which is to create a viable Palestinian State next to Israel, with full guarantees of security for all. This issue has already incited broad consensus among Arabs and Israelis. All those who truly want peace in the region must acknowledge that the solution involves the establishment of a viable Palestinian State next to Israel.

The first tangible result of the Annapolis Conference was precisely the commencement of direct negotiations between Israelis and Palestinians on so-called final status issues. The last official negotiations of this type were broken off seven years ago. Now the parties have, for the first time, set a deadline – end of 2008 – for the conclusion of an agreement on all these issues: the borders and resources of the new Palestinian State, its population – including a fair solution for the Palestinian refugee problem –, their institutions, Jerusalem and its future mutual relations, as well as inevitable aspects of security. The principle that none of the aspects of this status can be excluded from the negotiations has been instituted for the first time. I consider including these issues on the negotiating agenda to be of vital importance because adopting unilateral actions seeking to resolve some of these final status issues would only amount to taking false steps and would not last. We saw this in the conclusions to the European Council of December 2006 and this is also the approach seen at Annapolis. A tripartite monitoring mechanism is also provided – United States – Israel-Palestine – under the control of the United States...

...Another feature of the Madrid Conference of 1991 has happily reappeared in Annapolis after many years. This is the importance given to the peace that Israel also needs to reach with Lebanon and Syria. Spain has made great efforts to stabilise Lebanon with its substantial participation in the United Nations peacekeeping mission there... Furthermore, we have made efforts, together with France and Italy, for a President of the Republic of Lebanon to be named. A stable, independent Lebanon will be better able to meet this challenge. We have also worked so that Syria, which occupies a central position in the grand Arab family, to soon be able to see the fruits of cooperating with the international community in favour of peace. Seeking a solution for the Syrian and Lebanese band is fundamental for Israel and the Arab countries to take the definitive step of mutual recognition.

The Arab peace initiative put forth by the Arab League at its Riyadh summit was the platform that provided for all the Arab countries to be represented in Annapolis. It is necessary to continue to develop this important initiative, set to become a pillar in a renewed political process between Israel and the Arab countries. It could, in fact, be the key to reaching a definitive solution to the Arab-Israeli conflict on all fronts...

This effort is above all up to the parties themselves, but it is a multilateral process that poses challenges to the entire international community... For its part, the European Union has adopted an action plan to contribute to strengthening the Palestinian economy and its institutions at this crucial time in the creation of the new State, and is revising the budgetary instruments used in the past to implement this policy.

The Annapolis project poses great challenges to everyone. Spain's interlocutory capability with all the players will be put to work to achieve the central goal of peace. Spain will continue to be one of the most generous donors to the Palestinian people...

Spain was a pioneer in signing a cooperation agreement with the PLO. During the first ten years of the existence of the Palestinian National Authority, Spanish support to the Palestinian people amounted to over 115 million euros. Over the last four years, the Spanish Government has intensified its efforts and has brought this to 165 million euros. The coming years will require an even greater effort. For this purpose, a new meeting of the Hispano-Palestinian Joint Committee for the 2008–2010 period is scheduled for early January. In direct aid through European Union mechanisms, bilateral projects and support for Palestinian refugees through the UNRWA, Spain has pledged – as I stated yesterday at the Donors Conference in Paris – to disburse over 200 million euros over the next three years. In addition to this there are concessional credits for bilateral projects, providing necessary conditions are met, in the amount of 40 million euros for the next two years. Spain's commitment, therefore, as announced yesterday at the Donors Conference, amounts to 240 million euros and Spain is the second European Union donor country in aid volume, surpassed only by the United Kingdom....

(*DSC-C*, VIII Leg., no. 966, pp. 2–4).

V. THE INDIVIDUAL IN INTERNATIONAL LAW

1. Diplomatic and Consular Protection

In response to a parliamentary question, on 25 October 2007 the Spanish Government reported on consular efforts before Mexican authorities in regard to Spanish citizens:

1. The Consulate General of Spain in Mexico was notified by the Secretary for Public Safety that Spanish citizens M. S. and C. V. had been arrested on 4 May 2006, indicating that they were being held at the Santiaguito prison in the city of Toluca together with 67 other persons for incidents that took place in San Salvador de Ateneo on 3 May. It seems that Ms. S. and Ms. V. took part in a peasant demonstration (*Frente de Pueblos en Defensa de la Tierra* – Peoples Front in Defence of the Land) belonging to the Zapatista movement, that caused serious disturbances of public order.

2. Starting right from the moment they were informed of the two Spanish citizens' arrest, the Consulate General and the Office of the Interior Affairs Attaché of the Embassy took an interest in the matter to find out how they were and also immediately contacted the families, specifically Ms. S.'s mother, Ms. M. T., in Catalonia.

3. The next day, 5 May 2006, the Consul of Spain in Mexico visited Spanish citizens M.S.T. and C.V.F. at the Iztapalapa (Mexico, D.F.) migration station (alien holding centre). During the visit he checked on the condition of the two detainees: Ms. S. was found to have some bruises and Ms. V. had no injury. At the migration station a copy was obtained of the statements each had made

to the Mexican migration authorities and a request was made to obtain the two detainees' medical examination reports.

4. The Consulate General had two safe-conduct passes issued in view of their imminent deportation for carrying out acts of a nature contrary to their status as tourist visitors to the country.

5. The Consulate General did not facilitate a list of solicitors, since from the outset Ms. V. stated she did not want to file a complaint and Ms. S. indicated that her complaint had already been filed by an NGO.

6. The Consulate General attended to them until the very moment they were deported, and the Consul accompanied both until they boarded the airplane to take them back to Spain. Later, Mrs. M. T., mother of Ms. S., contacted the Consulate to thank them for their efforts.

7. Regarding Spanish citizens that are in prison in Mexico and activities undertaken in their regard, in 2004 the number of Spanish prisoners was 24; in 2005 the number dropped to 17, and at present there are 16 Spanish citizens being held in Mexican prisons (as of 31 May 2006). These prisoners have received all assistance that the Spanish Government provides in these cases:

- Periodic prisoner visits
- Offer of the list of solicitors
- Intermediation with families upon prisoner authorization. The Directorate General for Consular Affairs and Assistance and the appropriate Consulate General facilitate the sending of money, medicine, messages and other items families may wish to send.
- Economic aid from the budget of the Ministry of Foreign Affairs and Cooperation that amounts at present to up to 120 euros per month in countries with prisons having health and other conditions below the standard of the Spanish prison system. In the case of Mexico, expenditure in aid to detainees was 7,921 euros in 2004 and 9,288 euros in 2005.
- Application, when requested, for transfer to Spain to serve the sentence in a Spanish prison based on a Treaty between Spain and the United Mexican States on the execution of prison sentences signed in 1987. In 2004 no Spanish citizen availed him/herself of that possibility. In 2005, 3 Spanish citizens requested transfer to a Spanish prison, and were ultimately transferred in 2006.

(*BOCG-Congreso.D*, VIII Leg., no. 626, pp. 225–226).

2. Human Rights

In response to a parliamentary question, on 8 November 2007 the Spanish Government reported on steps taken vis-à-vis the authorities of the Iran in light of the imminent execution of twenty persons charged with adultery or homosexuality:

...the Government fully shares the concern over the general deterioration of the human rights situation in Iran and in light of the death sentences being handed down to a number of people in that country. In this regard, the Ministry of Foreign Affairs and Cooperation has acted on the news of the death sentences

given Iranian nationals for the mere fact of being homosexuals or having “adulterous” or homosexual sexual relations.

So far this year, some 150 people have been executed in Iran, making it appear clear that they will surpass last year’s number of 177 executions. Additionally, available information indicates that the courts have on occasion issued death sentences to minors or for charges such as having adulterous or homosexual relations, which should not be considered a crime in any case.

Furthermore, the European Union has continually made human rights demarches, in application of its Directives on External Policy and Common Security, calling for a halt to executions, the practice of torture and harassment of human rights defenders. These demarches have led to the suspension or revocation of death sentences imposed on some women and children.

On 10 July, the EU issued a statement condemning the stoning to death of Mr. Jafar Kihani and the imminent execution of Ms. Mokarrameh Ebrahimi by the same method, a statement which was followed on 21 July by a demarche to the Iranian authorities. The decision against Ms. Ebrahimi is being reviewed and her sentence may be commuted. The Iranian authorities have assured that “there will not be a repeat of Mr. Kihani’s situation.”

Also, a demarche was made regarding the cases of twenty people sentenced to death for adultery or homosexuality, calling for the executions not to be carried out.

Later, on 3 August, the EU issued another statement expressing its concern over a series of group executions that took place in different regions of Iran over recent weeks and the growing number of death sentences being handed down. In this regard, the EU expressed particular concern over the case of Kurdish journalists Adnan Hasanpour and Abolwahed Boutimar, calling for the sentences to be suspended and for their right to a fair trial to be guaranteed.

All these European Union actions have at all times been fully supported by Spain. Pressure will continue to be exerted on Iranian authorities, both bilaterally and through the EU, to try to prevent the execution of anyone sentenced to death in Iran, particularly in cases of sentences for having had adulterous or homosexual relations, which in no case should be considered a crime.

(*BOCG-Congreso.D*, VIII Leg., no. 633, pp. 206–207).

3. Aliens

In response to a parliamentary question, on 13 June 2007 the Spanish Government reported on the steps it had taken vis-à-vis the Kingdom of Morocco for appropriate compliance with the Agreement on the movement of persons, and the transit and readmission of aliens who entered illegally:

Throughout 2006 and in the months that have transpired in 2007, migration cooperation with Morocco has been markedly strengthened, resulting in, among others, a *de facto* closing of the Ceuta and Melilla borders to irregular immigration, a drop in the number of irregular entries into Spain by boat (40% lower),

and an increase in contracting of Moroccan workers under the Agreement on Migratory Flows.

The highlights of this progress are as follows:

- Consolidation of the Permanent Bilateral Group on Immigration as the central forum for Spanish – Moroccan cooperation in this area.
- Deeper operational cooperation to combat irregular immigration through exchange of information and a sharp increase in joint maritime patrols.
- Special support to Morocco amounting to 10 million euros for improved capabilities for border control and the fight against irregular immigration.
- Speed-up in hiring Moroccan workers under the Agreement on Migratory Flows (2,600 in 2006 and 4,000 projected for 2007).
- Agreement to create 4 Reception Centres for Minors in Morocco and to elevate the current Memorandum of Cooperation on Unaccompanied Minors to the level of an International Treaty.

The VIIIth High Level Meeting (HLM) between Morocco and Spain, held in Rabat on 5 and 6 March 2007, consolidated the path for building a privileged strategic partnership with Morocco in which immigration plays a leading role.

Under this bilateral process, the Permanent Group on Immigration plays a key role. It meets every four months and its work focuses on several areas, including operational cooperation regarding illegal immigration.

The Agreement on Readmission between the two countries, entitled *Acuerdo relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente* (Agreement on the movement of persons, the transit and the readmission of aliens who entered illegally), has been applied provisionally since 25 April 1992, and only contemplates readmission of third-country nationals. Since then, as Morocco points out, the circumstances under which the agreement was signed have changed, as there is now much higher migratory pressure from sub-Saharan Africa than before, and its role as a transit country has grown.

There is continuing dialogue between the two countries on this Agreement in the Permanent Working Group on Immigration. At its last meeting in December 2006, the Moroccan side agreed to study the guarantees that should accompany agreement implementation.

Furthermore, it must be pointed out that Spain is closely following and supporting the European Commission in its negotiations with Morocco to conclude a readmission agreement that would include the other European countries.

It is, nonetheless, important to mention that readmission agreements are quite useful but in a strict sense they are not legally necessary in order for repatriation cooperation to function in practice. This is proven by the fact that readmission of Moroccan nationals who entered Spanish territory irregularly is being carried out in a way that is agreed and satisfactory to our country, despite there not existing any coverage under a bilateral agreement in this case.

Evidence of the results of cooperation that exists in the area of migration is the series of agreements signed at the VIIIth HLM, including the fact that

the prior MOU to prevent emigration by unaccompanied Moroccan minors and their assisted return was elevated.

(*BOCG-Congreso.D*, VIII Leg., no. 567, pp. 112–113).

VI. STATE ORGANS

In response to a question posed in the Congress on the reasons for dismissing 61 Counsellors at the diplomatic missions of Spain in London and Paris, the Government stated the following, on 13 June 2007:

Diplomatic personnel are posted to Embassies and Consulates by the Ministry of Foreign Affairs and Cooperation in accordance with the principle of free designation, under the provisions contained in R.D. 674/1993, on filling jobs abroad and the promotion of members of the Diplomatic Career.

The Counsellor of the Embassy of Spain in Paris, Mr. Carlos Hugo Murillo Gómez, was assigned in April 2005 by the Ministry of Foreign Affairs and Cooperation, by non-binding proposal of the Diplomatic Career Board, and was transferred to Madrid under Article 6 of said Royal Decree, as a result of a series of behaviours in that Embassy that got in the way of the order and running of the Embassy, such as continually questioning the Ambassador's instructions and straining the working environment, which led to the Minister losing confidence in his being able to perform his job.

Counsellor Gaudencio Villas García was assigned by the Ministry of Foreign Affairs and Cooperation, at the non-binding proposal of the Diplomatic Career Board, as Counsellor to the Embassy of Spain in London on April 2006, and was transferred, under the same Article 6 referred to above, to central Ministry services in Madrid, owing to a number of instances of serious lack of consideration shown by this individual to high Ministry officials, which led to the Minister losing confidence in his being able to perform his job in London. The employee later apoloised.

(*BOCG-Congreso.D*, VIII Leg., no. 567, pp. 203–204).

Later, on 24 September, the Government answered a question in the Congress of Deputies on Government actions in Mali and the projected date for the new Embassy of Spain to become operational in that country:

Under the Government's goal of strengthening the foreign policy action of the State, the Embassy of Spain in Mali was created by Royal Decree 611/2006, of 19–05–2006 (BOE 31–5–2006). Later, the appointment of the Ambassador of the Kingdom of Spain to the Republic of Mali was made by Royal Decree 814/2006 of 30–6–2006 (BOE 1–7–2007).

The Chancery of the Embassy of Spain in Mali is fully operational at this time, despite being housed in provisional offices located in a building adjacent to the official residence, while several buildings in the city of Bamako are being evaluated for meeting the chancery's needs, prior to definitive occupation."

(*BOCG-Congreso.D*, VIII Leg., no. 605, p. 1047).

On the same date, the Government referred to Consulates being prepared to comply with reforms in the Civil Code as follows:

1. The draft Bill on International Adoption that was approved by the Council of Ministers on 15 June, contemplates not only a new regulation of international adoption, but also modifies certain articles of the Civil Code on nationality and protection of minors.

The reforms introduced by this draft legislation in international adoption and protection of minors will, in principle, not affect the work of our consulates, which will continue to be the same. The reform of legislation on nationality, to permit grandchildren of Spanish emigrants to have Spanish nationality, if approved, would increase Consular Office workload. The necessary provisions are being made by the Ministry of Foreign Affairs and Cooperation to deal with this.

2. On 19 January, the Government approved Royal Decree 45/2007, modifying the Regulation on the Organisation and Functioning of the Corps of Notaries, updating a text that dates from 1944. Consuls, as they fulfil a public notary function outside Spain, and Notaries in Spain, are affected by this reform, that will involve revising Annex III of the Notarial Regulation, which sets forth the notarial functions of Consuls.

...the Ministry of Foreign Affairs and Cooperation (MAEC) participates actively in the National Commission for the Computerisation of Civil Registries responsible for the design and execution of the INFOREG Programme. The goal of the MAEC is for our Consulates to shortly be in a position to implement the computerisation programme, just as is being done in the Central Civil Registry and the Municipal Civil Registries.

3. The INFOREG Programme provides for interconnection among Civil Registries in Spain, including Consular Registries.

4. Consulates are satisfactorily performing their assigned functions...
(*BOCG-Congreso.D*, VIII Leg., no. 605, p. 1289).

Lastly, on 20 November, the Government responded to a question posed in the Senate on why no draft legislation was submitted to reform the Foreign Services:

The Government fulfilled its commitment to establish an urgent comprehensive Plan to reform and modernise the Foreign Service, by means of the Council of Ministers on 1 September 2006 approval of measures to strengthen the foreign policy activity of the State.

The implementation of these measures is, on the whole, making it possible to improve the foreign policy activity of the State and respond to the major objectives, priorities, instruments and paths of action that will be ultimately systematised by the Law on Foreign Policy Activity and the Foreign Service of the State, whose draft is being worked on by the Government.

(*BOCG-Senado.I*, VIII Leg., no. 827, pp. 177–178).

VII. TERRITORY

1. Territory Division. Frontier

Note: See XI Legal Aspects of International Cooperation

2. Colonies

a) Gibraltar

Note: See VIII.2 Territorial Sea and VIII.5 Underwater Cultural Heritage

Regarding the right to have the Rock of Gibraltar to be returned to Spain, in response to a parliamentary question posed in the Congress, the Government clarified that:

The right to have the Rock of Gibraltar returned to Spain is provided by Article X of the Treaty of Utrecht of 13 July 1713, the full validity of which has been publicly acknowledged on numerous occasions by the British Government in its Parliament, and more recently in the letter sent by the Secretary of State of the Foreign and Commonwealth Office, Jack Straw, to the Minister of Foreign Affairs and Cooperation on 28 March 2006, as well as in the Dispatch by his successor in the Foreign and Commonwealth Office, Margaret Beckett, to the British Governor of Gibraltar, on 14 December 2006, that accompanies the colony's new constitution and has full legal value...

Madrid, 14 May 2007. – The Secretary of State for Relations with the Parliament.

(*BOCG-Congreso.D*, VIII Leg., no. 567, p. 247).

VIII. SEAS, WATERWAYS, SHIPS

Note: See XI International Cooperation

1. Baselines and boundaries

In response to a parliamentary question posed in the Congress of Deputies, the Government reported on the meetings held with the Kingdom of Morocco to delimit the maritime spaces between the Canary Islands and such country as follows:

Spain has been holding talks with Morocco to delimit the maritime spaces of each country since 2003. The Spanish-Moroccan Working Group on delimiting maritime spaces on the Atlantic side has held to date nine meetings, the most recent of which was held on 19 July 2007 in Rabat.

At that meeting, innovative proposals to create spaces of cooperation were made and must be examined and detailed by both sides before resuming the talks. The basis that is being used in the talks is the median line, pursuant to the desire expressed by the Canaries Coalition Parliamentary Group. A representative

of the Canaries Government participated in some of the latest meetings with Morocco as part of the Spanish delegation. To date, no specific text of agreement has been negotiated.

The talks have taken place in an atmosphere of cordiality and good cooperation. Since this is a complex matter affecting the sovereignty of both States, contacts should continue at a good pace, without haste. Consistent with the alternation that has been followed to date, the next round of talks can be expected to take place in Spain on a date as agreed with Morocco.

Madrid, 15 November 2007.-The Secretary of State for Relations with the Parliament.

(*BOCG-Congreso.D*, VIII Leg., no. 648, p. 121).

2. Territorial Sea

Note: See VIII.5 Underwater cultural heritage.

3. Fisheries

Note: See VIII.2 Territorial Sea and XI. International Cooperation

a) Fisheries in general

The Minister of Agriculture, Fishery and food, Mrs. Espinosa Mangana, in an appearance before the Senate plenary to respond to a question regarding Government fishing policy, in particular tuna fishing, stated:

First, I want to say that from the beginning of the legislative term we have shown a resolute, firm commitment to the responsible and sustainable exploitation of fishing resources, in consideration of environmental aspects, economic and social interests and the biodiversity compliance goals for the 2010 horizon, along with a growing social concern, and to dealing with, at best, what others did not, and that corresponds to what the fishing associations expressed to you: "That's all the sea can give". In some cases we have to take measures for quick recovery.

I will begin with tuna fishing The Government's commitment to sustainable fishing is clear in the creation of a fish protection zone in the Mediterranean and a fishing limitation, restricting the fishing capacity of purse seine vessels to six units. These measures adopted by Spain are important because the regulation of the Mediterranean area, while small in comparison to the geographic area covered by the International Commission for the Conservation of Atlantic Tunas, is crucial for the conservation of this species for two principal reasons. First, the demand for red tuna has grown sharply over recent years and this situation has led to excess fishing fundamentally in the Mediterranean Sea, and one of the reasons for this is the high prices paid for this species in the Japanese market. The second is that the Mediterranean Sea has oceanographic features that make it one of the only two zones in the world where this species reproduces. Spain

has asked the European Commission to adopt real, effective measures to protect red tuna, both in the community sphere and in the context of the ICCAT, by strengthening control activities, especially in the Mediterranean Sea.

(...)

At the fifteenth annual meeting of ICCAT held in Croatia in November 2006, a multi-year plan presented by the European Union was adopted to manage red tuna stocks in the eastern Atlantic and the Mediterranean. At the request of the Government of the Basque Country and its fishing associations, the plan respected the traditional live bait fishery in the Bay of Biscay, the Straits of Gibraltar and the Canary Islands, which were also affected and which fished by pole and line, as well as by surface long-line boats in the Mediterranean which combine this fishery with albacore tuna fishing during certain months of the year.

This plan...lasts 15 years, until the maximum sustainable biomass yield is reached...

(...)

Regarding halting red tuna fishing for all community ships, the position of the Government has been contrary to the decision taken by the Commission to close tuna fishing to the community fleet. Since 13 June 2007, with the publication of the regulation that modifies the TAC regulation and the quotas to which I referred earlier, and as regards the plan to recover red tuna, the Member States are responsible for complying with existing rules and the European Commission has the authority and the responsibility to verify compliance and application. In this regard, as I forwarded to Fisheries Commissioner, action was not taken with sufficient speed or effectiveness when in July 2007, as a result of clear indications of over-fishing by French ships corroborated by data provided by France and investigation by community services, the Commission did not close the fishery to that country.

(...)

On the basis of all the above, what we have done is to approach the Fisheries Commissioner to set forth the repercussion of the closure of the fishery on Spanish traditional fleets and to advise him that the Spanish fishing sector has the right to pursue legal and/or economic liability before the Luxembourg Court for the damages suffered. We have demanded that the Commission ensure that such unfortunate events as took place this year will not be repeated in the future. In this regard, starting next year, mechanisms to reassign fishing possibilities must be operational – provided for in community regulations and allowing for compensation to Member States that suffer harm by over-fishing of the community quota for red tuna that took place this year. This means that we will recoup what we did not fish, but not those who over-fished. I have also asked the Commission, in order to prevent similar situations to those that took place this year in the future, to provide the necessary legal guarantees so that in 2008 and successive years the over-fishing of a country's quota for red tuna would not affect others and to allow for any potential penalisation imposed by the ICCAT to immediately affect the sanctioned parties. These control measures

must be specially aimed against industrial Mediterranean purse seine vessels that fish without limit.

(...)

(*DSS-P*, VIII Leg., no. 133, pp. 8343–8345).

Lastly, as regards northern tuna catches, the Minister stated that:

The first thing we find when talking about tuna are very different positions. On the one hand we have the canning sector, calling for increased tuna quotas, over what we have now and, on the other, our fleets, calling for quotas to be maintained. This year we reached a consensus for coming years, and I can tell you that all imports are being monitored. This is a clarification that I make because you referred to the entire sector, including everything from fishery to cannery. And, careful, in the case of northern tuna we are talking about opposing interests when we talk about imports.

(...)

In the context of regular monitoring of northern and red tuna markets, the Secretariat-General for Fisheries has been gathering data and providing advance reporting to the sector on how major market parameters are evolving.

(...).

(*DSS-P*, VIII Leg., no. 133, pp. 8343–8345).

The Secretary-General for Maritime Fisheries, Mr. Martín Fragueiro, in an appearance before the Congress in response to a question on the European Commission's proposal to review fisheries management and hold discussions on the alternative of creating a system of transferable fishing rights, reported that in the European Union:

...there is currently a system, the TAC and quotas, that was instituted when common fisheries policy, the incipient blue policy, was created through Regulation, number 170 of 1983, that marked the beginning of common fishery policy. It established the RSP, or relative stability principle, whereby, based on record TAC or historical community fisheries data, a distribution was made among the ten countries that made up the European Economic Community at the time....Common fisheries policy was reformed in 2002, the 2003–2012 reform, under which we are currently operating. There was talk during this reform of a possible discussion of individual transferable quotas, something the Spanish fishing sector had historically demanded in order to engage in individual exchanges with other colleagues in the European context...

...Rights-based fisheries management is justified in cases in which the resource is not sufficient. Business profitability must be ensured on the one hand, and it must be adapted to the fishing possibilities of each Member State, on the other. This is making it increasingly more common for us to have to adopt management and recovery measures leading to reductions in fishing quotas or fishing days, therefore requiring, the use of an allotment system to guarantee resource recovery on the one hand and economic sustainability on the other. In this context, I want to say that rights-based fisheries management offers biological

advantages because it limits activity and therefore improves the state of fishery resources, and economic advantages, since it allows owners to be able to plan activities at the most profitable times. It also has a negative effect on account of which developing a fishing-rights-based fishery management system might not be a good idea because it could lead to an increase in discards, either because the fisherman is trying for the most profitable catches or because meeting the fishing quota for a species in mixed fishing involves both catching and automatically discarding fish whose quota has been reached.

Spain has broad experience and fleets which receive fishing rights. Remember that the NAFO fleet, namely, halibut, is distributed; the cod fleet, the swordfish fleet, that fish in oceans subject to the TAC quota, at this time only the Atlantic, both the North and South, and last year, this Administration distributed fishing rights under certain quotas for the fleet of the three hundred....

(*DSC-C*, VIII Leg., no. 937, pp. 20–21).

b) Brazil

In response to the parliamentary question made in the Senate on steps to open Brazilian ports to the Spanish fleet that fishes in international waters in that zone, the Government stated:

The intention of the Government is to establish broad fishing relations with Brazil. The objective we are pursuing goes beyond studying possible agreements relating to extraction fishing, to include activities relating to shipbuilding, canning and marketing.

Therefore, the Spanish Government considers it very important that the Spanish fishing fleet operating in the central Atlantic have access to Brazilian ports, given the logistical advantages from such access for such ships, which would lead to, among other effects, a significant lowering of costs, greater operational safety, etc.

Therefore, this issue was brought up in the latest bilateral meeting, at the end of last year....

(*BOCG-Congreso D*, VIII Leg., no. 605, p. 569).

4. Ships

Note: See VIII.2 Territorial Sea and VIII.5 Underwater Cultural Heritage

In response to the parliamentary question posed in the Congress of Deputies on actions taken in support of the ship “Ostedijk,” the Government answered that:

The support that was provided to the ship “Ostedijk” in the emergency that was taking place on board, aimed at preserving the lives of its crewmembers, the ship itself, after being without power and adrift, to protect the environment from the potential consequences of a ship with decomposing freight and adrift, was such as was necessary and sufficient to satisfactorily resolve the emergency with not even minimal harm to persons or the environment. The cost of mobilizing units and resources is covered by the General State Budget

for implementing the National Plan for Special Services to Save Human Life at Sea and Fight Maritime Pollution. The solution of the freight problems by directly applying water on the focus of the decomposition did not require any special expenses to move the freight. The Spanish Government has put in a claim for the expenses incurred in the “Ostedijk” operations to the shipowner through its insurance companies.

The Maritime Administration takes its decisions based on the priorities that arise emerge from the exercise of its jurisdiction and responsibilities. In this regard. The priorities were:

- Protection of human life at sea – the crew was evacuated immediately after the request was made.
- Protection of the marine environment was assured at all times.
- Maritime safety was also safeguarded at all times.
- Additionally, the general interest was served (potential effect on nearby population).

(...)

Madrid, 29 June 2007. – The Secretariat of State for Relations with Parliament. (*BOCG-Congreso.D*, VIII Leg., no. 605, p. 521).

5. Underwater Cultural Heritage

In response to the parliamentary question posed in the Senate on whether the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland or dependent agencies have or have had since 2005 any ship engaged in underwater archaeological exploration or treasure recovery in Spanish jurisdictional waters, the Government reported that:

According to the information at the disposal of the Ministry of Foreign Affairs and Cooperation, the British Ministry of Defence has a contract with the company “Odyssey Marine Exploration” to locate and remove the wreck of the ‘HMS Sussex’.

In 2005, Note Verbale 241/18, of 28 July, to the Embassy of the United States of America, authorised the “Odyssey Marine Exploration” company to engage in operations to identify the wreck of the “HMS Sussex” subject to the terms set forth by the Andalusian Regional Government and the Ministry of Culture. Note Verbale 12/11, of January 2006, to the Embassy of the United States of America, announced that “Odyssey Marine Exploration” should suspend its work due to its non-compliance with the terms as set forth in the above mentioned Note Verbale 241/18, of 28 July.

In 2007 no authorisation was granted to “Odyssey Marine Exploration” to identify the “HMS Sussex” since agreement was only reached between the Ministry of Foreign Affairs and Cooperation and the British Embassy in Madrid on the terms for carrying out the project to identify the “HMS Sussex”, terms required by the Andalusian Regional Government. Said Regional Government was examining the plan submitted by “Odyssey Marine Exploration” when all activity by the company “Odyssey Marine Exploration” (Note Verbale 78/11,

of 22 May) was suspended owing to said company's transfer of archaeological finds from the so-called "Black Swan" project.

Madrid, 9 October 2007.

(*BOCG-Senado.I*, VIII Leg., no. 818, p. 52).

Lastly, in response to a parliamentary question in the Congress of Deputies on the Government's knowledge of the flights undertaken by Odyssey Marine Exploration Inc. from Gibraltar, and their cargo, the Government stated:

While the Gibraltar Airport is a British military airfield located on the isthmus, territory that was never turned over by Spain to the United Kingdom under the Utrecht Treaty or later, Spanish authorities exercise no "de facto" control over same and therefore have no record of the flights or of any cargo.

The Ministry of Foreign Affairs and Cooperation found out about the transfer from Gibraltar to the United States of archaeological artefacts found by the "Odyssey Marine Exploration" company in the operation known as "Black Swan" through a press release issued by the company itself and the subsequent news items that appeared in different media. In order to gather true information, Note Verbale 78/11 of 22 May (copy attached) was sent to the Embassy of the United Kingdom requesting "confirmation of the issue of import licenses to Gibraltar and then of export licenses from Gibraltar to the United States of America for such underwater archaeological artefacts. This is all for the purpose of preserving all potential rights the Spanish Government may have over same and under the United Nations Convention on the Law of the Sea, of 10 December 1982."

Also attached is a copy of Note Verbale 153/07, of 29 May, from the British Embassy in Madrid in response to the Spanish request. The response was insufficient and additional information was sought from United Kingdom authorities on that same date.

Furthermore, we are awaiting response by the United States to Note Verbale 79/11, of 22 May (copy also attached) requesting "confirmation of the transfer by plane from Gibraltar of said artefacts, as well as of the issuance of appropriate customs licenses for entry into the United States."

Madrid, 24 September 2007. – The Secretary of State for Relations with the Parliament.

(*BOCG-Congreso.D*, VIII Leg., no. 617, pp. 55–56).

The Minister of Culture, Mr. Molina Sánchez, in a Senate plenary appearance, in response to a parliamentary question regarding the Government's policy on protecting underwater cultural heritage and on measures taken to prevent potential pillaging, stated that:

...In Spain this protection has been legally ensured for some time now by the Law on Historic Heritage and by autonomous community legislation that sets forth and protects the rights and obligations of the different public administrations. The protection of underwater historic heritage is also covered internationally under the 1982 United Nations Convention on the Law of the Sea, and the

Government of Spain has firmly supported the latest response by the international community to acts of pillage and destruction of underwater heritage by ratifying, on 6 June 2005, the Convention on the Protection of the Underwater Cultural Heritage adopted by the 31st Session of the UNESCO General Conference in November 2001. This agreement has not yet entered into force since only fifteen States have signed it to date, and a minimum of twenty is required, a UNESCO goal that is fully supported by our country.

As regards areas of jurisdiction..., the State and the autonomous communities have clear jurisdiction in the matter under the Constitution and the autonomy statutes. The Minister of Culture is called upon to act in the cases which most seriously affect the protection of the heritage, despoliation, and illicit export, in accordance with Article 149.1.28 of our Constitution. This point was clarified by the Constitutional Court in a well-known decision, 17/1991, establishing that the exercise of State jurisdiction in regard to despoliation must not involve the invasion or voiding of the autonomous community jurisdiction, particularly the exercise of the autonomous community's sanctioning authority in enforcing rules established to protect historic heritage.

In the unfortunate *Odyssey* matter I think it appropriate to point out that, generally speaking, before engaging in any type of archaeological excavation or prospection on land or under water, the prior and express authorisation of the competent administration is required. In this case, it was the Department of Culture of Andalusia, pursuant to the Law on the Historic Heritage of the State and the Autonomous Communities, Articles 6 and 42 of Law 16/1985 and Article 52 of the Community of Andalusia Law 1/1991, of 3 July, on the Historic Heritage of Andalusia.

And, with the information that the Ministry of Culture has gathered to defend the rights and interests of Spain in the judicial proceedings now underway, I can ensure you that the *Odyssey* company at no time during this legislative period had the authorisation of the Spanish public administrations to undertake prospection and removal of a ship's cargo or any underwater excavation.

Nonetheless, the *Odyssey* matter has shown that Spain needs a national underwater archaeological heritage protection plan and, as I announced in my recent appearance before the Committee on Culture of the Congress of Deputies, on 29 August, the Ministry of Culture is resolutely promoting a national plan to prevent the type of illicit actions not desired by any of us, as may be concluded took place in the *Odyssey* matter.

(...)

To date I can report that at our sectorial conference on 30 July last, we already proposed to immediately start working together with the autonomous communities to draft such a national plan. At that meeting it was decided that the Ministry of Culture would draft a proposal to be considered, discussed and approved by the Council on Historic Heritage, in which the autonomous communities are represented, to be implemented as soon as possible...

Lastly, I can confirm that the measures that the Ministry will be proposing will be aimed at the following: to determine the extent of the underwater heritage

through research and documentation work; to select representative sites that, owing to their size and location, can be given specific protection and develop a system for satellite surveillance of areas with high archaeological potential; to promote the specialization of professionals working in this field, including augmenting the personnel involved in this work; to improve the coordination among all the departments with jurisdiction over the sea by establishing a network of underwater archaeological research centres; to establish agreements with other departments to physically and legally protect this heritage, both in our waters and international and third-country waters; and, lastly, I feel it appropriate to mention the Ministry of Culture's resolute support for underwater archaeological research through providing support for the significant work being done by the National Centre for Underwater Archaeological Research in Cartagena and the upcoming opening of a National Museum of Underwater Archaeology there.

(*DSS-P*, Leg. VIII, no. 129, pp. 8022–8023).

IX. INTERNATIONAL SPACES

Note: See VIII.1 Baselines and boundaries and VIII.5. Underwater Cultural Heritage

X. ENVIRONMENT

1. Marine Pollution. Maritime Safety

In response to a question posed in the Group on measures to prevent accidents at sea, particularly those involving ships carrying dangerous cargo, the Government stated on 13 June 2007:

All goods, products, and packaged, packed or bulk substances having the properties provided for substances in the categories set forth in the IMDG Code, as well as any other substance that may be a threat to security in the port area or its proximities are considered dangerous goods.

Due to the international nature of maritime shipping, the measures aimed at improving the safety of maritime operations are more effective if performed under an international framework instead of depending on each country to act unilaterally. The drafting of measures relating to maritime security corresponds, in the case of Spain, to different domains, national and international, and the latter at two levels: the European Union and the International Maritime Organisation.

Internationally, Spain takes active part in the meetings of the European Maritime Safety Agency and the IMO's Marine Environment Protection and Maritime Safety Committees, that are responsible for coordinating the IMO activities aimed at pollution prevention and containment, as well as ensuring shipping safety.

Preventing maritime accidents is the goal of a major part of the international regulations that have been adopted, an accident being the undesirable result of any maritime shipping incident, and this is why hundreds of codes, guidelines

and several conventions have been established. Spain has implemented the provisions of these recommendations and incorporated them almost in their entirety into its legislation...

One of the most relevant agreements for controlling dangerous goods shipped by sea is the MARPOL Convention. It grants coastal States the right to intervene in the event of incidents on the high seas that could cause hydrocarbon pollution and entered into force definitively with its protocol in 1983... Its most recent amendments entered into force on 1 January 2007, and were published in the Official State Gazette on 13 and 14 January 2007.

Additionally, in order to prevent accidents involving ships carrying dangerous goods and to mitigate their consequences, the following codes that are part of the International Convention for the Safety of Life at Sea, and which continue today being amended and transposed into our legislation, were approved:

- International Maritime Dangerous Goods Code (IMDG Code, RD 145/1989, 20 January), first adopted in 1965 (amended several times);
- Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code, 1971);
- Code for the Construction and Equipment of Ships Carrying Liquefied Gas in Bulk, (Gas Carrier Code, 1975);
- International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code, 1983);
- International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code, amended with the latest revision in 2007).

Spain continues to participate actively in the International Maritime Organisation. It currently takes part in IMO Working Groups to develop construction standards based on objectives whose principal goal is to prevent accidents, and in this regard, ships carrying dangerous goods in bulk.

In summary, all international maritime regulations that Spain adopts are for the ultimate purpose of preventing maritime accidents, whether or not dangerous goods are being carried.

In the European scope, Directive 2002/59/EC of the European Parliament and the Council, regarding the establishment of a community system to monitor and report on maritime traffic, abolishing Directive 93/175/EEC of the Council, is an important initiative aimed at implementing a uniform European system to monitor maritime shipping to prevent accidents, exert control over dangerous goods and allow freedom of shipping. This Directive was transposed by Royal Decree 210/2004, of 6 February...

Directive 2002/59/EC seeks, first, to establish a more complete and integrated system of monitoring and information on maritime traffic. It also makes it mandatory to use fundamental technological advances for maritime safety, such as those which provide for automatic ship identification (SIA system) and to record trip data (RDT, or black box system) to facilitate investigations after a maritime accident.

(*BOCG-Congreso.D*, VIII Leg., no. 567, pp. 189–190).

Furthermore, on 27 June, the Government answered a parliamentary question regarding the Ministry of Public Works and Infrastructure's assessment of the latest accidents causing pollution on Spanish coasts, in relation to the use of the Automatic Ship Identification System (AIS):

Since 13 November 2002, date of the "Prestige" oil tanker accident that spilled some 70,000 tons of fuel oil, the only accident to cause pollution on the Spanish coastline on record with the Directorate General for the Merchant Marine was the "Sierra Nava" accident on 28 January last, in which the ship at anchor and went aground.

The assessment is a positive one, keeping in mind that we monitor the passage along our coastline of over 300, 000 ships yearly.

In addition to this low accident rate, it is important to highlight the prompt, effective response to the "Sierra Nava" accident, whereby the crew was immediately rescued and the polluting substances onboard were removed in record time.

As regards the relationship between the accident and the AIS System, this system amounted to an aid additional to radar for detecting ship movement, as well as a way to study the prior movement of the ship.

(*BOCG-Congreso.D*, VIII Leg., no. 576, p. 201).

Additionally, the current status of the environmental activities, the compensation and the legal proceedings relating to the "Prestige" oil tanker accident was the subject of a question posed in the Senate. This questions was answered by the Government on 4 October 2007, as follows:

As a result of the "Prestige" catastrophe, after completing the clean-up, the Ministry of the Environment drafted plans, through the Directorate General for Coasts, for environmental restoration of the different Galician coastal areas affected either directly by the spill or indirectly by the work to remove the fuel oil. These plans were carried out in two phases and work concluded in 2005.

Following that date, affected areas are being monitored both by the Ministry of the Environment, through the Directorate General for Coastlines, and experts from the Centre to Prevent and Fight against Maritime and Coastal Pollution (CEPRECO, acronym in Spanish). Individual corrective actions are being taken based on how things have evolved, particularly at the most affected beaches and environments, such as the O Rostro beach in the Town of Fisterra, which is subject to special monitoring, work and was dealt with in the CEPRECO publication: *Contaminación de las playas por derrame de hidrocarburos. Influencia de la dinámica marina* ("Beach Pollution from Hydrocarbon Spillage. Influence of Marine Dynamics").

Furthermore, the through the National Parks Foundation, the Ministry for the Environment engaged "Technical Assistance to Evaluate and Monitor Damage from the 'Prestige' oil spill to the National Park of the Atlantic Islands and other protected areas of community importance", that concluded in December 2006.

Attention was paid to the effects of hydrocarbons on all relevant species from a point of view of biodiversity protection and also those which serve as a resource of socioeconomic interest for the coastal populations.

Also included was a proposal of measures needed to reduce damage and minimise its effects, as well as to promote the recovery of affected areas.

As regards damages awarded, Royal Decree-Laws 4/2003 and 4/2004 established a system of advance payment of damages by the State that private parties affected by the accident could claim from the International Oil Pollution Compensation Funds (IOPC Funds) or any other judicial or extra-judicial body.

Real Decree-Law 4/2004, approved in July of this year, provided an endowment of funds that was sufficient to pay pending damages, of which only one-third have been paid out to date.

To receive such damages, application had to be made as set forth in said regulation before 31 December 2003, and two evaluation systems were used:

- Damages subject to objective estimation. These include persons who receive grants under the provisions of Royal Decree-Laws 7/2002, of 22 November and 8/2002, of 13 December.

Almost all the fishermen's guilds affected by the "Prestige", both in the Cantabrian Sea and in the Atlantic, have signed compromise agreements with the General State Administration. Such agreements involve compensation for damages to over 19,000 affected parties with directly sea-related occupations (fishermen, shellfish gatherers, net makers, etc.), and here over 88 million euros has been paid out.

(...)

- Damages able to be directly determined. This system assesses the real value of the damage caused by the "Prestige" accident.

- Regarding the affected parties that were covered under the system of direct determination:

Compromise agreements were signed with 15,329 persons and payment of some 70 million euros has been made. Payment is pending of only a small number of claims by individuals and corporate entities – less than 10 – whose cases are being reviewed because the claimants did not agree with the amounts offered and submitted new documentation backing their claims.

- Agreements with Public Administrations

The Ministry of Economy and Treasury signed agreements with nearly all the affected Public Administrations, except for four municipalities in Galicia: Burela (1,800 €), Cervo (19,000 €), Moaña (12,200 €) and Noia (17,1006 [sic] €).

(...)

Regarding the status of the court cases derived from the «Prestige» accident, the following is reported:

1. Proceedings at the COURT OF THE FIRST INSTANCE AND EXAMINING COURT OF CORCUBIÓN.

Preliminary Proceedings 960/2002 continue to be underway in this Court, without any order having been handed down to date.

2. Proceedings at the SOUTHERN DISTRICT COURT OF NEW YORK.

The process is still in the discovery process, in which evidence considered necessary for the best defence of the interests of the Kingdom of Spain continues to be presented. Also, at the end of 2004, the Spanish State modified the *petitum* in two ways: First, it increased the claim amount to approximately one billion dollars and, second, it broadened the action to include two new companies belonging to the ABS group: ABS Consulting and ABS Group.

(*BOCG-Senado I*, VIII Leg., no. 787, pp. 71–72).

In the area of maritime safety, the Government responded to a question in the Congress of Deputies on 20 November on measures aimed at ensuring compliance with community legislation on environmental protection and maritime safety in the case of the “New Flame” freighter collision with the “Torm Gertuud” oil tanker in the proximity of the Rock of Gibraltar. The Government stated the following:

The Coastal State must establish the Maritime Traffic Systems and Control Provisions in agreement with the other countries affected and, where appropriate, subject to the approval of the International Maritime Organisation.

Maritime traffic monitoring with Algeciras is well established through the Algeciras Monitoring Centre.

Investigation of the accident by the competent body will establish the technical causes and circumstances involved. When such circumstances are known, we will be able to determine whether there was a violation of law regarding maritime safety or pollution.

To ensure compliance, such measures as are permitted by law, specifically Law 27/1992 on State and Merchant Marine Ports (Articles 112, 126 and subsequent), are being contemplated.

The matters referred to, including coordination among the ports pertaining to the maritime safety zone, are included among the environmental impact and maritime communications issues that are expected to be dealt with in upcoming meetings of the Forum of Dialogue on Gibraltar.

(*BOCG-Congreso.D*, VIII Leg., no. 637, p. 386).

Lastly, the Government responded to a question in the Congress of Deputies regarding measures to promote initiatives in the European institutions aimed at establishing a mandatory insurance system to ensure full assumption of liability in the event of pollution-causing accidents at sea:

...It is pointed out in this regard that as regards European institutions, the Spanish Delegation has actively promoted and participated in the adoption of measures aimed at the earliest possible entry into force of the Complementary Fund approved by the 2003 Protocol of the 1992 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. By means of this Instrument, victims of an accident are covered up to 750 million Special Drawing Rights, equivalent to 1,120,837,500.00 U.S. dollars, or 865,311,124.84 euros (exchange rates referenced to 16 January 2007).

It is also important to point out the active participation of the Spanish Administration to obtain the entry into force of other International instruments

regulating the civil liability and financial guarantees of shipowners, such as the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (“Bunker Oil” Convention) and the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention).

(*BOCG-Congreso.D*, VIII Leg., no. 516, p. 155).

2. Climate Change

On 21 February 2007,. the Minister for the Environment, Ms. Narbona Ruiz, answered a question at the Senate Plenary session regarding the measures the Government was planning to take to reduce carbon dioxide emissions, the schedule for their implementation and compliance with the Kyoto Protocol. The Minister stated the following:

...the first measure adopted in fulfilment of the commitment made by Prime Minister Mr. Rodríguez Zapatero himself in his investiture speech was to create an interministerial group on climate change policy, which is a type of Government delegate committee on this matter. It is chaired by the Minister of Economy and Finance and, in addition to the Ministry for the Environment, the other members are the so-called economic ministries and the Ministry of Foreign Affairs.

This interministerial group on climate change has adopted measures to date that have been approved...I want to remind you that since the beginning of this legislative term at least 12 decisions have been taken, which I will proceed to list. First, there was the approval of the first law in Spain to limit greenhouse gas emissions by industrial companies, Law 1/2005, the legal basis for the two national assignment plans: the 2005–2007 National Assignment Plan, still in force, and the proposed 2008–2012 National Plan.

These, therefore, are three basic elements approved by the Government, with the second national assignment plan pending approval by Brussels.

Then, the Government adopted a package of urgent measures to implement the energy saving and efficiency strategy...

Also, last year our country’s already existing Renewable Energy Plan was revised upward...

Another measure approved last year was the Technical Building Code, which is a good example of the fact that while the Government of the Nation may approve measures, in order for such measures to be fully successful we need the cooperation and involvement of other administrations. The Technical Building Code mandates that no new housing be built without including thermal solar energy and no new multi-unit building be built without photovoltaic solar energy, but the entity that grants the licenses for buildings to be built is not the National Government. This is a very clear example of how, beyond the measures provided by the Government, we need the clear involvement of other administrations.

Furthermore, the Government has initiated a plan to reduce emissions at our nation's largest and most polluting combustion plants... Also, very recently a decree was approved on the energy rating of new buildings – this too springs from the transposition of European directives – strengthening what the Technical Code already establishes in terms of energy efficiency.

In addition, the Government has instituted a series of measures with their associated budgets in order to augment the reduction effort being made in our country by investment made outside Spain, which correspond to the so-called clean development mechanisms. In this case, in addition to creating the Ibero-American Network of Climate Change Offices in 2004 and having already signed nineteen agreements with third countries, it is important to recall that the Government has devoted 315 million euros to creating or carbon funds or participating in existing ones...

A social dialog panel has also been created at a confederal and sectorial level, with participation by trade unions, management and the Government, to analyse in each case whether the measures that we adopt to fight climate change have any negative effect on employment or business so as to prevent, where necessary, any such effect, and also as an opportunity to view how the fight against climate change is generating more employment in Spain...

And, lastly I will refer to a measure which has not been given its full due, although I believe there must be acknowledgement of the Government's efforts to stop using the price of electricity for demagoguery by reducing the price of electricity rate while the costs of energy sources used to produce electricity in Spain are on the rise...

(...)

...development in Spain has been bad in terms of energy intensity, and the low rate of renewable energy use as compared with potential use. We have ended up where we are now: at the tail end of the European Union. And this is something the Government seeks to correct...

I will now discuss the proposed strategy that we have presented both to the National Climate Council and to the autonomous communities. This is a proposal still in the discussion phase at this time, to provide for one of the requests indicated in your remarks: social participation. This, of course, is why we have a National Climate Council...

I forgot to mention one of the measures that the Government has already adopted: the start-up of the Spanish Network of Cities for the Climate, in which there are now 130 municipalities committed to reducing emissions. This year the first evaluation will be made as to whether they are complying or not with this commitment, because it's not a question of joining something just on paper, but of taking effective action.

(...)

I can also tell you that the Ministry of the Environment has begun working with the Ministry of Public Works and Infrastructure and the Ministry of Industry on what will be a basic law on sustainable mobility, another of the things we have been asked to do.

As regards the procedure that the proposed strategy will follow, it is not only a matter of the National Government specifying measures, but we also approach this as a document to promote maximum responsibility being taken by autonomous communities and, of course, municipal governments. We expect that all the autonomous communities will draft their own strategies over the coming months; some have already done so or are doing so, and others have not yet. It is important to involve the autonomous administrations as much as possible in this process.

I forgot to mention also that last year the National Plan for Adaptation to Climate Change was adopted, a work plan that links the Government of the Nation to the autonomous communities and regarding which we have already had initial progress by specifying the impact of climate change on Spain, which clearly should serve as a basis for decisions to be made by the appropriate parties....

(*DSS-P*, VIII Leg., no. 111, pp. 6732–6734).

The Minister of the Environment also spoke on 4 October to the Senate Environment Committee, in response to a question on the strategies and measures being planned by the Government, in coordination with the European Union, in relation to catastrophes and other effects of climate change:

...As regards adaptation to climate change in Spain, I can tell you that in 2005 we presented the first report on the evaluation of the impact on and the vulnerability of Spain to climate change, resulting from a study by a number of experts, many of whom are also working with the United Nations Intergovernmental Panel on Climate Change. We then presented the National Plan for Adapting to Climate Change to all the autonomous communities; this is the national plan that was approved by the National Climate Council in June 2006 and submitted to the Council of Ministers in October, also of last year.

This National Plan for Adapting to Climate Change covers all the phenomena that are derived from global warming, taking also into account the fact that Spain is located in one of the most sensitive areas, the most sensitive in the European context, and one of the most sensitive in the northern hemisphere...

In addition to this, as experts have been alerting us for some time now, climate change can affect human health, the various ecosystems and, at the same time, have a major impact on activities such as agriculture and travel. Therefore, the National Plan for Adapting to Climate Change deals with all these issues strategically; it seeks to offer maximum knowledge on these matters to all the agents involved so that informed decisions can be taken...

Since October 2006, when the Plan was approved by the Council of Ministers, we have been dealing with matters relating to water resources, biodiversity, and coastal areas in collaboration with the autonomous communities. Also, since then, through a collaboration agreement with all the autonomous communities, we have added an area of research, development and technological innovation relating to health and climate change, and forests and climate change. Therefore, even prior to the European Union's presentation of the Green Paper on

Adaptation to Climate Change..., we have provided ourselves with a general working framework for research and proposals relating to the effects of climate change.

Working to adapt to climate change involves mitigating climate change and at the same time reducing greenhouse gas emissions. In this regard..., last year was the first year in which in Spain, with an almost 4 percent growth in gross domestic product, reduced greenhouse gas emissions. The Government, therefore, is advancing on two fronts: adaptation and mitigation.

(...)

Lastly, Spain has promoted the drafting – which is underway- of the Ibero-American Programme on Adaptation to Climate Change, in which we are collaborating with all the climate change offices in the region and also trying to be able to directly help these countries, for example, regarding early warning systems, through the National Meteorology Institute, and transmitting experience that I believe to be valuable in all these fields.

(DSS-C, VIII Leg., no. 511, pp. 20–22).

On 24 September, the Government answered a question in the Congress of Deputies on its assessment of the fact that projects based on the use of Clean Development Mechanisms (CDM) may have a positive impact on countries where they have been implemented, as follows:

Spain has come out as one of the countries most in favour of the Clean Development Mechanism (CDM), and acknowledges the role of such a mechanism as an instrument in international action against climate change. The Government of Spain considers the CDM a fundamental cooperation instrument in the framework of international action against climate change owing to its ability to foster low carbon economies while at the same time intensifying economic and technological cooperation, simultaneously generating wealth and prosperity in local communities.

It is important to point out that the goal pursued by Spain through its public investment in flexibility mechanisms is twofold. On the one hand, we seek to obtain cost-effective carbon units, to facilitate compliance with Spain's Kyoto Protocol goals. On the other hand, our objective is to simultaneously contribute to sustainable development in countries receiving investment through clean technology transfer in the geographical areas of priority interest of Latin America, Eastern Europe and North Africa, as well as countries with which Spain has signed Memoranda of Understanding (MoUs), in which environmental criteria are assessed together with others to prioritise such projects, based on the fact that they produce measurable benefits for sustainable development. No more than 30% of such Spanish public investment is made in any one country and no more than 20% in a single project, thereby guaranteeing equitable investment distribution.

Furthermore, let me point out that the Designated National Authority (DNA) to assess Spain's voluntary participation in CDM projects, in addition to giving priority to projects that promote energy saving and efficiency and ensure

correct environmental waste management, as these are the ones that generate greater direct benefit for the local community where the project is undertaken, a requirement is included that requires the project not to have any negative social or labour impact, meaning that technology to be transferred must be innocuous or beneficial to the environment, that public project financing, where appropriate, must not involve diverting funds from Official Development Aid (ODA) items, and if such aid is involved, that it must follow the OECD DAC (Development Assistance Committee). Lastly, another requirement for projects is that they must provide public information that is accessible to local interest groups, whose comments and suggestions must be collected, and there must be a follow-up of any publicity campaign or mandatory consultation as may be established by these countries.

Lastly, for these reasons, Spain is committed to working to design a post-2012 structure, based on a broadened Clean Development Mechanism approach, so that using these type of mechanisms will also involve commitment to the sustainability and economic development of the local populations that benefit from such projects.

(*BOCG-Congreso.D*, VIII Leg., no. 605, pp. 1073–1074).

3. Desertification

Additionally, the specific problem of desertification was the subject of a question posed in the Congress of Deputies on measures to implement the United Nations Convention to Combat Desertification, signed by Spain. The Government responded on 29 November 2007, as follows:

Soil fixation and waterway regulation provide for maintaining and enhancing the protective role of woodlands against desertification in the framework of sustainable management.

Therefore, the Ministry of the Environment's Directorate-General for Biodiversity has signed specific agreements with the autonomous communities (13 in 2005 and 2 in 2006) leading to a number of investments being carried out in waterway and woodland restoration, erosion control and combating desertification. The objectives of these investments are:

- To protect soil against erosion and desertification;
- To control flooding and water provision;
- To provide dynamic planning for the hydrographic basin focussed on sustainable, comprehensive management of natural water, soil and vegetation resources.

A number of different actions are being taken to achieve these objectives, with special importance being given those that involve reforestation, are aimed at establishing protective, soil-fixing plant cover that tolerates extremely dry conditions, provides for greater water economy, and bears the ecological tensions derived from climate change.

These actions, supported to a large extent by European Union aid, are being implemented in accordance with the National Plan for Priority Action for Water-

way and Woodland Restoration, Erosion Control and to Combat Desertification, which sets forth the basic framework for action and established priority or most urgent action areas, and provides advance information and assessment on possible actions, including hierarchisation and programming.

(...)

With regard to the study of the advance of desertification, and in addition to some concrete work on specific matters, the Directorate-General for Biodiversity has been working since 2006 on the *Inventario Nacional de Erosión de Suelos* (National Inventory of Soil Erosion, INES, acronym in Spanish), to identify, quantify and map digitally and graphically the principal soil erosion processes underway on national territory, as well as their evolution over time, which is done on a continuing, cyclical basis every 10–12 years, with precision at a scale of 1:50,000. This process makes it possible to continually be updating both basic cartography and field data, and to make appropriate comparisons over time.

(...)

Furthermore, it is important to point out that to prevent soil erosion and desertification, the Directorate-General for Biodiversity is taking emergency action to ecologically restore the waterways and woodlands in the areas of Spain affected by serious fires, with special reference to the fires suffered this year in the Autonomous Community of Galicia.

(...)

The *Programa de Acción Nacional contra la Desertificación* (National Action Programme against Desertification, PAND, acronym in Spanish) has been revised this year to provide a desertification diagnosis that makes it possible to determine the distribution and intensity of the problem in Spain in greater detail. New content has been included in the Programme, including the most recent actions taken in sectors linked to desertification.

The revision process will make it possible to apply advances from the international scientific community and different agencies that have been working on desertification evaluation and diagnosis...

(*BOCG-Congreso.D*, VIII Leg., no. 642, pp. 450–452).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. Development Cooperation

a) General Lines

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Cuyaubé, in an appearance before the International Development Cooperation Committee of the Congress of Deputies informed on the strategic guidelines for Spanish cooperation as follows:

...in September 2000, the United Nations General Assembly adopted the so-called Millennium Development Goals by acclamation. In the resolution, the Heads of State and Government assembled in New York underlined that, for the first time in the history of mankind, hunger and poverty are not an inevitable result of the effects of nature, punishment for original sin or a consequence of scarcity, no. For the first time, mankind has the wealth and the means necessary to eradicate these biblical plagues and what is lacking is social organization and redistribution, and the political will to do so. This central idea, the definition of the 21st Century's most important challenge, was again contained in the Millennium project report edited by Professor Jeffrey Sachs, that will serve as a basis for reflection and the resolution by the 2005 Millennium Summit...

...Our generation shall be judged in the future above all for what it did in the fight against poverty and disease, or, more specifically, if you like, on whether it was able to reduce the number of persons who live on less than one dollar, go hungry or lack drinking water by 50 per cent; make all children be able to complete primary education; reduce infant mortality by two-thirds and maternal mortality by three-quarters; stop epidemics like AIDS and malaria; make foreign debt sustainable in the long term; integrate developing countries into the world economy through an open trading and financial system capable of redistributing the impressive wealth accumulated in the world; ensuring for all human beings for being just that, global public goods such as peace, security and the environment. These are the Millennium Goals. Their purpose is to establish the physical basis for universal access to citizenship that will make democracy possible for all peoples. In other words, there exists an individual and collective right to development that includes, together with civil and political rights, economic, social and cultural rights, not the utopia of the past but the horizon of progress of tomorrow. We are living in turbulent times, but the 500 billion dollars that world governments spend yearly on weapons and armed forces have never brought peace in and of themselves. However, if 16 billion dollars are invested in fighting extreme poverty, with the scientific knowledge that is available and applying a multidimensional strategy and global cooperation, it is possible to eradicate it in a generation. It is necessary, therefore, to increase Official Development Aid to 0.7 per cent of the world's gross domestic product.

(...)

...I will now proceed to set forth the main features of the Government's cooperation policy. First, this Government was elected by the citizens with a mandate to reach 0.5 per cent of gross domestic product in Official Development Aid, by the end of the legislative term, and this Government is going to do so. This is not just a figure; behind it is an entire social solidarity movement... As a symbol of the strides we have made over these past three years – from 0.22 or 0.23 per cent –, this 0.5 per cent that we are going to achieve through the efforts of everyone by 2008 also contains a demand that for the Government to commit to reaching 0.7 per cent in the next legislative term.

Second. This Government was elected with a mandate to transform the social cooperation aid as a whole, both decentralised and official aid, into a coherent policy of development aid committed to the Millennium goals and objectives, and has done so. This was what the Council of Ministers did on 28 January 2005, when it approved the 2005–2008 Master Plan for Spanish Cooperation, the text of which arose from a broad consensus among the different cooperation players: Official Development Aid oriented more strongly toward compliance with the Millennium goals, greater expenditures in basic social services and a significantly upward trend in aid to lesser developed countries of sub-Saharan Africa, without diminishing our presence in Latin America or North Africa. We are cooperating in Asia for the first time, and in 2007, 95 per cent of our Official Development Aid will be non-reimbursable, grant aid, and 5 per cent will be reimbursable. There has been a significant increase in our emergency humanitarian aid and development sensitivity.

Third. This Government was elected with a mandate to reconstruct a broken social consensus and to provide for cooperant rights in a framework ensuring dignity and decent conditions for performing their volunteer work and has done so. The Council on Cooperation has recovered protagonism. Royal Decree 2217/2004 mandates it to issue an annual report on the consistency of our Official Development Aid. The Cooperant Statute has been approved. It contains the main demands of this sector and recognizes the important social and political work through the establishment of the Cooperants' Day.

Fourth. This Government was elected with a mandate to promote a policy of peace and to fight poverty as the focal point of its action abroad, and it is doing so. The Prime Minister led two strategic initiatives, the Alliance against Hunger, together with President Lula, and the Alliance of Civilizations, with Prime Minister Erdogan. We have adopted a policy of initiatives to review development aid instruments in the United Nations High Level Group and in the framework of European Union community development policy, where three innovative conclusions on effectiveness, coherence and complementarity have been passed. We have passed a Law on Culture for Peace that we now have to implement. We have increased our presence and contributions to multilateral institutions and agencies very significantly, whereby, for example, our voluntary contributions have grown by 450 per cent, seeking needed international synergies to comply with the Millennium goals and objectives, and at the same time engaging in best practices in International Official Development Aid.

Fifth. This Government was elected with a mandate to improve the quality of our Official Development Aid, making it reliable through planning and able to be evaluated using the most stringent international criteria, and we are doing so. We have adopted and implemented the principles of the Paris Declaration for reforming and modernizing our cooperation mechanisms and instruments. The current 2005–2008 Master Plan provides, for priority countries, for drafting country strategy documents and, for preferential countries, special action plans. This year, in just a few days from now, 32 Special Action Plans and the country strategy for Haiti will be presented...

...Above all, we have built a broad consensus, but there are three more challenges we should be concerned about and where need to make special effort.

The first is on effective multilateralism in development cooperation. To be consistent with our analysis of globalization, of the interrelatedness and complexity of the problems affecting mankind as a whole and the need for a collective solution, the real time has come to overcome any false illusions or petty patriotism in regard to development policies...

The second major challenge pending is our understanding of and relationship with others. Allow me to refer to this in terms of anthropology, such as in radical humanism... We need qualitative change, first, to accept and then to identify with those who up to now have been "the others." More specifically, I am referring to emigrants. Let's speak clearly here, our Official Development Aid, no matter how much it contributes, how much it grows and is effective, will not be justifiable in relation to the moral and political imperative of the XXIst Century that I have referred to if we are not successful in dealing with the problem how emigration is dealt with in the countries of origin, in the fight against trafficking in persons, and above all, in the reception and integration as citizens of the people who come to live and to work among us while at the same time being a decisive development factor in their countries through their remittances. Policies to regulate emigration and development policies are two different spheres that should not impact upon each other, but they will only reach needed synergy through a qualitative change in our attitude regarding "the others."

Lastly, our third challenge is to develop a new, deeper and more committed consensus in our treatment of foreign debt and the management of development debt. We now have Law 38/2006, of 7 December. To break the development cycle of underdevelopment, to use my generation's terminology, a new international approach is needed to make the poorest countries' access to international sources of financing sustainable in the framework of their domestic endogenous development programmes. As you all know, we participate in the HIPC Initiative, and we have made significant efforts to condone debt amounting to 1,438,270,000 euros, as the Secretary of State for Economy explained a short time ago in full detail to this Committee. We must do more, however. The Government has committed itself to presenting new draft bills during this legislative term to regulate both the Development Aid Fund and CESCE credits. Above all, we must do more in programmes to convert debt into productive investments and social capital in indebted countries. We have signed ten conversion programmes during this legislative term, amounting to 272 million euros, making us the second country in the world in this field. However, we must find the way to achieve synergies by new programmes to convert remittances into social and productive investment and debt cancellation policies that contribute even more significantly to the 0.7 per cent objective in the upcoming legislative term...

(DSC-C, VIII Leg., no. 788, pp. 2-4).

Also, the Minister of Foreign Affairs, appearing before a later meeting of the Committee on International Development Cooperation of the Congress of Deputies and regarding Government policy in the fight against poverty, reported that:

...For the Government of Spain, public development cooperation policy is an essential foreign policy element. Its principal objective, to fight poverty, is considered as not only the need to overcome the lack of minimal income but also the aspiration to extend rights...

...this governmental policy is fuelled by participation, dialogue and consensus-seeking by all the social players involved therein. Since 2005, with the approval by consensus of the II Master Plan 2005–2008, Spanish cooperation is receiving a major impetus to transform it into a public development policy that goes beyond just a group of grants and is oriented towards complying with the Millennium objectives and goals as the main but not the sole point of reference. To comply with the Monterrey commitment and subsequent agreements, this Government has made considerable efforts to increase resources for development cooperation. Ladies and gentlemen, our country is already a leader in the level of effort being made in 2006 in resources to fight poverty. We are second only to Ireland worldwide in regard to budget increase in this regard. The commitment to reach a level of Official Development Aid equivalent to 0.5 of the gross domestic product in the 2008 budget amounts to doubling our cooperation in 2007 in relation to the year we took power in the government. The 2007 General State Budget confirms that our country will have doubled its Official Development Aid before the end of the legislative term. Today we are able to say that our country will be able to achieve the goal of 0.7 per cent of gross domestic product by 2012...

(...)

...The Government is committed to an active, selective, and strategic multilateral policy. This involves engaging with international development organisations in a decided and coordinated manner. To do so, just like other similar States, Spain has aligned itself with the overall development programme set forth in the Millennium goals. One of the principal advances is focused on increasing our voluntary contributions, which have multiplied by 450 per cent, going from 19 million euros in 2005 to 118 million euros in 2007. We are devoting special attention to the United Nations system by markedly increasing our voluntary contribution to all its agencies, fivefold in the UNEP and the UNDP and even sevenfold in the FAO and in the WFP, in addition to making contributions to agencies in which we did not have a presence, such as Unhabitat.

I want to highlight the creation of the Spain-UNDP Trust Fund to achieve the Millennium goals. This fund, endowed with 528 million euros up to 2010, will support United Nations reform through the One UN Initiative in seven pilot countries and with innovative programmes presented jointly on the ground by several United Nations agencies in seven thematic areas to advance the achievement of the Millennium objectives. These involve economic governance, gender equality, empowerment of women, basic social services, economic and private

sector development, environment and climate change, culture and development and conflict prevention, and peace consolidation...

Spanish cooperation has also participated actively in creating new financing mechanisms. Since 2006, Spain has committed to providing 12 million dollars annually over the next twenty years to the international financial facility for vaccinations. Our country is the only one that has made a legally binding commitment to make contributions to this facility over a long period of time. During 2007, Spain contributed 15 million euros to Unitaïd. Through all these contributions, Spain is pressing for new cooperation mechanisms to finance development to be created that facilitate the participation of private capital in development policy.

...Most of the lesser developed countries are in sub-Saharan Africa. Africa, as the Prime Minister pointed out in the recent Euro-African Summit held in Lisbon, offers chilling figures that do not allow us to look the other way any longer. The average life span in Africa is 46 years, half that of Europe; 2,800 Africans die each day from malaria; two out of every three persons with AIDS are African; one hundred million African children do not attend school. In the face of these realities, Spain has decided to act and has done so in full collaboration with the Portuguese Presidency in preparing the above mentioned Euro-African Summit, including the presentation by Prime Minister Zapatero of a long term pact between the African and European continents based on three pillars: a priority effort aimed at equalization, the best capital that future generation can inherit; creation of jobs for young people so that they will not have to follow in the wake of the ten million Africans of their generation who today live in Europe; and the construction of infrastructure, which has an enormous multiplier effect on development...

Latin America continues to be the top priority region for Spanish cooperation. 2006 saw Official Development Aid to the region reach a record 813.3 million euros...

Spain has also not been alien to the debt cancellation initiative undertaken by the multilateral financial institutions presented by the G-8 at the June 2005 Glen Eagles Summit. Spain has shown total support for the initiative and has worked to make it fairer and more efficient. More specifically, Spain has been the main promoter of including the Inter-American Development Bank, which initially fell outside the G-8 proposal. This ensures equal treatment of highly indebted Latin American countries, such as Bolivia, Nicaragua, Honduras, Guayana and now also Haiti...

(*DSC-C*, VIII Leg., no. 957, pp. 2–5).

The Secretary of State for Cooperation, Ms. Pajín Iraola, in an appearance before the Committee on International Development Cooperation to discuss the 2007 Annual International Cooperation Plan, stated that:

Our country's policy on development cooperation and the fight against poverty in its recent development sets forth five main pillars that are also the pillars of this annual plan. First, ... regarding consensus among players; second, the increase

in aid volume; third, achievement of quality and effective action; fourth, and closely linked thereto, policies that are consistent with promoting development; and, fifth, effective multilateralism ...

(...).

(DSC-C, VIII Leg., no. 754, p. 2).

2. Assistance to Developing Countries

Note: See XI.1. General lines and XI.4.Terrorism

a) Latin America

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Cuyaubé, in an appearance before the Committee on Ibero-American Affairs of the Congress of Deputies to report on the XVIIth Ibero-American Summit of Heads of State and of Government held in Santiago (Chile) on 8–10 November 2007, explained that:

...the central theme of the summit was social cohesion. Social cohesion is at the centre of policy discussion in practically all the countries in the region which, it is true, hold different positions and points of view on this subject. The summit, at which all Ibero-American conference member countries were represented at the highest level, with the exception of the presidents of Cuba, Mexico, Dominican Republic and Panama...was able to overcome these differences in approach and position and reach consensus on a document that included social cohesion criteria of great value to the common Ibero-American heritage.

The complexity and breadth of the concept of social cohesion posed an initial issue question of the approach in order for what was agreed at the summit to be able to be translated into concrete results on the one hand, and on the other, for different States to make specific commitments in this field and place social cohesion at the centre of their public policy. Recent history has shown that economic growth in and of itself does not guarantee advances in social inclusion and that for this to take place States must play an active role. Ibero-America is currently experiencing sustained economic growth and we want to take advantage of this favourable situation to achieve a social leap forward with improvements in education, health, and general social welfare.

...the Santiago Declaration contains a series of principles that countries commit to placing in the centre of their national policies for achieving a higher degree of social cohesion along with an action plan containing more specific commitments to implement it on a more immediate basis.

I will now refer to some aspects of what was agreed in Santiago. First, in the context of social cohesion, the lack of access to drinking water and treatment must be a central issue...

Second, as proposed by Spain, the Ibero-American Secretariat-General has been asked to carry out a study for a Ibero-American cohesion and solidarity fund to be created. Inspired by the European experience, this would be an instrument to promote Ibero-American solidarity and enable progress to be made

towards equalising social and economic conditions in Ibero-America. This would strengthen the idea of Ibero-American citizenship, as well as lead to political collaboration among Ibero-American countries.

(...)

Third, the signing of the multilateral Ibero-American Social Security Convention is, without doubt, one of the most important achievements, not only of the Santiago Summit, but also in the context of the whole Ibero-American summit process that since 1991. The signing of the agreement by the heads of State and of Government also provides for continuity with the central theme of the last Montevideo Summit on Migration.

From a social rights perspective, migratory movements can increase the social risk of citizens who move outside their country. The diversity of models and the lack of coordination among national systems preventing the totalization of contribution periods in different systems, as well as the requirement of a minimum contribution period in order to be entitled to rights means in many instances that people may be unable to exercise a right to a benefit. All of this makes workers more vulnerable in the regard to social contingencies.

The scope of application of the convention extends to the Ibero-American community as a whole, and is applicable on a personal level not only to workers who are nationals Ibero-American countries, but also to third-country nationals who work in any of the States parties to the convention. Furthermore, the convention does not imply the disappearance of bilateral or multilateral agreements entered into at a sub-regional level, provided they are more favourable for the beneficiary.

Fourth, for the purpose of improving the effectiveness of the response to problems stemming from natural catastrophes – two of the Heads of State were unable to attend the summit owing precisely to natural catastrophes and the same thing happened at the previous two summits – that affect Ibero-America, on many occasions these natural catastrophes are a logical result of climate change and therefore the Ibero-American Secretariat-General has been asked to call a meeting of national experts to consider the possibility of establishing a simplified Ibero-American mechanism to deal with natural disaster emergencies and contingencies.

The fifth aspect I would like to point out refers to one of the most outstanding aspects of the summit, and that is the Ibero-American initiative on mobility of masters and doctoral students aimed at improving the training of young scholars, to be named the Pablo Neruda programme...

The sixth point I will refer to is the Ibero-American Literacy and Basic Education Plan for Youths and Adults, that grew out of the mandate issued at the fifteenth Ibero-American Summit, in 2005.

The seventh aspect to discuss and which the Summit of Heads of State and Government sought to highlight is the importance of the cultural charter as an essential instrument in the promotion of culture and its essential role in social cohesiveness. In this context, we must underline the designation of 2008 as

the Ibero-American Year of Museums and the adoption of the Ibero-American cooperation initiative, Ibero-museos.

Eighth, I want to refer to the issues of gender and exclusion, that were central issues at the Santiago Summit. A ministerial meeting on gender has been instituted, the Quito Gender Agenda was adopted and the Ibero-American Secretariat-General has been instructed to collaborate with Member States to create an equality observatory devoted to strengthening gender equity and equality policies. The decision was reached to name 2008 the Ibero-American Year Against all Forms of Discrimination, underlining the need to promote human rights and in particular the right to non-discrimination and social development.

(...)

...The Santiago Summit took place on the eve of an historical event of special importance, to which I referred in my appearance two months ago: the commemoration of the bicentennials of the independence of Ibero-American republics...

(...).

(DSC-C, VIII Leg., no. 532, pp. 2–3).

The Government, in response to a parliamentary question posed by the Congress of Deputies regarding Minister of Foreign Affairs and Cooperation Moratino Cuyaubé's visit to Cuba and its results, stated that:

The Secretary of State for Cooperation accompanied the Minister of Foreign Affairs and Cooperation on his visit to Cuba on 1–3 April last...

The main purpose of the Minister of Foreign Affairs and Cooperation's visit was to conclude the normalization of contacts with the Cuban authorities initiated by the Council on General Affairs and External Relations suspension in January 2005 of measures taken in June 2003, as well to deal in greater depth with some aspects of bilateral relations between Spain and Cuba. At the same time, it was also to reinforce the relationship with other sectors of Cuban society, including internal dissidents.

To fulfil these goals, agreements were reached during the visit to reinstate a number of instruments in the political, development cooperation, cultural cooperation and economic relations spheres.

In the political field, Spain and Cuba agreed to establish a permanent bilateral mechanism of political consultations, to include dialogue on human rights, in which it was expressly stated that no issue would be excluded a priori, pursuant to the European Union Guidelines on human rights dialogue.

In the cooperation sphere, a Statement was signed on renewing development cooperation that had been suspended under the measures imposed by the EU in June 2003. For this purpose agreement was reached to hold a Mixed Commission during 2007 to define the priorities for such cooperation. Agreement was also reached to begin negotiations to recover the Spanish Cultural Centre in Havana.

In the economic field a new Agreement on Reciprocal Investment Protection and Promotion will be signed shortly to replace the one currently in force, and

agreement was reached to begin negotiations to put an end to the debt problem that Cuba has with Spain.

As regards meetings, these were basically the same that were held by the Minister of Foreign Affairs and Cooperation.

Madrid, 12 July 2007. – The Secretary of State for Relations with the Parliament. (*BOCG-Congreso.D*, VIII Leg., no. 605, p. 700).

b) The Mediterranean

Note: See XI.2.c) Africa, XI.3. Immigration and XI.4. Terrorism

c) Africa

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Coyaubé, appearing before the Foreign Relations Committee of the Congress of Deputies to give an assessment of Plan Africa, reported:

... The first goal was to strengthen democracy, peace and security. Under its Plan Africa commitments, Spain has devoted special efforts to contributing to peace, democracy and security on the continent. In this context, Spain is a relevant participant in different initiatives: first, the Eufor Mission, with the contribution of a Spanish military contingent to support the first democratic elections in the history of the Democratic Republic of the Congo; second, in the International Contact Group for Guinea Bissau; third, in the African Union Peace Agenda, to which our country has become one of its main contributors, with 900,000 euros committed in 2006; also in the ECOWAS/CEDEAO programme to control light weapons, with a contribution of 700,000 euros, under the Memorandum of Understanding I signed with the Chairman of the CEDEAO Commission during the visit I made to the organisation's headquarters in December 2005, and lastly, in the ministerial roundtable for Western African countries on the new legal framework for the fight against terrorism, held in Madrid in May 2006, at which over 25 ministerial delegations participated.

The Government has also paid special attention to the conflict in Darfur (Sudan), probably the bitterest and bloodiest conflict among those that continue to devastate Africa. In September 2004, coinciding with the Spain's United Nations Security Council presidency, I visited the region and committed to reinforcing our support for the victims and a definitive resolution of the conflict. Since then, Spain has been collaborating both bilaterally and through the European Union with the AMIS peace mission, and between 2004 and 2006 channelled 18 million euros to the Darfur region through NGOs and multilateral agencies. Spain's opening last year of an Embassy Khartoum has given us the ability to be interlocutors and provided us with information on the ground, as well permitting us to provide better support to the Spanish community there, consisting for the most part of humanitarian workers.

The second objective of the plan was to contribute to the African development agenda. In the area of development cooperation, Spanish Official Development Aid to Africa has taken an unprecedented leap forward both qualitatively and

quantitatively. Official Development Aid for the sub-Saharan region and directly managed by the Spanish International Cooperation Agency has surpassed Plan Africa expectations of 90 million euros, reaching 100 million euros in 2006, in contrast to the 33 million euros devoted in 2003. At the same time, the total amount of Spanish Official Development Aid to the subcontinent exceeded 450 million euros in 2006, in contrast to only 250 million in 2003. In just three years cooperation with the sub-Saharan region, the poorest region on the planet, has not only tripled, but new countries have also been included under the master plan, and basic development cooperation agreements have been reached with Cape Verde, Guinea Bissau, Senegal, Mali, Ethiopia and, in the near future, with Niger. Furthermore, in the framework of the effective multilateralism advocated by the Government, budgetary aid has been provided to World Bank, NEPAD, UNDP and European Investment Bank funds for creating jobs, promoting gender equality, strengthening institutions and African infrastructure development. Furthermore, Spain will invest 240 million dollars over the next 20 years in a pilot fund to finance vaccination projects in less advanced countries, most of which are in sub-Saharan Africa, that have made considerable debt exchange efforts, joined the Education For All Fast Track Initiative and has committed to providing 60 million dollars to the Global Fund to Fight AIDS, Tuberculosis and Malaria, a figure similar to its contribution over the three previous years. Spain has also promoted innovative initiatives, such as the Women for a Better World meeting...

The third objective of Plan Africa was migration cooperation. As regards migration, Spain's leadership in both Europe and Africa has been undeniable. Spain has advocated adopting a comprehensive approach whereby the fight against illegal immigration and human trafficking organisations would go hand-in-hand with facilitating mechanisms for hiring sub-Saharan workers in their place of origin with full guarantees and the application of active integration policies, reinforcement of the ability to manage migration and promotion of co-development actions. Actions taken in the area of migration by the Government have been developed along three vertices: bilateral, European and multilateral. Bilaterally, framework agreements on migration cooperation, or new generation agreements, so called because they surpass the narrow, ineffective model of former agreements focused exclusively on readmission, were signed with Gambia, Guinea-Conakry and Mali. There is commitment to signing agreements with Niger, Cape Verde and Senegal in the near future. Negotiations with Ghana, Guinea-Bissau and Cameroon are well advanced. Furthermore, agreements to fight organised crime have been signed with Cape Verde and Senegal, and negotiations have commenced on agreements with the other countries in the region. In the area of border control to fight irregular immigration, through coordinated action between the Ministries of Foreign Affairs and of Home Affairs, but, above all owing to relationships of greater trust that have been established with sub-Saharan counterparts, numerous repatriation operations have been carried out. In 2006, over 6,000 irregular sub-Saharan immigrants, mostly Senegalese nationals, were returned to their countries of origin, in what was an effort with precedent in

any country similar to ours. Furthermore, joint surveillance and patrol missions have been carried out in Mauritania and Senegal under the coordination of the European agency Frontex, that have intercepted and prevented the departure of many boats carrying illegal immigrants.

In the European context, since the European Council held at Hampton Court in October 2005, Spain has been working to promote the development of a true European immigration policy with special emphasis on Africa, which has taken shape in the adoption by the European Council of December 2005, of the Global Approach to Migration: Priority Actions in Africa and the Mediterranean; the inclusion for the first time in the conclusions of the December 2006 Council of a global European policy on migration, of all the elements making up a common migratory policy, in accordance with the concerns and interests of Spain; the holding in Madrid of a meeting of the Ministers of Foreign Affairs and Home Affairs of the eight Mediterranean countries belonging to the EU, which gave rise to the new strategy on EU external border management; the establishment of the European Agency for External Borders, Frontex, and its first operation in the Canary Islands, Hera I, followed in Cape Verde and Senegal by Hera II and Hera III; preparation to start up four new European Union funds for borders, asylum, return and integration as of January 2007, with a volume of over 4 billion euros for the 2007–2013 period.

In the multilateral sphere, the Rabat Conference on Migration and Development held in July 2006, promoted by Spain together with Morocco, was an outright success both in terms of participation and content, as it established the basis for a model for cooperation between Europe and Africa to meet the challenge of immigration from an agreed, global perspective. In 2007, Madrid will host a follow-up meeting of said conference. Spain also participated with principal delegations – both Minister Pérez Rubalcaba and me attended – in the Euro-African Conference held in Tripoli last November, following the lines of the Rabat conference with a continental approach.

The fourth objective of Plan Africa was to implement the European Union strategy regarding Africa. Spain has been one of the principal promoters of the European Union's global, long term strategy for Africa, as approved by the European Council in December 2005, as well as of its transformation into a joint European Union-Africa strategy, to be adopted at the second European Union-Africa Summit to be held in late 2007 in Lisbon. In fact, our country has stood out in its advocacy of resuming the dialogue at the highest level between Europe and Africa, suspended since the first summit in Cairo in 2000, as a catalyst for the construction of a true partnership between the two continents.

The fifth objective of Plan Africa is to promote trade and investment exchanges. Under Plan Africa, the Minister of Industry, Tourism and Trade in 2006 promoted the Plan to Promote Business in sub-Saharan Africa, which contemplates reinforcing Spanish foreign economic aid to Africa on three specific fronts: encouraging business cooperation, intensifying economic exchanges and promoting investment projects that create jobs.

The sixth objective is cultural cooperation. 2006 saw the opening of Africa House in Las Palmas, the result of cooperation between the Ministry of Foreign Affairs and Cooperation and the autonomous and local Canaries authorities. Africa House is one of the most emblematic projects of Spain's new African policy. Its main goal is to achieve better knowledge of the African reality, promote cultural dialogue and exchange between Spain, Europe and Africa, overcome stereotypes and prejudice and, definitively, bring Africa and Spain closer together. In regard to language, the Memorandum of Understanding that I signed last April with the President of the Spain-African Union Commission recognises the importance of the Spanish language as a present and future language in Africa and establishes the commitment to provide technical and financial support for both a Spanish department in the pan-African organisation and the creation of an African languages academy in Bamako.

The seventh objective is political and institutional outreach. Noteworthy efforts have been made to intensify the political dialogue with sub-Saharan countries, that has made it possible to reach an unprecedented level of trust and contact. This has been achieved owing to a series of initiatives such as visits by Her Majesty the Queen to Senegal and Cape Verde; by the Prime Minister to Senegal, the first by a Spanish Prime Minister to sub-Saharan Africa in over fifteen years, and the visit by the first Vice President to Kenya and Mozambique. For my part, I have made six trips to the sub-Saharan region, in which I have visited Sudan, Equatorial Guinea, Ghana, Angola, Mozambique, Nigeria, Niger, Mali, Cape Verde, Gambia, Mauritania, Guinea-Conakry and Senegal. And there has been no lack of visits to Spain by African authorities, including the presidents of Senegal, Nigeria, Equatorial Guinea and Mali, the prime ministers of Niger and Guinea-Bissau and the presidents of the Commissions of the African Union and the Economic Community of West African States...

...furthermore, Plan Africa identifies a series of priority countries, specific interest countries and special monitoring countries. Tangible progress has been made with all these countries in terms of dialogue reinforcement, agreement, and cooperation. I would like to take time now to go into more detail in the case of Equatorial Guinea, which is on the list of priority countries, as could not be otherwise based on our historical, cultural and family ties. Based on the affection and solidarity that the Spanish people have for Equatorial Guinea, the Government is maintaining an active, constructive attitude towards the major challenges that this country faces. The Government and, in particular, this Minister of Foreign Affairs and Cooperation, has made efforts right from the start to reinstate a climate of cooperation and trust, quite damaged through tensions and misunderstandings in previous times, in order to promote real advancement of the democratic principles of political pluralism and the respect for human rights and public freedoms in Equatorial Guinea...

In conclusion..., I feel it is not exaggerated to say that we have entered a new phase in relations between Spain and Africa, and have put an end to a painful historic deficit. This is how it has been perceived and assessed by our European and African partners. The keystone in Spain's new African policy is,

undoubtedly, the spirit of solidarity and accountability. Looking to the past and assessing what has been achieved since the beginning of this legislative term, it can be said that Spain and the sub-Saharan countries have become partners in confronting common challenges such as poverty, the management of migratory flows, the consolidation of peace and the neutralisation of potential terrorist threats, among many others. In just barely two years, Spain is now where it belongs with regard to Africa, in view of its relative weight in the international community, its geographical proximity and the convergence of interests.

(...).

(*DSC-C*, VIII Leg., no. 767, pp. 5–8).

d) Asia

The Minister of Foreign Affairs and Cooperation, Mr. Moratinos Cuyaubé, in an appearance before the Foreign Affairs Committee of the Congress of Deputies, to assess the Asia-Pacific Plan launched by the Prime Minister in December 2005, explained that:

...this is a State plan that is open and being constantly adapted to the pace of change in the area, and subject to consensus. We are showing through our deeds that Asia is a Spanish foreign policy challenge that is being met effectively and in pursuit of results. We are doing this first by guaranteeing our political presence and visibility in Asia and the Pacific. We are making unprecedented efforts to open new embassies. In addition to the two that are already up and running in Kabul and Wellington, another three are slated to open soon: Phnom Penh, Colombo and Dhaka, amounting to a 40 per cent increase in embassies in the area since the beginning of the legislative term. In addition to this we have opened new consulates general in Bombay and Canton, trade offices in Bombay, Defence and Interior Offices, and the six new Cervantes Institutes. The Cervantes Institute in Beijing has already opened, and the ones in Shanghai, Seoul, New Delhi, Tokyo and Sidney will soon be opening their doors. At the same time, we are undertaking a schedule of high level visits and contacts at a pace and frequency that I would dare say have never been undertaken to date. State visits to and fro have been taking place quite satisfactorily...

Secondly, we seek to continue to provide special support to our business community and their business and investment initiatives in Asia and the Pacific. We are working very actively with the Secretariat of State for Trade to institute integrated market development plans with China, Japan, India, and very recently South Korea, particularly through our bilateral fora and panels and through Spain Years in China. Our export capability is a priority foreign policy action that has acquired special significance in the Asia and Pacific region, where major opportunities exist, but where we are up against our principal allies who are also our main competitors. 60 per cent of the world's population lives in Asia and this population will increase to two-thirds of the total by mid-century. With sustained economic growth now over the last two decades, Asia is also the most dynamic region on the planet...

It is generally thought that the driver of world growth will continue to be the Pacific coast, and more specifically the Asian side. This is the view of APEC leaders and has been perceived as such by European investors. Many opportunities exist, but the first to take advantage of them will handily overtake those who arrive second. Spain cannot afford to miss out on this opportunity once again. The political will exists, as does renewed business enthusiasm. Recent successes in fora with China and Japan evidence this. An important aspect dealt with in the Action Plan is that of triangulation. The Ministry of Foreign Affairs and Cooperation is very interested in establishing cooperation with countries such as China, Japan, Korea, the Philippines and India, that have shown special interest in working with Spain in Latin America. The field opening up in this area is quite large and we must take advantage of the political willingness expressed by these nations to enter into joint strategies to work together in an area in which Spain has a presence and to which it has paid special attention...

Thirdly, we seek to support Asian integration by strengthening our common strategy with our European Union partners in the ASEM framework and in the dialogue mechanisms the European Union has established with the region in its open dialogue with ASEAN. Our participation in regional fora and in the European Union dialogue mechanisms with the region has grown exponentially. It is not only a question of participation at the highest level in the summits and international meetings scheduled between the two blocks, but we are submitting a growing number of initiatives, owing to inter-ministerial coordination that is as new as it is effective. In this context, the Alliance of Civilizations initiative has achieved the strength and projection sought through inclusion of this in the final declaration of the Summit held last year and its having been taken on by the UN Secretary-General. We are in debt to the major Asian countries like Indonesia, Pakistan, Malaysia and the Philippines for their support of this initiative that seeks to offer a new approach to relations with Islam, an issue that is understood and identified with by most Asian countries, many of which have a Muslim majority. Just recently the forty-four ASEM countries endorsed the initiative during the Helsinki Summit, with amounted to particularly important backing of this project by the Euro-Asian community. Spain, for its part, co-sponsors the inter-religious dialogue that countries such as Indonesia are promoting in the framework of the ASEM.

At the same time, as set forth in the plan, we are facing new foreign security challenges, with special attention to combating terrorism, organised crime and illegal migration. Our collaboration with the regional anti-terrorism centres in Indonesia, Malaysia and Singapore and cooperation with Thailand, the Philippines and Australia are examples of the growing interest on both sides in strengthening a facet of foreign policy that has acquired special significance since the brutal attacks of 11 September and 11 March. On this point, allow me to say a few words on our action in Afghanistan, beginning with my condolences to the Idoia Rodríguez's family owing to her death just a few days ago and my recognition for all the Spanish military personnel that are working for peace in Afghanistan. Spain has made a commitment to the Afghan people and the

international community to consolidate the country's governability, reconstruction, and viability under the United Nations mandate and in the framework of the Atlantic Alliance, a long-term effort and commitment in close collaboration with our partners and allies, in accordance with the strictest international legality, embodied by a military and civilian presence under difficult conditions, of which Spain and its government is deeply proud. Notwithstanding the growing protagonism that the Afghans themselves must assume, the economic and social stabilisation and development of Afghanistan is also an unprecedented effort for our diplomacy and development cooperation, which, in close coordination and with the support of our Armed Forces is implementing a policy of reconstruction, security and institution-building in the country through a provincial reconstruction team and a forward support base in the western region. Spain intends to maintain this presence during the political phase starting after the January 2006 London Conference and the commencement of the Afghanistan Pact, a document which sets forth the mutual commitment of the international community and the Afghan Government. Spain pledged 150 million euros over a five-year period, to be basically devoted to reconstruction, health, gender, governability and institutional support projects in the country, especially in the province of Baghdis.

Fifth, the Ministry of Foreign Affairs and Cooperation, together with all the central, autonomous and local administrations, is making great efforts to support development in the least developed areas, as well as paying special attention, in addition to the above mentioned effort in Afghanistan, to the victims of natural catastrophes, such as the tsunami and the earthquakes in Pakistan. New countries are being targeted to receive our cooperation, such as Cambodia, Timor and Bangladesh, while maintaining current levels of aid to priority countries for development cooperation in the area such as Vietnam and the Philippines, and to special attention countries, some of which suffer from the aftermath of the tsunami, such as Sri Lanka and Indonesia.

Sixth, we seek to continue promoting culture and education. As I mentioned at the beginning, six new Cervantes Institutes will be opened...

Seventh, the action plan aims to be more active in protecting human rights, as one of the fundamental vectors of Spanish foreign policy in general, and in regard to Asia in particular. I do not want to overlook, in this regard, the steps taken by many Spanish authorities as coordinated by the Ministry of Foreign Affairs on behalf of the Spanish and Philippine citizen Francisco Larrañaga, who has benefited from the unprecedented decision in Asia, taken by President Macapagal, to abolish the death penalty in the Philippines. I want to express my congratulations for such a brave and timely decision which, as the president herself acknowledged on her recent visit to Madrid, was made partly in recognition of Spain's own action to abolish capital punishment. Furthermore, we are being particularly careful to promote policies to correct the precarious status of women, prostitution and the abominable human trafficking in slavery conditions taking place in many areas. Examples of this are active policies in Afghanistan, with gender projects in Cambodia and Pakistan, represented by

the brave, risk-taking efforts of women such as Somaly Mam y Mukhtar Mai, respectively, and promoted by our Cooperation Agency and our Government, as stated by the First Deputy Prime Minister, whom I encourage and support.

Ladies and Gentlemen, at this point I would like to make a special mention of the recent rescue of the Marine I off the coast of Mauritania, with 229 shipwrecked Indians aboard. The Government has responded to this crisis by placing humanitarian law above all, that called for prompt and effective assistance to be provided to the nearly 400 persons onboard...

An eighth objective to which Ministry of Foreign Affairs and Cooperation is giving very special support is that of bringing foreign policy closer to the people, fundamentally using for this purpose the fora and panels...

(...).

(DSC-C, VIII Leg., no. 767, pp. 3–5).

The Government, in response to a parliamentary question in the Congress of Deputies on Bilateral Cooperation with Pakistan, reported:

After the meeting held on 24 April in Madrid between the Prime Minister and the President of Pakistan, our two countries committed to opening a new phase in relations, to be characterised by greater development and deepening of bilateral cooperation.

The two parties agreed to intensify their consultations and promote cooperation in international organisations and multilateral fora in order to jointly face global threats and challenges, especially terrorism, radicalism, drug trafficking, illegal immigration and trafficking in persons.

Both parties agreed that the implementation of the Protocol on Bilateral Consultation, signed in Islamabad on 7 March 2006 by the Minister of Foreign Affairs and Cooperation of Spain and the Minister of Foreign Affairs of Pakistan, has institutionalised bilateral political dialogue and promoted contacts and visits between the parties.

(...)

Furthermore, Pakistani officials were provided with a draft Agreement to combat crime and terrorism, on which to begin negotiations aimed at signing a Cooperation Agreement to fight organised crime, terrorism and illegal immigration, and providing for mutual cooperation and technical assistance. The current Home Ministry deployment in Pakistan will be reinforced through the creation of an Office made up of a representative of the National Police and of the Civil Guard, which will enhance information exchange and allow for increased working contact between the State Security Forces and the Pakistani Police.

Madrid, 8 June 2007. – The Secretary of State for Relations with the Parliament. (*BOCG-Congreso.D*, VIII Leg., no. 605, p. 804).

3. Immigration

Note: See XI.1. Development Cooperation and XI.2. Assistance to Developing Countries

In an appearance before the Justice Committee of the Congress of Deputies, the Attorney General of the State (Mr. Conde-Pumpido Tourón), stated:

...jurisdiction to try the, let us call them, boat drivers, the chiefs of the immigration mafia organizations that are bringing people in illegally to work, sometimes for sexual reasons, to be abused, but who are picked up outside jurisdictional waters. Back in 2006, the Office of the Attorney General, in addition to legislative reform, that we feel to be quite advisable because it would certainly clarify the issue to which this report refers, in its Circular 2/2006 of 27 July, stated expressly that we understood, and were therefore notifying all public prosecutors of the state, that counter to any isolated criteria of any court in the Canary Islands, the state public prosecutor must continue to defend in court the jurisdiction of Spanish courts to try these organised crime leaders, because we feel there are sufficient legal grounds to consider that while they may be outside Spanish jurisdictional waters there is jurisdiction to do so. This matter has been taken to the Supreme Court, whose ruling was, I believe, in favour of this position held by the Office of the Attorney General and it will be definitively clarified through legislation. Therefore, the Office of the Attorney General was aware of this problem, as aptly referred to by the Honourable Deputy, and in a circular in July 2006 we instructed the public prosecutors of the state to work to affirm Spanish jurisdiction in this matter.

(...)

(*DSC-C*, VIII Leg., no. 936, pp. 27–28).

The Government, in response to a parliamentary question in the Congress of Deputies regarding measures adopted regarding illegal or irregular immigration by the Euro – African Ministerial Conference on Migration and Development reported:

The Ministerial Euro-African Conference on Migration and Development convened at the initiative of the Ministers of Foreign Affairs and Cooperation of Morocco and Spain, arising out of the serious incidents involving sub-Saharan immigrants at the Spain-Morocco border in Ceuta and Melilla last autumn, was held in Rabat on 10 and 11 July. 58 countries located along the migratory routes from western and central Africa to the European Union, and 23 organisations participated. The Conference approved a Political Declaration (Rabat Declaration) and an Action Plan that contains some 60 measures aimed at promoting a synergy between migration and development, opening channels for legal emigration and encouraging cooperation to combat irregular immigration and trafficking in persons.

The Conference was inspired by one overriding idea/force: the need to provide an urgent, operational and integrated response to the challenge of irregular migratory flows into Europe from central and western Africa. These are relatively homogeneous migratory flows, characterised by economic and social motivation, the use of structured routes and the precariousness of the conditions for reaching European territory. These are flows that have crystallised into a real migratory system, and have given rise to a “migration industry” managed by organised crime networks. The added value of this regional approach is rein-

forced by the presence in this part of Africa of regional integration organisations, such as ECOWAS and CEMAC, and by the existence of major migratory cooperation between the European Union and its member countries and the countries of western and central Africa. All these factors made the institution of a true partnership feasible between THE countries of origin, of transit and of destination, enabling the causes and manifestations of the phenomenon of migration to be approached in a concerted and integrated manner, while at the same time attending to the imperatives of flow monitoring and development in the countries of origin.

In the area of flow management, the main objective of the Euro-Africa partnership is for all countries to have a consistent migration policy and the institutional and logistical capabilities needed to implement it. Each country has sovereignty over its territory and the Conference did not seek to impose supranational control mechanisms on them. However, by its very nature, emigration has a transnational dimension and no migratory policy can be effective or viable without taking into account the others. Therefore, what the Action Plan seeks to do is to open up channels for operational cooperation and promote complementarity, and therefore, effectiveness of migratory policies while dealing in a balanced manner to the different sequences of the migratory process, to wit, emigration, immigration, integration and return, both voluntary and forced. In this regard, emphasis was also placed on reinforcing the logistical capabilities and the physical and human resources of the countries of origin and transit, measures for police and judicial cooperation development to combat irregular immigration, promoting cooperation for returning irregular immigrants to their countries of origin and, in particular, on establishing circular, temporary emigration and fighting in destination countries against structures that promote the irregular employment of immigrants.

The other major area of action in this partnership is the promotion and use of the evident synergies between migration and development.

It is true that there is no mechanical correlation between development and migration. The economic take-off of a society may lead, in an initial phase, to greater emigration, just as it is often not the most needy who emigrate but rather the best prepared, with the pernicious result of human decapitalization that is being suffered by most African countries. Nonetheless, it must be acknowledged that ultimately the differences in expectations of well-being between the different societies are the principal drivers of emigration, and explain the apparent paradox that many African countries are both the origin and destination of migration flows.

From this perspective, the Action Plan poses a twofold objective: the first is to ensure that the migration dimension remains a priority in national development plans and cooperation policies between European and African countries. The second is to extract all the potential of emigration as a autonomous factor for development and innovation for the societies of origin and destination. In this respect, the Action Plan offers an extensive range of cooperation initiatives and modalities covering all the dimensions and sequences of the relationship

between migration and development. Of particular note is the reinforcement of governance and administrative and judicial capabilities, identification of job-creating projects in emigration zones, tripartite cooperation, reducing the cost of remittances, creating micro-credit funds, collaboration from the Diaspora, and the adoption of measures to prevent a brain drain and foster the return of students to their countries of origin.

This Conference, therefore, puts forth a regional cooperation model which, owing to the integrated way in which it deals with all the dimensions of emigration, and in particular the relationship between migration and development, through involving the countries of origin, of transit and of destination along certain migration routes, and owing to its operational and practical intent, is unprecedented in the Euro-African context. It is an inclusive model that seeks to complement other migratory initiatives, both African and European, that can contribute to enriching the continental dialogue between Africa and the European Union, and the Global Dialogue on Migration and Development in the framework of the United Nations.

The initiative is framed more specifically by the renewed European Union policy on Africa, which has materialised in the Strategy for Africa and the Global Approach to Migration: Priority Actions Focusing on Africa and the Mediterranean, adopted by the December 2005 European Council. Both documents constitute the most complete expression to date of EU migration and development policy regarding Africa and confirm that the stability and prosperity of the African continent are now one of the European Union's main priorities.

In summary, the Conference established the foundations upon which all countries involved can build a migration model that deals in a balanced, consistent way with the different dimensions of migrations and the close relationship between migration and development.

In this context, marked by the search for common interests between European and African countries in the area of migration flows, it would not have been very realistic to expect the Conference to establish specific measures for Spain in general, or for Ceuta and Melilla and the Canary Islands in particular, or for the 58 countries and the 23 international organisations present in Rabat. What the Conference offers, however, is the political commitment to and framework for cooperation that each country can use to deal with the specific problems posed by irregular migration flows from Africa. In the case of Spain, the Government, through the Ministries of Labour and Social Affairs, Home Affairs, Justice and Foreign Affairs and Cooperation, is preparing a catalogue of the Action Plan projects of special interest to our country on the basis of criteria of effectiveness and operability, of synergy among immigration and development cooperation policies of Spain, on the inclusion of priority African countries from the viewpoint of irregular immigration, and of the involvement of the European Union and Africa organisations responsible for the free circulation of persons, such as the ECOWAS. The Ministries involved have already made an initial selection of projects, whose viability will soon be determined on the basis of technical and budgetary availability, and the possible cooperation by countries and the organisations potentially involved in carrying them out...

(...)

The Spanish Government, which for over a year has been leading the quest within the European Union for a framework for dialogue to deal with the challenge of Euro-African migration in an integrated way, is truly committed to implementing the Action Plan. Although the Plan is not legally binding, the Spanish Government has taken significant steps bilaterally to implement an immigration policy that is in line with the "Rabat spirit." Measures taken over recent months include the "new generation" Migratory Cooperation Agreement with pertinent sub-Saharan countries, an increase in official development aid to Africa to 600 million euros in 2007, contributions to different Western Africa development funds (promotion of the rights of women, institutional reinforcement of sub-Saharan countries, infrastructure development and establishment of a regional micro-credit fund), sensitivity campaigns, creation of centres to manage legal worker flows, police cooperation to monitor the coasts of Western Africa and strengthen the ability of African countries to fight illegal emigration and trafficking in persons.

Multilaterally, the Spanish Government intends to promote the holding of Euro-African thematic meetings throughout 2007 and to implement projects with a regional effect in the principal areas of cooperation as identified in the Rabat Conference Action Plan.

Madrid, 19 December.-The Secretary of State for Relations with the Parliament. (*BOCG-Congreso.D*, VIII Leg., no. 496, pp. 555-557).

The Government, in response to a parliamentary question in the Senate regarding immigration agreements and European Union immigration policy, reported:

First, I can inform you that Spain, as a member state of the European Union, does not enter into agreements, but rather applies current legislation and European Union immigration policy.

The Amsterdam Treaty (1 May 1999) established community jurisdiction over immigration and asylum. After that Treaty was established, the European Council of Tampere (October 1999) agreed to create a Space of Freedom, Security and Justice. Under the Amsterdam Treaty and in order to achieve the goals established in Tampere, a number of legislative decisions have been taken and political agreements reached in this area.

Currently, the Hague Programme (adopted at the European Council of 4-5 November 2004) succeeds the Tampere Programme and marks the end of one cycle and the beginning of another. The Programme ratifies the importance the European Union places on the Space of Freedom, Security and Justice and gives it high priority on the EU agenda.

The Programme establishes the framework and the objective principals for the next five year. It sets forth ten priorities, including "define a balanced approach to migration management", "adopt, support measures to help Member States deliver better policies on integration," and "develop an integrated management of external borders for a more secure Union."

Specifically, it sets forth the need to define a balanced approach to management of migratory flows dealing with both legal and illegal immigration, and

develop a common migration policy dealing with legal immigrants at the EU level, while strengthening the fight against illegal migration and trafficking in human beings, notably women and children.

The decision regarding the number of immigrants that can be admitted to each State is, nonetheless, up to each Member State, but a space in which there is free circulation requires a common immigration policy consisting of admission procedures and criteria that offer secure legal status and a set guaranteed rights that contribute to the integration of those admitted.

There need to be rules regarding procedures for return, smooth conclusion of readmission agreements and greater coordination to combat human being smuggling and trafficking.

Furthermore, successful management of migratory flows must include major investment in relations with third countries, countries of both origin and transit, consisting particular of aid and cooperation.

In accordance with the objectives set forth in the Hague Programme, among others, the following proposals were presented to the Council:

- “Framework Programme on solidarity and management of migration flows for the period 2007–2013”
- “Policy Plan on Legal Migration”
- “Common Agenda for Integration”

Regarding political progress in the fight against illegal immigration, the European Council of December 2005 adopted the “Global Approach to Migration: Priority Actions focusing on Africa and the Mediterranean”, that established a number of measures and actions to be adopted by FRONTEX, EU institutions and the Member States that include strengthening and increasing operational cooperation to combat illegal immigration.

As an example of the implementation of this Global Approach we can point to the Rabat Conference held in June 2006, among countries of origin, of transit and of destination of African immigrants, where an Action Plan was adopted.

Lastly, the EU Council of Ministers of Justice and Home Affairs of 5–6 October 2006, taking into consideration the September meeting in Madrid of Ministers of Home Affairs of the Member States with Mediterranean maritime borders, approved conclusions on reinforcing southern external maritime borders.

The subsequent European Councils of December 2005 and December 2006 have contributed to giving much more importance to migration in the context of European Union external relations. The political commitment was adopted at the first, and the second called for the immediate implementation of concrete measures. In response to the Global Approach to Migration referred to above, the perception and treatment of the migration phenomenon must be integrated into the fight against illegal immigration, border control and readmission, and also measures aimed at dealing with the interdependence between migration and development, since the more deeply rooted cause of the phenomenon stems from poverty. Such measures must also be subject to national planning as well as partnership agreements with states of origin and transit.

The major difficulties encountered in negotiating readmission agreements and compliance therewith, have given rise to a series of “second generation”

or migration cooperation agreements that do not exclusively deal with ensuring the mandatory return of the irregular emigrant to his/her country of origin (Article 13 of the EU-ACP Cotonou Agreement). They include other initiatives or “accompanying measures” with the dual intent of helping to deal with the deep-seated causes of irregular migration flows and to create effective systems to manage such flows. Spain has either already signed or is negotiating agreements of this type with the Western African countries whose irregular nationals are exerting the greatest pressure on our territory by sea.

On the operational level, the EU is currently implementing this integrated approach to migration and Spain has been participating both in supporting its creation and in orienting the EU technical and financial aid towards the migration source countries causing the most problems: Senegal and Mali. Under this approach measures are being included as follows:

1. Specific missions with participation by the Commission, interested Member States and the country of origin or of transit involved. The intent is to launch and maintain the political dialogue set forth in the Cotonou EU-ACP Agreement and in EU cooperation policy planning. This is a context in which EU policy can be presented, with an explanation of the technical and financial assistance possibilities (FED frameworks, Development Cooperation Instruments, Thematic migration and asylum programme, etc.), and is an opportunity for third countries to set forth their national and regional priorities and strategies. Spain has been participating in these Missions. The one on Senegal resulted in financial and technical support to the agricultural sector where unemployment is fuelling one of the most visible pockets of irregular migration.

2. Cooperation platforms that are the next step. They amount to a design of concrete operational measures, including those aimed at strengthening capabilities to manage migration flows.

3. EU Programme on Migration and Development in Africa: joint consideration of actions that can be funded through this channel (40 m. euros 9th EDF, of which 25 will go to the Capacity-Building Facility).

4. Good Governance Initiative, (10th EDF): strengthening institutions and migration policy options that enhance the positive effects of migration on development.

5. Migration Agencies that act as an administrative embryo for managing migration:

- a. information on opportunities;
- b. adapting labour supply to demand (facilitating legal migration: two Spanish companies are already participating in this system in Senegal);
- c. pre-migration vocational and language training;
- d. channelling Diaspora investment (financial capabilities and resources applied to co-development).

6. Migration Profiles, the purpose of which will be to gather all information relating to migration and its effects in a way that serves the Community in the framework of appropriate national and regional programming.

7. Mobility Packages: for a small number of countries embarking on concerted migration management that would provide their nationals better access to the

EU. It would show all the legal migration opportunities offered by Member States to these countries.

8. Circular and temporary migration

Clearly second generation agreements do not silence readmission, procedures and guarantees. They provide for the formation of a bilateral committee for monitoring, implementation and cooperation to combat irregular immigration and trafficking in human beings for which provisions are also made for strengthening institutional capabilities, as already referred to above.

The support given by Spain to a Global Approach on migration policy and its willingness to work actively to implement the above measures approved by the European Council are in addition to other cooperation mechanisms for more effective management of migration flows:

- Opening of new Embassies and reinforcement of others in countries where sub-Saharan flows pose a major challenge;

- Intensification of the political dialogue with these same countries, above all with the ones along the coast between Morocco-Senegal and Cape Verde. The schedule of official visits in 2006 and those planned in 2007 in both directions is evidence of the commitment to more stable relations at the highest level in order to facilitate cooperation in the fight against irregular migration. This is augmented by the bilateral consultations whose regularity is established under migration cooperation agreements;

- Augmentation of the network of immigration liaison officers posted to third countries with both national and regional functions;

- Joint surveillance and patrol missions with the support of the European Border Agency that can also aid in identifying irregular immigrants for repatriation to their country of origin;

- Supply of equipment and material for this same surveillance and monitoring exercise, for which Spain has been able to use community funds;

- Construction of reception centres for irregular immigrants and unaccompanied minors.

- Cooperation agreements to fight organised crime (trafficking in persons networks);

- Personal circulation agreements (provisions of visas in some cases and greater readmission guarantees in others);

New 2007–2013 financial prospects open the way for different community instruments to be developed to better manage migration flows: the Border Fund, the Return Fund, resources provided by the Neighbourhood Policy, the FED, FRONTEX, etc. Migratory pressure on the Europe's southern border has brought about very resolute activity by Spain in the Community context to foster by any means possible, whether they be our own or provided by the EU, public policies in the countries of origin and transit of migrants that lead to effective management of such flows, able to maximise and minimise their positive and negative effects, respectively.

Madrid, 2 April 2007.

(*BOCG-Senado I*, VIII Leg., no. 693, pp. 17–18).

In answer to a parliamentary question in the Congress of Deputies regarding the European Union's recent action on immigration, the Government stated:

The Conclusions of the 2006 Council specify the EU goals even more, since they give special consideration to the possibility of "including legal emigration in EU external policy for the purpose of developing balanced partnerships with third countries adapted to the needs of the labour market in certain Member States; the ways and means necessary to facilitate circular and temporary migrations will be explored." The Commission responded to these instructions from the Council with its Communication on Circular Migration and mobility partnerships between the European Union and third countries" of May 2007 and with its "Communication on the extension of the Global Approach to Southern and South-Eastern regions neighbouring the EU" of June 2007.

The implementation of EU integrated migration policy from 2005 to now on these two main points can be summarised as follows:

A) External Dimension of Migration Policy

1. Dialogue between Africa and the EU

– Rabat Conference (June 2006), EU-Africa Conference on Migration and Development in Tripoli (November 2006), Follow-Up Meeting to the Rabat Conference (Madrid, June 2007). AENEAS Programme;

– Reactivation of the policy dialogue based on Articles 8 and 13 of the Cotonou Agreement;

– EU-Africa Summit (December 2007). Shall presumably include a 2007–2009 Action Plan with a chapter entitled "Partnership on migration, mobility and employment;"

– Joint EU-Economic Community of West African States Meeting on Migration.

2. Euromed Ministerial Conference on Migration (Algarve, 18 and 19 November 2007)

– It is hoped a consensus can be reached with Euro-Mediterranean partners on a Policy Declaration and a series of specific implementation measures in the areas of legal migration, illegal migration and migration and development;

3. EU Missions to Africa

– Missions have been carried out in Cape Verde, Ghana, Mauritania and Senegal.

– Before the end of the Portuguese presidency, missions will be carried out in Ethiopia and Guinea-Conakry.

4. Readmission

– Continuation of negotiations to finalise readmission agreements between the EU and Third States (especially relevant are those with Morocco and Pakistan);

– Organisation of several joint return flights to certain African countries.

5. The fight against prevention (sic) and trafficking in human beings along migration routes

– Strengthening the network of Immigration Liaison Officers (ILO);

– Organisation of ILO seminars and experts' meetings (Rome, Madrid) to study problems encountered and other subjects of interest, such as use of IConet.

B) Migration and Development

1. More consistent policy in community policy, including financial instruments, in order to tackle the root causes of migration
 - Commission draft migration profiles;
 - Inclusion of migration in 10th EDF programming;
 - Expert's Meetings on the Migration and Development Agenda;
 - Importance of the issue of remittances.
2. Commission initiative on a Migration and Development Programme
 - Based on five areas of action: employment promotion, migration and development, good governance, fight against illegal immigration, and national migration agencies in countries of origin;
 - Establishment of the first Centre for Migration Information and Management in Mali.
3. Platforms for Migration and Development Cooperation
 - Objective: promote greater coordination of cooperation and design immigration projects in countries of origin within a broad dialogue on development. The first of these platforms will be negotiated with Ethiopia.
4. Meeting of the Global Forum on Migration and Development (Belgium, July 2007)

C) Legal Immigration

1. Communication from the Commission on "Circular Migration and Mobility Partnerships between the European Union and Third Countries" of May 2007;
2. Communication on "Extending the Global Approach to the Southern and South-Eastern regions neighbouring the EU" of June 2007;
3. High Level Conference on Legal Emigration (Lisbon, September 2007);

D) Fight against Illegal Immigration

1. Augmenting sanctions against illegal employment along the lines set forth by the Communication from the Commission on Policy priorities in the fight against illegal immigration of third country nationals.
 - Draft Directive providing for sanctions against employers of illegally staying third country nationals.
2. Improved border controls
 - Commission Report on improvements in access controls and the feasibility of creating a generalised, automated entry and exit system, projected for late 2007.
 - Feasibility studies to take full advantage of existing systems such as SIS and VIS.
3. Creation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (Frontex)
4. Carrying out of different operations in the Mediterranean and the Atlantic coordinated by Frontex (Poseidon, Nautilus, Hera, etc...)
5. Implementation of the Frontex Centralised Tool Box
6. Entry into force of the Regulation on Rapid Border Intervention Teams (RABITS)

7. Launching of the European Patrol Network

8. Invite the coastal states of the Mediterranean and the Atlantic to participate in operations coordinated by Frontex (June 2007 letter from Vice President Frattini and German Home Minister Schäuble to said countries' Home Ministers)

9. Study of International Law instruments that regulate aspects of Frontex activities (SOLAS Convention, SAR Convention, UNCLOS, etc.) to adapt Agency activities to same and fill any existing gaps.

It is also important to point out that the French EU presidency (second half of 2008) has already announced that it will make the adoption of the "European Pact on Migration" (initiative supported along general lines by Spain) one of its priorities. This Pact is based on a number of general principles that provide for strengthening the elements of consensus needed to lay the foundation for the future common policy on immigration.

Added to all these initiatives is the fact that the next Spanish EU presidency (first half of 2010) will allow Spain to play a relevant role in implementing the common migration policy contained in the New Treaty on European Union since this will probably be one of the key issues in the Spanish presidency.

Madrid, 2 November 2007. – The Secretary of State for Relations with the Parliament

(*BOCG-Congreso.D*, VIII Leg., no. 642, pp. 378–380).

4. Terrorism

Note: See XI.1.1 and 2

The Attorney General of the State (Mr. Conde-Pumpido Tourón), speaking before The Justice Committee of the Congress of Deputies stated:

Regarding Islamist terrorism the important thing in every incident is to answer the questions posed...Regarding 11 March, it was a terrorist attack producing 192 deaths and nearly 2,000 injured, or rather, 192 murders and nearly 2,000 attempted murders, we knew that from the beginning; as for when, 11 March 2004, we knew that from the beginning, the 11th of March coincided to a certain extent with the date September 11th in New York; and as for where, it was on four trains, also like the four airplanes, all bound for the Atocha station...And the verdict responds...21 convictions and the seven terrorists who committed suicide in Leganés...: These individuals, together with the ones who died in Leganés, belonged to a jihadist cell within a framework of radical Islamism that seeks to fight against western civilization to make their more radical Islamist theories triumph. If you ask any expert, whether it be a European, an American or from anywhere else, what Islamist terrorism is, he or she knows precisely what its objectives are, its rationale, its desire to strike down the governments of western societies; in any case, I don't link it to any specific conflict. That is why we don't need to delve any deeper into why Islamists attack us, because any expert knows – and you only have to read the literature that they themselves

produce – why Islamists are attacking western civilisation, and Spain, fortunately is a part of western civilisation and that is why it was a target...

(...).

(DSC-C, VIII Leg., no. 936, p. 33).

The Government, in response to a parliamentary question posed in the Congress of Deputies regarding the Early Warning System responded:

Instruction 4/2005, of 14 March 2005, by the Secretary of State for Security, created the Early Warning System relating to the theft, disappearance or lack of control regarding weapons, explosives or other substances or materials that can be used by terrorist organisations.

Its purpose is to make law enforcement and antiterrorist intelligence centres aware of and able to share in a timely manner, information on the theft, disappearance or lack of control over nuclear, radiological, biological or chemical (NRBQ) weapons or materials. This warning system aims to contribute to their being quickly located and to impeding their use by terrorist groups in committing attacks.

It entered into operation nationwide in July 2005 with participation by State and autonomous police operations centres and antiterrorist intelligence centres (National Police, Civil Guard, National Centre for Antiterrorist Coordination, Basque Autonomous Police, Autonomous Police of Navarre and Catalanian Autonomous Police).

Internationally it is open to the countries pertaining to the G-6, reinforced European Union cooperation, and any other country with an interest in participating under the appropriate bilateral agreement.

Portugal is linked to the System since June 2006, through a bilateral agreement. (...)

Recently, the Executive Committee for the Unified Command of the State Security Forces (Comité Ejecutivo para el Mando Unificado de las Fuerzas y Cuerpos de Seguridad del Estado, CEMU) approved the creation of a Working Group under the Secretariat of State to consider improvements to the System and aimed at presenting a draft to the European Commission that would enable it to be extended to the 27 Member States of the Union and thereby constitute an EU Early Warning System (EU-EWS).

Madrid, 13 July 2007. – The Secretary of State for Relations with the Parliament (BOCG-Congreso.D, VIII Leg., no. 605, p. 1165).

The Government, in response to a parliamentary question in the Congress of Deputies regarding steps taken towards joint, coordinated monitoring of radical activity in North Africa, responded:

The National Centre for Antiterrorist Coordination (Centro Nacional de Coordinación Antiterrorista, CNCA) systematically monitors all radical Islamist activity that may potentially affect the terrorist threat to our country or its interests abroad.

In evaluating this phenomenon, special attention is paid to the Maghreb. Among others, the members of the National Intelligence Centre (Centro Nacional de Inteligencia, CNI) who work with the CNCA are involved in the analysis

work. Furthermore, the CNI passes on to the CNCA all information relevant for monitoring any manifestation of Islamist radicalism in the Maghreb area.

(...)

Madrid, 13 July 2007. – The Secretary of State for Relations with the Parliament (*BOCG-Congreso.D*, VIII Leg., no.605, p. 1165).

5. External Debt

The Government, in response to a parliamentary question posed in the Congress of Deputies regarding the foreign debt relief plan, reported:

The Plan to relieve Spanish foreign debt under the Second Transitory Provision of Law 38/2006 seeks to broaden voluntary debt relief offered by the Spanish State for the poorest and most heavily-indebted countries of the world, as well as to establish the conditions under which such additional debt relief is to take place.

Specifically:

- This plan will apply to countries covered by the debt relief initiative for the most heavily-indebted poor countries (HIPC initiative) launched in 1996 by the World Bank and the International Monetary Fund and reinforced in 1999. The purpose of the Plan is to increase voluntary debt relief by Spain for HIPC countries.

- Specifically, all Development Aid Fund debt incurred before 31 December 2003 is condoned (prior to this new commitment the debt incurred before 20 June 1999 was condoned). Regarding trade debt, all debt incurred before 31 December 2003 is also condoned (prior to this new commitment the debt incurred before the cut-off date for each country was condoned).

- This additional relief amounts to 384 million euros and will benefit 11 countries (Bolivia, Ghana, Honduras, Mauritania, Mozambique, Nicaragua, Senegal, Tanzania, Uganda, Democratic Republic of the Congo and Ivory Coast). With this measure, Spain's total contribution to HIPC relief – supposing full implementation – will be 3,643 million euros.

- The debt relief referred to in the Plan will take effect to the extent that affected countries reach the completion point set forth in the HIPC initiative.

- To ensure that the resources freed by debt relief contribute to the development of the beneficiary country, this debt relief has been instrumented through programmes to convert debt into public investment. Concretely, it is set forth that 60% of the debt relief must be direct and the remaining 40% must be put into a matching fund for investments that promote development in the beneficiary country.

- In order to maximize the impact on developing the local productive fabric of beneficiary countries, the projects financed under conversion programmes will be independent of participation by Spanish companies.

- With this Plan, Spain becomes the country to have gone the furthest in its HIPC debt relief commitments.

Madrid, 3 October 2007.-The Secretary of State for Relations with the Parliament (*BOCG-Congreso.D*, VIII Leg., no. 633, p. 203).

XII. INTERNATIONAL ORGANISATIONS

1. United Nations

a) General Assembly

In his appearance on 2 October 2007 to report on the beginning of the 62nd Session of the United Nations General Assembly, the Minister of Foreign Affairs stated:

(...)

...I want to refer to the content of my address to the General Assembly on 28 September. I reiterated Spain's commitment to effective multilateralism with the necessary strengthening of the international and regional structures in which we participate, underlining that the only way to meet the old and new challenges of the complicated, uncertain world of the 21st Century is by intensifying the concerted, solidarity action as embodied by the United Nations...the international community perceives the need for greater political consensus, to achieve effective cooperation in the different global or regional multilateral organizations, be they the United Nations, the European Union, the Ibero-American Community of Nations or the OSCE.

(...).

(DSC-C VIII Leg., no. 901, pp. 3–26).

b) Alliance of Civilisations

In his address to the 19th Plenary Session of the United Nations General Assembly, held on 5 October 2008, the Spanish representative, Mr. Yáñez Barnuevo stated:

(...)

At the national level, Spain is already working on defining its own national plan for the Alliance of Civilizations, a goal of which, among others, will be to address the national and international aspects of intercultural and interreligious dialogue. In addition, I take this opportunity to highlight the First Annual Forum of the Alliance of Civilizations to take place in Spain on 15 and 16 January 2008. The Forum will seek to be a platform for reinforcing political support for the initiative and for obtaining concrete results in the area of youth, among others. It will be a good occasion to debate and share common progress that has been made, as well as to enrich the Alliance implementation plan with new ideas.

(...)

(Doc. A/62/PV.19, p. 24).

In response to a parliamentary question on the status of the Prime Minister's plan for an "Alliance of Civilisations," the Government answered on 11 October in the Senate:

The Alliance of Civilisations initiative was proposed in September 2004 by the Prime Minister and in 2005 personally assumed by the Secretary-General of the United Nations. Since then, the Alliance is an UNSG initiative backed by

all United Nations members at the 2005 World Summit, at which Spain and Turkey acted as co-sponsors.

(...)

...to date several important steps have been taken to reinforce the effectiveness of the initiative and ensure its future utility. In 2005 a High Level Group made up of 20 scholars from different countries was created to work on developing the Alliance of Civilisations. In 2006, this group submitted a Report to the UNSG with practical recommendations in four fields to which the initiative should pay special attention: youth, media, education and migration.

Furthermore, since last 26 April, the Alliance of Civilisations has a place of its own on the international scene, with a man of great prestige, the former President of the Republic of Portugal, Dr. Sampaio, as its High Representative.

(...)

...The next highlight on the agenda of the Alliance of Civilisations will be the holding of the I Annual Forum of the Alliance of Civilisations, to take place in Madrid on 15–16 January. Spain will host this first forum of dialogue and exchange as a reflection of the Space of Understanding that the Alliance of Civilisations seeks to generate on a global scale.

(...)"

(*BOCG-Senado I*, VIII Leg., no. 818, p. 89).

c) United Nations Development Programme

In response to a parliamentary question, the Minister of Foreign Affairs stated on 7 February 2007 to the Senate plenary:

...with the establishment of the Millennium goals, multilateral cooperation has acquired renewed protagonism in the global context of development cooperation.

Specifically, the eighth goal speaks of creating a world association for development and to fight poverty, and this led the Prime Minister to join President Lula's initiative, the so-called Alliance against Hunger and Poverty, in the United Nations in September 2004.

At the same time, the Ministry of Foreign Affairs and Cooperation determined it was necessary to establish a 2005–2008 Master Plan for Cooperation to establish the fight against poverty as one of the strategic objectives, an identifying feature of this Government's action in the area of development cooperation.

(...)

...Over the past two years, the Government of Spain has doubled official development aid, that has been increased to 0,42 per cent in an attempt to reach 0,5 per cent of Spain's GDP by the end of the legislative term.

To undertake the United Nations programmes and projects more successfully, last November the Government signed a 528 million euro trust fund with the UNDP, the United Nations Development Programme. This is the first time that a western government, the Spanish Government, has entered into such a commitment with an agency so essential for development and fighting poverty as the UNDP with aid of this amount and quality.

The Spain-UNDP fund programme principally seeks to deal with different areas: governance, equality, the fight against poverty, basic social needs, as they are considered central, basic areas for meeting the Millennium goals.

Spain also is part of the UNITAID initiative. This is an international medical drug purchasing facility that was officially presented at the United Nations General Assembly in 2006 and Spain decided to join this initiative. Its mission is to contribute to facilitating access by people in developing countries to treatments for HIV-AIDS, malaria and tuberculosis.

In summary, the Government continues to consider fighting poverty a strategic element in its development aid in different countries of the world and seeks to do so through the United Nations family and mechanisms.

(DSS-P, VIII Leg., no. 109, pp. 6590–6591).

During his address to the 34th plenary session of the General Assembly of the United States, held on 24 October 2007, the Spanish representative, Mr. Yáñez Barnuevo stated:

(...)

Spain supports and clearly favours a multilateral approach to the policies of development cooperation. In this regard, in the past three years we have reinforced our contribution to the concessionary funds of multilateral banks, and in particular the United Nations system. In that case, and in the context of our multilateral aid, our contribution to the United Nations rose from 4.5 per cent of such assistance in 2004 to 16.6 per cent in 2006, and it is expected to reach 35 per cent in 2007.

In implementation of that commitment, we launched the United Nations-Spain MDG Achievement Fund in late 2006. To date, the Fund has entailed an outlay by Spain of €528 million – about \$700 million – to fight poverty. The Fund operates under the administration of the United Nations Development Programme and contributes in an innovative and comprehensive way to the United Nations reform process, in particular to the implementation of “One United Nations” pilot programmes.

Furthermore, Spain recognizes the prominence of the international financial institutions in development issues. We are therefore committed to continuing to increase our contributions to the concessionary funds allocated to least developed countries, such as the World Bank’s International Development Association or the African Development Fund.

The international community must not stop attending to the issue of the foreign debt of developing countries, either through cancellation or by exploring possibilities for debt for development exchanges.

In Spain debt relief rose from a share of slightly more than 10 per cent of bilateral aid in 2003 to almost 30 per cent in 2006, and we have also launched innovative initiatives such as the Debt Relief for Education and Development programme.

(...).

(Doc. A/62/PV.34, p. 7).

d) Human Rights

In his appearance on 2 October 2007 to report on the opening of the 62nd Session of the United Nations General Assembly, the Minister of Foreign Affairs stated:

(...)

... One more year, Spain has contributed to strengthening and universalizing international law in favour of peace, development and human rights. On this occasion, this contribution was manifested when I signed, on 28 September, the International Convention for the Protection of All Persons from Enforced Disappearance and Spain's submission of the ratification instrument of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. This year, in addition to the traditional meeting of European Union Foreign Affairs Ministers and their meeting with the U.S. Secretary of State, I had the opportunity to participate in a ministerial meeting convened by Portugal and Italy in support of the moratorium and universal banning of the death penalty. (...) our country subscribes to and actively supports this initiative in the context of the General Assembly and the Human Rights Council.

(...)

Water as a scarce resource warranted a special reference to explain how Spain is promoting access to drinking water and water treatment as an effective, universal human right, and to point out that water will be the theme of the Zaragoza 2008 International Exposition, and an invitation was extended to all Member States to participate actively in it. I avail myself of the opportunity to report that the United Nations Office will be opened next Friday in Zaragoza, in support of the 2005–2015 International Decade for Action: Water for Life.

(...).

(*DSC-C VIII Leg.*, no. 901, pp. 5–7).

In his address to the 11th Plenary Session of the United Nations General Assembly, held on 28 September 2008, the Minister of Foreign Affairs stated:

(...)

We welcome the Human Rights Council as a forum to debate issues relating to rights and freedoms. Spain reiterates its trust in that body and its desire to become a member next year. The protection and promotion of human rights is a fundamental pillar of Spain's foreign policy because we are convinced that violation of these rights leads to oppression and violence. We hope for the adoption at this session of a draft resolution on abolition of the death penalty or, at the very least, on a universal moratorium

(...)

We want access to drinking water and sanitation to be a universally enjoyed right. Water will be the central theme at International Expo Zaragoza 2008. That event will provide participating countries and visitors with insights into fundamental aspects of water in the twenty-first century such as the environment, international cooperation and prospects for scientific, technological and

economic management. I encourage and invite members to participate in the 2008 Zaragoza Exposition on water and sustainable development.

(...).

(Doc. A/62/PV.11, p. 41).

e) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

On 1 October 2007, the Government answered a parliamentary question on the reasons for not pursuing ratification of the Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families:

(...)

As regards the signing and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families, adopted by the United Nations General Assembly by Resolution 45/158 of 18 December 1990 and which entered into force on 1 July 2003, the Government considers it a priority at this time to advance and consolidate European Union initiatives, essential steps for a future common, shared policy, under the consideration that the phenomenon of immigration is one of the European Union's major social challenges for the future.

These considerations, together with the fact that no European Union Member State has signed the Convention, make it advisable not to carry out any initiatives that could be characterized as unilateral, since in addition to being counter to the policy of designing a common, shared European Union strategy regarding the phenomenon of migration, it would undermine the advances achieved that were adopted jointly by European institutions.

In summary, it is a priority of the Government to reach consensus on the design of a European migration policy, and it is not considered advisable to adopt isolated initiatives that diverge from the development of joint European Union action.

(BOCG-Congreso D, VIII Leg., no. 626, p. 424).

f) Security Council Resolution 1325 (2000) on Women, Peace and Security

During his address to the 5766th meeting of the United Nations Security Council, held on 23 October 2007, the Spanish Representative, Mr. Yáñez Barnuevo stated:

(...)

Resolution 1325 (2000) calls on States to make efforts to implement the resolution at the national level. Spain is committed to effective gender equality as a priority of the Government. We have developed a national action plan to implement resolution 1325 (2000) that focuses on the following basic goals.

First, it will strengthen the inclusion of a gender perspective in all phases of our participation in peace missions, from planning to conclusion, including the reconstruction and peace building processes. Secondly, it will ensure that military and civilian police personnel who participate in peace missions receive

specific training in matters of equality and in the various aspects of resolution 1325 (2000). Thirdly, it will guarantee women, adolescents and girls in areas of conflict and post-conflict the full enjoyment of their human rights, and encourage women's participation in the negotiation and implementation of peace agreements. Fourthly, it will promote as a cross-cutting issue the principle of equal treatment of women and men in the planning and execution of activities in the disarmament, demobilization and reintegration of ex-combatants and their families. Fifthly, it will encourage awareness and the dissemination of resolution 1325 (2000), as well as the work of Spanish civil society in regard to it.

In order to reach those goals, we have considered actions not only at the national level, but also at the heart of the regional structures to which Spain belongs, such as the European Union, NATO and the Organization for Security and Cooperation in Europe, and especially and most importantly within the framework of our participation in the United Nations...

At the national level, Spain is decisively progressing towards the full integration of women into its armed forces at the same level of opportunity and well-being at work as men. In a very few years, we have achieved second place in the European Union with respect to the proportion of women in the armed forces, through a decisive policy to make the military attractive to women by promoting, among other measures, the conciliation of work and family.

Spain understands peace building as a broad process in which development assistance is fundamental. In that regard, Spanish official development aid directed towards gender issues has doubled from 2004 to 2007. In particular, we have continued to work closely with the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, providing Spanish cooperation funds for peace building, especially in Africa and Latin America. Sector strategies for Spanish cooperation relating to gender in the areas of development and peace building have also been approved, in which the promotion of resolution 1325 (2000) is an immediate key priority. At this very moment, a plan on women and peace building is being drafted for the implementation of resolution 1325 (2000), which will be directed towards all actors of Spanish cooperation.

(...)

(Doc. S/PV.5766, p. 32).

g) Afghanistan

In his appearance on 2 October 2007 to inform on the opening of the 62nd Session of the United Nations General Assembly, the Minister of Foreign Affairs stated:

...a ministerial meeting convened by the United Nations Secretary-General and President Karzai was held on Sunday, 23 September on the situation in Afghanistan. At this meeting, in which I participated, progress on the political and economic consolidation of Afghanistan was reviewed in areas such as infrastructure building, local administration strengthening and the progressive Afghanization of the Armed Forces...

...I will reiterate our proposal that the United Nations Secretary-General designate a High Representative for Afghanistan with a strong political profile to act as coordinator of international initiatives, support local authorities and incorporate neighbouring countries into the process, including Iran. I saw with satisfaction that this Spanish proposal had numerous support, including that of the principal donor countries, as also does our proposal to convene and international conference with the neighbouring countries in the area have strong support. In the communiqué issued at the close of the meeting, the participants called on the international community to increase efforts aimed at helping Afghanistan, so that it would be able to gradually assume responsibility for its own development and security.

(...)

...we agreed that a political strategy is needed. I stated that this is the Government's line of intervention and action at the meeting held on Sunday, 23 September, where the sixteen main players in Afghanistan were present, from the United Nations Secretary-General to the U.S. Secretary of State and President Karzai; I expressed our desire to seek a political strategy that would enable reconstruction and restitution of the rule of law, that would support President Karzai's Government in seeking a political solution.

There are insurgents, terrorist acts that have to be defended against, but we must also place greater emphasis on civilian, police, public order, reconstruction and cooperation programmes, which is what Spain seeks to do. For this purpose we have asked for a High Representative to be appointed to give the United Nations the central role in the political operation in Afghanistan and to better coordinate cooperation operations with all the players.

(...).

(DSC-C VIII Leg., no. 901, pp. 17–18).

h) Israel

On 2 July 2007 the Government answered a parliamentary question posed in the Congress of Deputies as follows:

Generally speaking, Spain has looked favourably on the membership of Israel in the international fora and organisations in which Israel has shown an interest in participating.

(...)

The criteria of Spain has always been that appropriate involvement of Israel in international relations, and particularly, in the Mediterranean region, is a good way to strengthen the peace process with a view to resolving the Arab-Israeli conflict. From this perspective, Spain has defended, for example, from the beginning, full participation by Israel in the Euro-Mediterranean Process, the result of which can be considered quite positive to date.

It is advisable to clearly set the above apart from everything relating to the Advisory Opinion of the International Court of Justice in the case of the Legal Consequences of the Construction of a Wall in the Occupied Palestinian

Territory. This opinion stated that the wall and associated arrangements were contrary to International Law, and that all States were under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by same. It is important to note that Spain, like the rest of the European Union, voted in favour of United Nations General Assembly Resolution ES-10/15 of 20 July 2004, calling upon Israel to comply with its legal obligations, as stated in the Advisory Opinion.

(*BOCG-Congreso D*, VIII Leg., no. 605, p. 1008).

i) Western Sahara

In its report on the state of compliance with the motion urging the intensification of actions to promote the self-determination of the people of the Western Sahara, submitted to the Senate on 24 January 2007, the Government stated:

Since it took office, the Government has shown that the Western Sahara conflict is one of its foreign policy priorities, on both the political and the humanitarian levels, and it has committed itself actively and responsibly to overcoming the impasse in the conflict, after 30 years without a solution.

The Government is undertaking active diplomacy with all its foreign policy means to seek a definitive, agreed, fair, lasting solution that respects the principle of self determination in accordance with the purposes and principles of the United Nations, and has multiplied its contacts with the parties and neighbouring states in an attempt to promote dialogue, create an appropriate atmosphere and sufficient margin of trust so that the Parties can reach an agreement in the UN framework.

This government continues to consider that the Western Sahara issue should be resolved within the UN. Such a solution must respect international law, primarily reflected in current Security Council resolutions that underline the need for dialogue to break through the current impasse.

(...)

The Government has substantially reinforced its humanitarian aid to the refugees in Tindouf. AECI humanitarian aid – after falling to 1.5 million euros in 2003 – has grown since 2004 to 5.9 million euros in 2006. In 2007 it is expected to reach some 6.5 million euros. The aid is dispersed over several areas, with emphasis on food aid (directly through the World Food Programme), health and support for confidence-building measures managed by UNHCR with the support of MINURSO.

If we add the substantial amounts of aid from Spanish Autonomous Communities, Local Entities and NGOs, the aid total exceeds 12 million euros in 2006. Spain is therefore the largest individual donor after the European Union, in whose aid budgets its also participates....

(*BOCG-Senado I*, VIII Leg., no. 644, p. 22).

In his appearance on 2 October 2007 to report on the opening of the 62nd Session of the United Nations General Assembly, the Minister of Foreign Affairs stated:

(...)

The Sahara is important and going forward in direct negotiations. I met with – not only through accompanying the Prime Minister – the United Nations Secretary-General and we spoke about the problem of the Western Sahara; I met also with the Secretary-General's personal representative, Mr. Van Valsum, who told me how the third round of negotiations is being prepared; and I have spoken with Morocco, Mauritania, Algeria and the Polisario Front, so at this time there is a willingness to continue the process...

(...)

...Certainly, this Government has held a position – I restated it here in these parliamentary premises and I stated it in my address to the highest forum of the international community, the United Nations – of respect for the right to free self-determination. The Government's position has not changed. We have been able to facilitate negotiations between the parties, and this to the credit of Spanish diplomacy at a very difficult time. We asked Secretary-General Kofi Annan to appoint a Special Representative and we asked the parties for a Security Council resolution to encourage direct negotiation. There have been two rounds and we are in contact with all the parties. I met with the Polisario Front representative, Ould Salek, here in Madrid before going to the General Assembly and I met with him again afterwards. I have encouraged all the parties to negotiate without prior conditions to seek a definitive resolution of the conflict.

(...).

(DSC-C VIII Leg., no. 901, pp. 16–17).

j) Climate Change

In his appearance on 2 October 2007 to report on the opening of the 62nd Session of the United Nations General Assembly, the Minister of Foreign Affairs stated:

(...)

The second event in which the Prime Minister participated was in the High Level Meeting on Climate Change held on Monday, 24 September, which brought together eighty Heads of State and of Government. In his address, the Prime Minister voiced Spanish support for the Secretary-General's efforts in this area and considered it urgent that a multilateral, comprehensive, effective Action Plan against climate change be agreed and implemented. He also underlined the importance the Spanish Government places on the effects of climate change on health, announcing an increase in Spanish voluntary contributions to existing programmes in this area. The result of the High Level meeting was certainly positive and encouraging for the upcoming Conference on Climate Change to be held in Bali on 3–14 December. As you all know, the Prime Minister will attend a restricted dinner of the nations that consume and pollute the most, in which Spain participates as part of the core countries involved in preparing the political strategy for the upcoming international conference in Bali.

(...).

(DSC-C VIII Leg., no. 901, p. 4).

2. North Atlantic Treaty Organisation

a) Riga Summit

In response to a parliamentary question, the Government stated on 25 January 2007 to the Congress of Deputies:

The Government, in line with the other allies, considers that the Riga Summit (11–28/29–2006) was especially important for NATO, since, generally speaking, it clearly showed the validity of the transatlantic model and that NATO is prepared to meet new crises, welcome new European democracies and develop closer relations with countries that share its values, as well as the unity of the Allies in their efforts to ensure security in the Euro-Atlantic area.

(...)

Furthermore, the Summit Declaration included certain particularly relevant aspects for Spain, such as those referring to the Western Balkans and cooperation with Mediterranean Dialogue countries, as well as the Alliance of Civilizations.

The Riga Summit paid great attention to the Western Balkans, both because the three countries that are candidates for membership are in that area (Albania, Croatia, FYR Macedonia), and because Bosnia-Herzegovina, Montenegro and Serbia were invited to participation in the Euro-Atlantic Partnership and the Partnership for Peace. Spain worked intensely, together with other Allies, to achieve this result, that the Government considers will promote stability and progress in that region, in addition to its definitive anchoring in Europe.

(...)

...should be pointed out that Spain, in line with other Allies and the NATO Mediterranean allies themselves, defended maintaining the Mediterranean Dialogue as a specific framework of relations.

Furthermore, the NATO Heads of State and of Government launched a Training Initiative to modernize the defence structures and provide for training of the security forces of the Mediterranean Dialogue countries, the Istanbul Cooperation Initiative and the Middle East. Spain was one of the countries that worked the hardest to make this possible.

The Declaration of the Riga Summit includes a clear reference to the Alliance of Civilisations initiative, which met another of Spain's objectives in preparing the Summit and negotiating its content.

In summary, the Riga Summit Declaration covers...Spain's interests and concerns in NATO at the highest possible political level. This is evidence of our country's weight and influence potential, as well as a positive assessment by the Allies of Spain's role in the Organisation.

(*BOCG-Congreso D*, VIII Leg., no. 505, p. 403).

In his appearance on 28 February 2007 before the Senate Defence Committee to report on the Government's plans relating to the NATO Summit held in Riga on 29 November 2006, the Secretary of State for Defence stated:

(...)

...the summit endorsed the text of the Comprehensive Political Guidance, which qualitatively defines NATO ambitions and sets forth the lack of need to develop civil capabilities.

The Comprehensive Political Guidance describes the current and foreseeable strategic context and its implications for the Alliance in a horizon of 10 to 15 years. It also defines the type of operational capabilities that NATO needs to acquire in order to have forces that are deployable and sustainable...

(...)

...At the Summit, Spain not only supported the Comprehensive Political Guidance, but even proposed that it be made public, which was approved and became a new feature.

(...)

With regard to enlargement, the Riga Summit sent a clear signal to countries aspiring to join the Organisation...

(...)

...Serbia, Bosnia-Herzegovina and Montenegro were invited to join the Partnership for Peace. As you know, Spain defends the idea of a regional approach to the Balkans as a whole without making distinctions between one country or another; it considers that Serbia's isolation is damaging, and our country's position was the one that was ultimately assumed by the Summit.

Therefore, not only Bosnia-Herzegovina and Montenegro were invited to join the Partnership for Peace, but Serbia was too. This was the position held by Spain and other Alliance countries and was ultimately accepted by the organisation as a whole.

(...)

...With regard to Operation Althea in Bosnia-Herzegovina, which came out of the transfer of responsibility from NATO to the European Union in December 2004, I must state that Spain is the fifth largest contributor of troops of the total 33 countries that participate, 22 being members of the European Union and 11 being from outside the Union.

In relation to the NATO financial practices review, I want to point out that in the process of transforming the Atlantic Alliance two parallel processes are taking place: reform of the resource committees and review of the financial uses and customs with the goal of analysing not only how much is spent, but also how it is spent.

(...)

...Spain is following NATO recommendations as regards Defence budget growth and, as you know, for this fiscal year we have included a budget hike over the previous year of 8.6 per cent, a very substantial increase.

(...).

(DSS-C, VIII Leg., no. 431, pp. 2-4).

b) AGS Programme for aerial Ground Surveillance

In his appearance on 28 February 2007 before the Senate Defence Committee to inform on the Government's plans relating to the NATO Summit held in Riga on 29 November 2006, the Secretary of State for Defence stated:

(...)

The aerial ground surveillance initiative is one of NATO's highest priority programmes; it consists of a series of manned and unmanned aerial platforms, equipped with surveillance radars; and is a high cost and quite technologically advanced programme. Currently two issues are focusing the attention of countries regarding this programme for a future allied ground surveillance system, the so-called AGS: first, the definitive start-up of the programme, that is suffering delays as a result of opposing industrial interests in several of the nations that are going to participate and, secondly, the process of selecting the main operating base of the system that also greatly affects our country. The evaluation process to select the main AGS system operating base began in late October 2006, and the result of the evaluation was included in the final report in June 2007. It is foreseeable that the Alliance could take this decision by the end of this year, 2007 and, as you know, it will be an Atlantic Council decision. The bases in competition that are best classified at this time are Zaragoza, in our country, Gelsenkirchen, in Germany; Sigonella, in Italy, and Powidz, in Poland.

As you know, Zaragoza not only has excellent facilities – if you allow me, I would say that they are better and more complete than those of many of our competitors –, and if NATO were to decide to install the base in Zaragoza no investment would be needed, but would probably need to be made if other candidate bases were chosen. Furthermore, it has not only the firm effort, support and engagement of the Ministry of Defence – and therefore the Government of the nation –, but also the complete agreement and support of the Government of Aragon and the City Government of Zaragoza. In this regard, we are working hand-in-hand to have the AGS programme have its main base in Zaragoza, Spain.

(...).

(DSS-C, VIII Leg., no. 431, pp. 4–5).

c) Strategic Airlift

In his appearance on 28 February 2007 before the Senate Defence Committee to report on Government plans regarding the NATO Summit held in Riga on 29 November 2006, the Secretary of State for Defence stated:

(...)

The need for generic strategic airlift in connection with force projection needs has given rise to different initiatives in the Atlantic Alliance which were covered in the Riga Summit Declaration, specifically regarding the A 400 M transport aircraft, the SALIS initiative, and the T17 aircraft initiative.

...Spain is participating in the A 400 M transport aircraft programme. As you know, we will acquire 27 of these aircraft. Furthermore, the final assembly of these aircraft is done in Seville, and the aeronautical industry that produces them, the military transport division of the EADS group, is located in Spain. Therefore, Spain is not only affected from the viewpoint of the need for this capability, but also because t very major industrial interests are in play in connection to this important strategic programme. Furthermore, Spain also participates as an observer in the SALIS initiative. The Heads of State and of Government at the Summit backed efforts to resolve shortfalls in strategic airlift capacity.

(...).

(DSS-C, VIII Leg., no. 431, p. 5).

d) Afghanistan

In his appearance on 28 February 2007 before the Senate Defence Committee to report on Government plans in relation to the NATO Summit held in Riga on 29 November 2006, the Secretary of State for Defence stated:

(...)

...in Riga NATO agreed to increase training support and continue developing the Afghan national armed forces. It is in this context that the Spanish Government has announced it will provide equipment for Afghan military training and assistance. This offer...was subsequently specified at the Seville meeting, whereby Spain took on the commitment to provide the training and equipping of up to two battalions of approximately 1200 members of the Afghan military on a gradual basis.

The level of forces committed to Afghanistan was one of the subjects dealt with at the Riga Summit. You already know Spain's position. Spain considers that the additional Alliance forces needed for ISAF should be obtained first from the nations who are currently contributing the least to this mission. At the Riga Summit, NATO stated – and I want to underline this – that ISAF has the forces, the resources and the flexibility it needs to ensure continued success of the mission in Afghanistan.

Spain has...a presence in this operation in line with its capabilities. We lead the forward support base in Herat; we provide security support at the four PRT deployed in western Afghanistan through the rapid reaction company; we are leading the Qala e Naw provincial reconstruction team and we also contribute to ISAF Headquarters.

Spain has authorised deployment of up to 690 troops to the area. This was agreed by the Council of Ministers and authorised by the Parliament. We are currently the tenth ranking contributor in number of troops, and I would like to stress the qualitative increase in effort being made by Spain not only with ground materiel, but also with the upcoming acquisition of a tactical UAV system, with four unmanned surveillance aircraft for force surveillance and protection that will provide a substantial increase in the material means devoted

to security and their quality. As you know, this UAV system is currently in the contracting process by the Ministry of Defence. Together with this effort I reiterate what I have stated before, our commitment to training and equipping the Afghan military.

From January 2002 to now, the Spanish armed forces have mobilized over 7200 troops in the 15 changes that have taken place in our participation in the in the ISAF mission in Afghanistan that, as you know, is under the command of U.S. General McNeill since last 4 February.

(...)

I consider that the discussion of the increase of troops in Afghanistan should be related to the force projection that Spain has also been undertaking abroad. In Afghanistan we are making a major effort; we are leading a forward support base in Herat; we are collaborating decisively with the QRF, with our company in the area, to the security of the four PRT; we are doing very important work in the provincial reconstruction team.

(...)

...Of course there are risks. But, as you all know, we are trying to minimize them. In fact, the troops sent last year, the increase of over one hundred, had a great deal to do with improving the security conditions in the western zone. We sent a protection unit for the PRT at Qala e Naw, medical stabilization teams, an explosive deactivation team; the rapid reaction company that, as I said, is helping to improve the security conditions where the four PRTs are operating in the west; we reinforced the transport aircraft detachment in Herat and also increased our support personnel. This is with regard to human resources. As regards material resources, we have also tried to make an effort to improve the protective equipment of our troops and the Spanish International Cooperation Agency personnel working in Qala e Naw, that is doing fantastic work.

We have increased the number of armoured vehicles; we have installed protective shields for marksmen in the vehicles; we have also installed frequency inhibitors; we withdrew non-armoured vehicles; we have also improved the armouring and protection in the helicopters we have deployed to the area; we installed protective reinforcements at bases, and we have made safety improvements in the individual protective garments worn by our troops. You all know that a risk level of zero is impossible in such a complex and complicated theatre of operations as Afghanistan, but I can assure you that operational command, Defence General Staff and the Ministry of Defence are adopting all possible measures to guarantee the safety of our troops.

(...)"

(DSS-C, VIII Leg., no. 431, pp. 6, 12).

e) Kosovo

In his appearance on 28 February 2007 before the Senate Defence Commission to inform on Government plans in relations to the NATO Summit held in Riga on 29 November 2006, the Secretary of State for Defence stated:

(...)

...in Kosovo, Spain is the sixth NATO contributor in terms of troops to KFOR. We have 524 troops there and they are firmly supporting efforts to promote stability and facilitate the establishment of a system of security under democratic representative control, whose legitimacy is also acknowledged throughout Kosovo.

(...)

(DSS-C, VIII Leg., no. 431, p. 6).

3. International Organisation for Migrations

On 19 September 2007, in response to a parliamentary question on action taken in relation to Spain's becoming a full-fledged member of the International Organization for Migration, the Government stated:

Spain formally joined the International Organization for Migration (IOM) as a full-fledged member on 8 June 2006.

The process of requesting Spain's admission as a member to the IOM began in November 2005. The Council of Ministers authorised the application at its meeting on 31 March 2006. After successful completion of Spanish parliamentary formalities, the IOM Council, at its ninety-first Special Meeting, resolved to admit Spain as a member on 8 June 2006.

(BOCG-Congreso D, VIII Leg., no. 615, p. 82).

4. International Monetary Fund

On 11 September 2007, the Government answered a parliamentary question on its position regarding Rodrigo Rato's substitution at the helm of the IMF, as follows:

The relevance of the functions of the IMF requires a Managing Director to be chosen who is able to deal with the twofold challenge faced by the Fund at this time: namely, the reformulation of the institution's role in the international financial architecture and carrying out deep-seated reforms in its governing bodies. Therefore, the choice of the next IMF Executive Director has been the subject of careful consideration by the Spanish authorities since the month of June.

(...)

The two candidates that were ultimately maintained were: Josef Tosovsky, the former Governor of the Czech Central Bank, proposed by Russia in August, and French national Dominique Strauss-Kahn, proposed by the European Union.

For its part, Spain, like the other EU members, decided to support Dominique Strauss-Kahn, while nonetheless recognising the merits of the other candidate. This respected the coordinated European position that had previously led to election of a Spanish national, Rodrigo Rato, to head the Fund. Furthermore, we chose the best candidate, because the Spanish Government considers that

Dominique Strauss Kahn possesses all the technical and leadership qualities needed for the job.

(*BOCG-Senado I*, VIII Leg., no. 818, p. 81).

5. Organisation for Security and Cooperation in Europe

a) Spanish Presidency

In his appearance before the Foreign Affairs Committee of the Congress of Deputies of 21 February 2007 to report on the Spanish OSCE Presidency, the Secretary of State of Foreign Affairs stated:

As you know, Spain has held the Presidency of the Organisation for Security and Cooperation in Europe since 1 January, the subject of this appearance. On 11 January, the Minister of Foreign Affairs and Cooperation presented to the 56 participating States in Vienna the priorities of the Spanish Presidency, and will shortly commence the visits as Interim President to the western Balkans, Central Asia and the Caucasus. This culminates the effort begun by previous government toward the goal that I feel is the consensus of all our political forces: to make our foreign policy action and our international projection more global...

It is still early to speak about achievements and there will be time for that later on, but evidence of the dynamic scenario is the fact that we can already refer to the presidency having brought about the unblocking of local elections in Albania, owing to involvement by an interim presidential envoy...

(...)

...Assuming presidency of an international organization like the OSCE is certainly a challenge that if fully taken advantage can be an opportunity to increase Spain's importance on the international scene.

First...it is one more proof of Spain's growing commitment to a multilateral approach to security problems. Second, the OSCE can have a multiplier effect on our presence and influence in areas where our diplomatic deployment is still limited, such as Central Asia and the Caucasus, although we have already explained to the Parliament our intention to open embassies shortly in some of the countries in the area, such as Georgia, Armenia and Azerbaijan...The OSCE Presidency can also place Spain in the forefront of the international agenda on global affairs such as the fight against terrorism and the protection of victims, the promotion of respect for human rights, environmental preservation, economic cooperation and energy security. The Presidency will also serve to promote our bilateral relations with relevant states as regards Euro-Atlantic and Euro-Asian security...Furthermore, in the context of recent European enlargement, the Presidency will show Spain, particularly in regard to new members, as a country that is interested in geographical issues and areas outside its natural areas of concern.

...undertaking the Presidency also involves a twofold challenge in regard to financial and personnel costs. In assuming this responsibility we have identified and provided for the following needs. From the financial standpoint, in addition

to the ordinary contribution to the regular budget, the Presidency will require additional expenditures. On the one hand, Spain will have to take care of a series of organisational expenses, particularly the Madrid ministerial scheduled for November 2007, with expected attendance by 67 Ministers of Foreign Affairs, along with organizing other meetings and conferences in Spain. Under the heading of special contributions and following the pattern initiated in 2006 in preparation for the Presidency, these contributions are expected to reach over 600,000 euros in 2007 for projects in each of the three dimensions, amounting to an approximate total of 1.8 million euros, as well 1.5 million euros to fund Spanish personnel assigned to OSCE institutions and missions, to which we must add Spain's pledge of 200,000 euros, made at the Georgia and South Ossetia Donors Conference. Therefore, the total provision for 2007 alone in voluntary contributions and funding Spanish personnel is 3.5 million euros.

From the human resources point of view, we have emphasized, first, the very important job performed by the interim Presidency's special envoy, Mr. Borrell. His busy schedule of contacts, meetings and dealing with delicate high level matters in different areas of the organization demonstrate the central role of this position in support of the interim President. Furthermore, a Presidency coordination and support unit has been created under the Directorate General for Europe and North America leader by an ambassador on special assignment. This is designed to deal with the workload arising from the Presidency, while reinforcing the capacity to provide immediate response to crises. Also, personnel reinforcement has been provided at our permanent mission to the Organization. In addition to the teams devoted exclusively to the Presidency in both Madrid and Vienna, there is at least partial availability of time and dedication of other units both at the Ministry of Foreign Affairs and Cooperation in Madrid and at our embassies and permanent missions to the United Nations in New York and Geneva, to NATO and to the European Union. We also have the active support of other ministries, particularly those dealing in OSCE-related matters: the Ministries of Defence, Home Affairs, Justice, Social Affairs and the Environment. Coordination mechanisms have been established or reinforced with all these through naming specific contact points.

Civil society is also going to play an important role. Last 13 February in Seville, the network of civil society organizations was constituted that will support OSCE activities, paying special attention to the human dimension...

On the basis of these premises, two types of Spanish foreign policy objectives have been established for the Spanish Presidency: first, to enhance Spain's international position; second, to increase Spain's presence and influence in the geographical areas covered by the OSCE where our current presence needs to be strengthened – this increase covers the political, economic and cultural spheres –; third, put Spain in the vanguard of the multilateral global affairs agenda and show our country's commitment to effective multilateralism; fourth, reinforce the channels of cooperation and coordination between the Ministry of Foreign Affairs and Cooperation and the different branches of the Government with foreign projection within the geographical and functional context of the OSCE

Presidency and between the Government and the civil society with regard to the activities to be dealt with by the Presidency; and lastly, to contribute to augmenting quantitatively and qualitatively the presence of Spaniards in the Organisation.

A second group of objectives, ladies and gentlemen, are those pertaining to the functioning of the Organization itself: First, to contribute to adapting the organization to the challenges and threats of the 21st Century; second, to develop during the Presidency activities established by the participating States in fulfilment of the role of the OSCE as a security and cooperation organization, namely, to implement all of the commitments made by the participating States in successive summits and ministerial councils. In accordance with the objectives set forth, the following priorities have been identified for the 2007 Spanish Presidency. First, to work to strengthen OSCE capabilities as a forum for dialogue and cooperation... Furthermore, the Spanish Presidency has priority interest in the so-called frozen or prolonged conflicts. This special interest is based on the fact that blocking the resolution of these conflicts is having consequences for the organization's functioning. The lack in recent years of final, agreed declarations from the ministerial councils springs precisely from this situation. As you all know, the Nagorno Karabakh conflict – in the case of Abkhazia the United Nations is responsible for monitoring –, has been in the OSCE geographical area since the nineties. Its origin and development is linked to the break-up of the Soviet Union and the birth of successor States, which some authors have called post-Soviet decolonisation. This involves a confluence of issues relevant to the Organization's three dimensions: politico-military, economic-environmental and human.

It is a recognized principle that the will of the parties is irreplaceable in conflict resolution, and therefore the role of the interim Presidency is equally vital to provide encouragement and continuity to the dialogue and ultimately to facilitate its implementation. The Presidency is actively working with the institutional conflict mediators: countries and international organisations. The Presidency, by stressing the monitoring of these conflicts, an additional factor is being taken into account, the impasse in the South Ossetia and Transnistria conflicts with the continued presence of Russian military equipment, weapons and munitions that is preventing the Atlantic Alliance countries from commencing the national ratification processes of the Treaty on Conventional Forces in Europe, adapted...

In regard to the three dimensions of the Organization's work, the following priorities have been established. Politico-military dimension: the Spanish Presidency has established an ambitious work programme for the Organization in the area of fighting all facets of terrorism. Because of its broad security approach, the OSCE offers possibilities to help confront this common threat; its status as a forum for dialogue and cooperation makes it possible to strengthen open, resolute cooperation among States... In addition to other initiatives already underway, during its Presidency Spain will pay special attention to the protection and recognition of the victims of terrorism, the offshoot of which will be

the holding of a high level conference in Vienna in September, specifically the 13th and 14th of that month. As a second priority in the politico-military dimension, the Presidency intends to promote the development of civilian and military cooperation instruments and mechanisms for emergency situations. It will take into account the instruments the Organization has for dealing with different phases of the crisis cycle. During the Presidency, another series of actions in the area of risk and threat reduction will be carried out, along with actions in the area of confidence-building and security through initiatives such as illegal small and light weapons trafficking and the destruction of munitions and weapons fuel deposits.

Economic and environmental dimension. The Spanish Presidency chose soil degradation and pollution and water cycle management as its main theme. This choice attempts to highlight the growing relationship between security and environmental preservation...It contributes to rebalancing the different OSCE dimensions by placing greater emphasis on the economic and environmental dimension. The work done during the Presidency should lead to a draft OSCE political strategy on environmental security for approval during the Madrid Ministerial Council...

Furthermore, it is important to point out that Spain chose to organize the second preparatory conference on this dimension in Zaragoza on 12–13 March next as an introduction to and promotion of the international exposition on water and sustainable development that, as you know, will take place there in 2008. Finally, the subject chosen in the economic-environmental dimension, should serve from a technical standpoint to introduce Spanish experience and technology in the fight against desertification and the management of hydrographic basins to Central Asia.

Regarding the human dimension, the general theme that will override the Spanish Presidency is diversity and participation in pluralistic societies. Under this heading is the recognition that diversity is a general reality in our society; cultural, linguistic, religious, ethnic diversity. It is a reality that is becoming more accentuated due, fundamentally, to the phenomenon of migration...In developing this general theme of participative diversity in pluralistic societies, the Spanish Presidency will bring attention to a number of specific issues, both in its general guidelines and in the daily undertakings of the Organization's activity such as seminars and other meetings that will take place throughout 2007...

There must be special attention given to promoting tolerance, non-discrimination, mutual respect and understanding. This broad theme will be dealt with in different ways from seminars or special days within larger meetings to promoting publications on the matter and support for nongovernmental organizations that work in these fields. Along these same lines, there has been intensive high level cooperation work with Rumania, the host country of the high level conference on tolerance that will take place on 7–8 June, as follow-up to the 2005 Cordoba conference. Furthermore, in the Fall, under the Spanish Presidency, a specific meeting on tolerance in regard to Muslims will be held in Cordoba, that will augment the efforts carried out previously by our country in

the area of anti-Semitism. Independently of the above, the Spanish Presidency will provide continuity to the OSCE contribution to the Alliance of Civilisations initiative – this time from the perspective of implementation of the UN High Level Group Recommendations – and will promote the broadest possible participation by nongovernmental organizations and other members of the civil society in OSCE activities.

In addition to the three dimensions, the Spanish Presidency will foster the relationship between the OSCE and its Mediterranean partners for cooperation... The Spanish Presidency intends to strengthen and give greater content to our relationship with our Mediterranean partners without overlooking contributions by Asian partners. The idea that should prevail in this area is one of strengthening this status and making the interested parties participants in as many Organization initiatives as possible. This, ladies and gentlemen, seeks two goals: first, to renew interest among those who are already part of the group and to bring this to the attention of other potential future Mediterranean partners.

Lastly, I will refer to the Organisation's Parliamentary Assembly, one of its most active facets and whose winter session will begin tomorrow in Vienna. The Spanish Presidency intends to take full advantage of all the potential and experience the Parliamentary Assembly offers through its dynamic involvement in the most relevant events of our Presidency, including election observation, and the meeting on the human dimension, particularly in the Bucharest and Cordoba conferences. In this regard, in addition to the already mentioned winter session in Vienna, a fall session is planned to be held in Slovenia and an annual plenary session to be held in Kiev next July. We hope to have the opportunity to hold a relevant event in Spain under our Presidency.

The Presidency is a challenge and an opportunity that requires major effort, particularly by the Ministry of Foreign Affairs and Cooperation, but in general, by the entire Administration. The Spanish Presidency will serve, therefore, as a yardstick of Spain's ambitions and capabilities in the new cycle we referred to at the beginning of these remarks. It is, therefore, a matter of State. We must furthermore be aware that this protagonism means that we are being carefully observed and it is therefore an important test of our country's international image, offering unparalleled possibilities for international projection. It is, lastly, a unique opportunity to contribute to building an international order based on justice, law and reason through the use of multilateral instruments, dialogue and cooperation, as this Organization espouses.

(DSC-C VIII Leg., no. 763, pp. 2–16).

In response to a parliamentary question on the Government's evaluation after one year, of the Spanish OSCE Presidency, the Ministry of Foreign Affairs stated on 19 December 2007:

...The Spanish Presidency set several objectives for itself; ambitious objectives that were achieved at the last ministerial meeting held in Madrid. In the field of policy and military confidence, a goal was the fight against terrorism, and Spain specifically defended a series of initiatives to combat terrorism. We have

improved and advanced in negotiations to deal with the so-called “frozen conflicts” of Transnistria and Nagorno-Karabakh. We have also improved the situation for the Treaty on Conventional Forces in Europe to continue to be a hope for greater security in Europe. We proposed, for the first time, linking the concept of security to that of the environment. The concept of security seeks precisely to show that on the European continent the fight against climate change can be a reality. Lastly, on the human dimension, we have defended a continued, permanent presence to ensure electoral processes throughout the Euro-Asian continent. But, perhaps the greatest guarantee of the future of the OSCE has been the assurance of the Organization’s own stability and continuity. Over the last three ministerial meetings, on several occasions it was impossible to reach a decision on future presidencies. In Spain, in Madrid, the next presidency was designated to be Greece, then Kazakhstan and then Lithuania.

Therefore, there is a future for the OSCE and for stability and security in Europe.

(*DSC-P*, VIII Leg., no. 309, p. 15400).

b) Prolonged Conflicts

In response to the parliamentary question on activities to resolve so-called “prolonged conflicts” during the Spanish OSCE Presidency, the Government stated on 7 November 2007:

One of the priorities of the Spanish OSCE Presidency is to facilitate and advance the resolution of prolonged conflicts. The Ministry of Foreign Affairs and Cooperation stated this on 01/11/2007 in Vienna to the Permanent Committee and to the Chiefs of Mission to the Organization. It committed itself to actively mediating among the parties in conflict and to supporting the efforts and actions of institutional mediators.

...Exploded in 1990, after the break-up of the USSR, and the armed confrontation that arose led to thousands of dead and displaced persons, above all in Georgia. The terrible wounds are still open.

It is necessary to clarify the work of the Interim President’s Personal Representative in this area: Under Ministerial Order of 02/13/07, Mr. Josep Borrell Fontelles was named to this mission upon finalization of his term mandate as President of the European Parliament and with its approval. The Ministerial Order does not express or exclude any of the functions of the Presidency to Mr. Josep Borrell, who has stood in for and represented the OSCE President in some “prolonged conflicts.”

The following is a summary of the actions taken by the OSCE Presidency in 2007 in regard to prolonged conflicts:

1. Conflict in Georgia with South Ossetia

The OSCE and Russia are institutional mediators between Georgia and the “de facto” authorities of South Ossetia. They are members of the Joint Control Commission established in 1992 when a cease fire was reached through Russian mediation in the armed conflict. The Joint Control Commission has not

met since early 2006 because the dialogue between the Government of Georgia and the leaders of South Ossetia was broken. The Spanish Presidency has not ceased in its efforts to get the Commission to meet. This only became possible to take place, on an informal basis, in Istanbul on 21–24 March, through active participation by the Presidency.

On 22–23 October, the Joint Control Commission met in Tbilisi but was unable to agree on a joint declaration.

The Minister of Foreign Affairs and Cooperation, the Interim President, met at the Commission met in Brussels on 15 May and 3 September with his Georgian counterpart to try to renew the dialogue.

The Deputy Minister of Foreign Affairs and the Minister for the Resolution of Conflicts of Georgia were received in Madrid on 6 March and 16 March respectively.

In Madrid, on 30 January, the common strategy to advance towards resolving the conflict was discussed with the EU Special Representative for the Southern Caucasus.

On 23–26 July, the Special Representative of the Interim President, Mr. Joseph Borrell, travelled to Georgia. He discussed the need to make progress in resolving the conflict through dialogue with both the Georgian Government and Parliament in Tbilisi and with the *de facto* South Ossetia authorities in Tskinali.

The atmosphere in the Conflict Zone between Georgia and South Ossetia has been very tense since 2006. There are multiple provocations on both sides, and neither is taking any real or effective steps towards dialogue or negotiation. Bilateral tension between Georgia and Russia, the principal mediator in the conflict, have made conflict resolution even more difficult.

In precisely this especially tense climate between Russia and Georgia that began last August, the Minister of Foreign Affairs and Cooperation travelled to Georgia on 3–4 September. He had previously sent a Special Envoy to Georgia and Russia to mediate in the incident over the missile that fell in Georgia on 6 August and in which Georgia and Russia placed the blame on each other. During this incident, the Interim President, in direct contact with his Russian and Georgian counterparts, was able keep this serious matter from ending up in confrontation.

On many occasions, the Interim President of the OSCE has publicly addressed the “parties” in conflict and the players in the region, by calling for calm and the reestablishment of constructive dialogue.

This was done on 29 January, 7 and 26 March, 9 May, 2 July, 7 and 8 August and on 6 September.

2. Conflict in Georgia with Abkhazia

The role of mediator in the conflict was entrusted by the International Community to the UN and its Secretary-General, with no active participation by the OSCE in conflict resolution.

3. Conflict in Moldavia with Transnistria

The cease fire that put an end to the armed conflict established a Joint Control Commission, as a resolution mechanism, in which the Ukraine and the OSCE would act as mediators, together with Russia. In 2005 the UE and the USA joined as observers.

By mandate, and in the Minister's name, the OSCE Presidency convened 3 meetings of Mediators and Observers (Russia, Ukraine and the OSCE together with the EU and the USA) in Madrid – on 25 January and 25 May – and in Vienna – on 30 March –. Their twofold purpose was to review the status of the conflict, which did not seem to include a risk of aggression by any of the “parties”, and to invite them to meet in a full-fledged negotiating format, a format that had not met since February 2006, under the Belgian Presidency.

The Minister of Foreign Affairs and Cooperation sent the Director General for Foreign Policy for Europe and North America, Mr. José Pons, to Chisinau and Tiraspol to invite the Government of Moldava and the *de facto* authorities of Transnistria to initiate an effective dialogue and negotiations with a view to advancing towards resolving the conflict.

Precisely, advancing towards a solution to the conflict was at the heart of bilateral talks between the Interim President and the Ministers of the Russian Federation in Madrid on 8 April and in Moscow on 30 August, and with the Minister of Foreign Affairs of the Ukraine on 5 July. He met in Madrid on 1 June with the U.S. Secretary of State.

The Minister of Foreign Affairs and Cooperation, as Interim President, travelled to Moldava on 7–8 October. Among others, he met with the President of Moldava and the self-appointed “president” of Transnistria in Chisinau and Tiraspol. He firmly stressed the need for a meeting of the «parties» in conflict with the mediators and observers as soon as possible.

This possibility seems to be becoming a reality for the first time in nearly two years. This was acknowledged by mediators and observers in Vienna at a new meeting on 11 October.

In order to resolve these prolonged conflicts firm political will is needed on the part of the “parties” involved, along with support by the Institutional Mediators, without prerequisites. The current situation in the Southern Caucasus and in Eastern Europe does not enable us to foresee an early end to the conflicts. The Interim President of the OSCE has spared no effort in seeking to make possible dialogue towards a solution.

Under circumstances that clearly do not promote understanding, no major confrontations have taken place.

In the final months of the Spanish Presidency efforts will be intensified to bring together the political wills of the parties responsible for these conflicts.

(BOCG-Congreso D, VIII Leg., no. 648, pp. 297–298).

XIII. EUROPEAN UNION

1. Enlargement

a) Turkey

In response to a parliamentary question, the Government stated on 25 January 2007 to the Congress of Deputies:

For Spain, Turkey's membership in the EU is a strategic matter of first magnitude that has been supported to date by all our Governments and which we expect will continue to be supported in the future, over and above the vicissitudes of a process that is difficult and complex for both sides.

As could not be otherwise, Spain's position is the position taken by the EU itself, since commencing negotiations for membership was a decision taken by the European Council of December 2004, after finding that Turkey complied sufficiently with the Copenhagen political criteria. This decision has the sole objective of Turkey's full membership in the EU, although it is an open process in which the result cannot be guaranteed.

(...)

In conclusion, despite the inherent difficulties in this process, the Government is in favour of Turkey's membership in the EU once it has satisfactorily complied with the Copenhagen criteria and concluded the negotiations underway. This is an historic process that will bring great benefit to both sides: today the model of European democracy offers Turkey the greatest hope for preserving the delicate balance between moderate Islamic society and the non-religious State. It must also be considered that the membership process in and of itself has already had very positive effects, as it is orienting and encouraging the entire reform and democratization process being undertaken by the Turkish Government with notable success. In this regard, it can be stated that in this case the process is just as important or more important than the goal itself.

(*BOCG-Congreso D*, VIII Leg., no. 505, pp. 402–403).

Later, On 10 May d 2007, the Minister of Foreign Affairs stated on the same subject:

(...)

As important as the final result of negotiations, or more so, is keeping Turkey's journey towards the European Union on an open path. This is especially clear now under the country's internal political situation: on the one hand, the current crisis reminds us that Turkey still has a long way to go in its reform programme, but at the same time, thanks to the European Union membership negotiations, there is a greater ability to positively influence the country's stability because it reminds them that the only framework for resolving differences is the one provided by democratic institutions. At this delicate juncture, the European Union needs to send a message of confidence to Turkey...

(...).

(*DSCG-Comisiones Mixtas*, VIII, Leg. no. 99, p. 5).

2. Space of Freedom, Security and Justice

a) *Immigration*

Note: See XII.1. b) Convention on the Protection of all Migrant Workers and Members of Their Families

On 18 January 2007, in response to a parliamentary question, the government explained the proposals made by the Prime Minister at the Summit of Heads of State and of Government held in Lahti on 19–20 October 2006 as follows:

(...)

Based on the consideration of immigration as a global problem that involves three major issues, development cooperation, the labour market and control, responsibility in this area should be shared between the European Union and the Member States, requiring effective short, medium and long term measures.

Among the measures proposed are the following:

1. European Union resources should be increased

Common Commission resources are insufficient, more material and human resources are needed. In the context of the financial perspectives approved for the 2007–2014 period, all possibilities in all the community policies that affect the problem of immigration must be fully utilized. There must be an increase in the material and human resources devoted to FRONTEX both internally and externally. In the short term, the decision must be taken to maintain or, if possible, reinforce FRONTEX operations, in particular joint patrol operations in the Canary Islands and Malta.

New regulatory instruments are needed in the areas of illegal employment, minors and humanitarian law of the sea.

Development of a computerized information-sharing system on entries and exits for border control and to fight illegal immigration.

2. From viewpoint of the Member states, certain instruments must be shared: specifically, the creation of joint maritime and land border surveillance capabilities and setting up European information offices on labour demand in third countries.

3. With regard to cooperation development, special attention must continue to be paid to Africa. Proposals need to be implemented through joint programming of the resources that the States and the Commission respectively have at their disposal.

(*BOCG-Congreso D*, VIII Leg., no. 505, pp. 235–236).

In his appearance on 19 June 2007 to report on the Agenda for the European Council of 21 and 22 June, the Secretary of State for the European Union stated:

Spain has special interest in everything having to do with the overall European immigration policy approved by the European Council in December of 2006. During this semester we have made important advances in all policy areas, certainly an achievement for Spain, that has for years been decisively shaping European Union action in the twofold sense of the need for a Brussels approach on each

and every aspect of immigration policy, and doing so in close association with third countries. The Council and the Commission have been particularly active in this area, adopting conclusions on immigrant integration policy, extending the global approach on immigration towards other migration routes such as those from the East, in addition to the southern routes, and the presentation by Vice President Frattini of the Green Paper on the common system of asylum, and the Directive to combat employment of immigrants with irregular status.

Of special interest for Spain are also the conclusions adopted by the Council on associating mobility and circular migration with third countries after the Commission communication on this subject, that for the first time consecrates the Spanish strategy of dealing in relations with third countries with migration under an overall, not a partial, approach, focusing both on maximizing the benefits of good migration management and fighting irregular immigration and trafficking in persons. Following the European Council mandate of December 2006, there have also been decisive advances made on border policy.

(...)

Some problems certainly continue to exist, probably due to growing pains of the agency, Frontex, that is now one year old. It is, however, providing Member States with great service and support, and proof of this is the Hera 2007 deployment to the south of the Canary Islands, which has provided excellent results, over and above any specific logistical or structural problems.

Other results in the Space of Freedom, Justice and Security that I believe merit attention are the successful transposition of the Prüm Treaty into community legislation, a major step forward in the principle of making information available among police forces that was enshrined at the initiative of Spain in The Hague Programme, and the good progress being made by the project that began with France, Germany and Spain on interconnection of Member States criminal records files.

(...).

(*DSCG-Comisiones Mixtas*, VIII Leg., no. 104, pp. 2–3).

On 27 June 2007 the Government confirmed in its answer to a parliamentary question on the EU agreements on immigration:

In regard to the European Union initiatives on dialogue and cooperation with Africa, the holding in Rabat last July 2006 of a Ministerial Conference as a joint initiative of Morocco, Spain and France, brought together eastern, central and southern African States with European Union Members States to discuss common responses to migratory flows along the Western African route.

(...)

Furthermore, the European Commission has certain instruments for taking action in crisis situations, Rapid Action Mechanisms, and under the annual budget assigned to FRONTEX, funds are devoted to financing joint border operations in the Canary Islands and the Mediterranean.

(*BOCG-Senado I*, VIII Leg., no. 749, p. 7).

On 2 July 2007, in response to a parliamentary question on the transposition of Directive 2003/109/CE into Spanish domestic law, the Government stated:

Spanish law contemplates the status of permanent residence for aliens who are nationals of third countries to which the community system of aliens does not apply. This status is analogous to long-term residence as regulated by Directive 2003/109/CE, of 25 November 2003, relating to the status of third country nationals who are long-term residents.

Article 32 of Organic Law 4/2000, of 11 January, on the rights and freedoms of aliens in Spain and their social integration, establishes that permanent residency is what authorizes a person to reside in Spain indefinitely and work under equal conditions to those of Spanish nationals.

Access to permanent residency status takes place when a person has held a temporary residence permit for a period of five years.

Equal treatment is ensured in Spain for third country nationals who acquire permanent resident status. They are even to a large extent protected from any potential sanction procedure in which deportation may be proposed, since Article 57.5 of Organic Law 4/2000 establishes that they can only be deported if they have participated in activities against the external security of the State, that harm the Spain's relations with other countries, or are involved in activities contrary to public order categorized as very serious under Organic Law 1/1992, of 21 February on Protection of Public Safety.

(*BOCG-Congreso D*, VIII Leg., no. 605, p. 963).

On 28 September, the Government stated to the Congress of Deputies in response to a parliamentary query:

(...)

1. The European Commission submitted a proposed Directive to the European Parliament and the Council to establish sanctions against whosoever may employ a third country national with irregular status. This proposal falls under the efforts being made in the European Union to development an integrated immigration policy.

The objective of the proposal is to limit the draw factor involving the possibility of finding work irregularly, and to do so it seeks to guarantee, based on the measures in force in the Member States, that all such States will impose similar sanctions on whosoever may employ third country nationals with irregular status.

(...)

2. The Government of Spain has supported the proposed Directive to which the question refers, and considers it very positive and that it fits under the integrated approach on immigration with the goal of fighting clandestine immigration, by establishing sanctions against those who employ third country nationals with irregular status. This proposal, furthermore, underscores the linkage between European immigration policy and employment-related issues (set forth very clearly in the Preamble of the Directive itself)."

(*BOCG-Congreso D*, VIII Leg., no. 626, p. 395).

The Government responded to the Senate on 16 October 2007 to a parliamentary question on the Spanish proposal regarding participation by Morocco in FRONTEX, stating:

(...)

...Since the Agency was created, Spain has defended the need to closely cooperate with the States of origin and/or transit of illegal migration flows, as it considers that without such cooperation it will be impossible for FRONTEX to fulfil its mission. It has stated this on every occasion, not only to the Board of Administration of the Agency itself, but also at all competent community levels and to the European Commission for Freedom, Security and Justice.

In this regard, Spain has fully supported the proposal launched during the German EU Presidency by the Commission and the German Minister of Home Affairs to send a letter to all neighbouring countries to the south of the Mediterranean and the Atlantic informing them of the development within the EU of a global migration policy that involves improving the joint management of maritime borders and offering them the possibility to participate in joint patrol operations designed by the EU in such maritime spaces. Spain, therefore, supported the idea of allowing third States to participate in operations organized by the EU and has stated this in different community fora and in the framework of EUROMED.

It should also be stressed that the Spanish position in this regard has played a relevant role in unconditionally supporting that fact that the Agency's has already initiated contacts (legally pursuant to the aforementioned Article 14 of the Regulation) with a series of Third States, including Morocco, Mauritania and Senegal, to reach agreements that would allow FRONTEX to provide them with technical assistance or negotiate on a technical level with them to conclude operational agreements that would help improve the situation in these countries and contribute to reducing the flow of illegal immigrants towards Europe.

It is also important to underline that the Spanish position in favour of establishing close relations between FRONTEX and the Third States involved in the illegal migration flows has also been influential at the political level regarding the budget, since our country has always been especially active in seeking an increase in the Agency's budget to enable it to fulfil its responsibilities and meet its goals.

In a more general sense, beyond FRONTEX operations, it can be stated that Spain, in the framework of reinforced European Neighbourhood Policy, also has supported including proposals aimed at promoting participation by States covered by such policy (including Morocco, among others) in the EU Agencies and Programmes (Commission Communication on participation by neighbours in community agencies and programmes, 04/12/2006).

Finally, reference must be made to the Spanish initiative (together with France and Portugal) at the EU-Morocco Partnership Council Meeting on 23 July, whereby it was decided to create an ad hoc Working Group on the Advanced Status of relations between the Union and Morocco with the goal of considering measures that would strengthen the current level of such relations

in all fields. Included in these measures is allowing Morocco to participate in the different European Union programmes and agencies, including the one that was the subject of the question.

(*BOCG-Senado I*, VIII Leg., no. 818, pp. 65–66).

In response to a parliamentary question, the Government responded before the Senate on 23 October 2007:

...Spain's goals is for migration policy to cover all the aspects and consequences of immigration and include, therefore, irregular immigration, legal immigration, integration, and cooperation with countries of origin and transit for concerted, integrated management of migration flows.

This Spanish goal was developed significantly in the Conclusions of the European Council of December 2006 "A Comprehensive European Migration Policy", regarding which it can be stated that this is the first time the EU has brought together all the elements that would make up a true common migration policy.

In the framework of the Council Conclusions, Spain led broad European actions, the most noteworthy of which are proposals for four new EU Funds: Borders, Asylum, Return and Integration with a projected volume to exceed 4 billion euros for the 2007–2013 period.

In the framework of financial perspectives for 2007–2013, the Union has set forth the Programme on Solidarity and Migration Flow Management, within which there is a Return Fund, covering programmes for voluntary and/or forced repatriation of immigrants who entered EU Member states irregularly.

The specific community decision on the Fund has not yet been taken, but it is expected to be approved with an endowment of some 676 million euros for the 2008–2013 period.

(*BOCG-Senado I*, VIII Leg., no. 825, pp. 9–10).

In his appearance on 19 December 2007 at the Congress of Deputies Plenary Session to report on the European Council of December, the Prime Minister stated:

...the European Council has continued forward in an area as important for Spain as European immigration policy, and it had done so in line with our proposals. It considers immigration a comprehensive phenomenon that includes the interaction of immigration policies, development aid, the fight against illegal immigration and the full integration of immigrants in our societies. The Council has confirmed the positive results of the different Union fora for dialogue with countries of origin and of transit, such as the Euro-Mediterranean Conference or the recent European Union-Africa Summit, organized by the Portuguese Presidency. At the initiative of Spain it has promoted dialogue on immigration with Ibero-American countries. The Council has put forward new measures, such as partnership agreements on mobility and circular migration, and calls to promote cooperation with third countries on management of migration flows. In regard to policies to control illegal migration, it has echoed an important demand by Spain by proposing to reinforce the European External Borders Agency, known

as FRONTEX. Ladies and gentlemen, much remains to be done, but we now find with satisfaction that European immigration policy is at the centre of Union priorities and that the work being done in this area is positively affecting our comprehension of the situation in Africa and the ultimate causes of immigration and responses thereto.

(...).

(*DSC-P*, VIII Leg., no. 309, pp. 15355–15392).

3. Lisbon Treaty

In his appearance on 19 June 2007 to report on the agenda of the upcoming European Council of 21–22 June, the Secretary of State for the European Union stated:

To summarize the Spanish position for this European Council, I can say the following: for Spain a treaty at any price is not acceptable; it is not acceptable to have a treaty in which, instead of advancing towards greater European integration we replace the Union with a sort economic space with no political ambition.

(...)

We feel the substance and the balance of the Constitutional Treaty must be maintained. We do not conceive, for example, of a treaty without the new provisions on justice and home affairs or external action of the Union. Nor could we conceive of a treaty that would not go beyond the pillar structure or not establish the legal status of the Union, and these points make up the *de minimus* position that Spain and France have identified in the joint proposal we presented the day before yesterday in Luxembourg. The twelve points are as follows: First, a new European Council Presidency. Second, a Minister of Foreign Affairs, to take on the functions of the High Representative for Common Foreign and Security Policy and Vice President of the European Commission and improve the external action of the Union, in particular reinforcing its consistency. Third, a single legal status, notwithstanding preservation of the specificities of the PESC. Fourth, for the modalities for calculating the qualified majority and the extension of its scope of application to include the area of Justice and Home Affairs, under conditions set forth at the 2004 IGC, as well as a strengthening of the powers of the European Parliament and new composition modalities. Fifth, development of the European Space for Freedom, Security and Justice under the conditions set forth in the 2004 IGC. Sixth, common immigration policy. Seventh, reinforced cooperation and structured defence cooperation. Eighth, progress on governance in the euro-zone, under the Eurogroup protocol as set forth in the Constitutional Treaty. Ninth, strengthening of policies, for example, on health, energy, and civil defence. Tenth, a solidarity clause, especially in reference to terrorist attacks and catastrophes. Eleventh, a binding reference to the Charter of Fundamental Rights. And, twelfth, support for ultraperipheral regions, as would be the case of the Canary Islands. These twelve points are, stated colloquially, Spain's and France's red lines for the new treaty, and we do not conceive of a new treaty without these twelve points. Furthermore, institutional provisions are

for us not a package in an of themselves; the package is more comprehensive, hence the references to common immigration policy, to the Space for Freedom, Security and Justice, to new policies on energy, civil defence, etc. (...) Spain also demands a legal commitment to undertake to a new distribution of seats in the European Parliament in accordance with the criteria set forth in Article 1.20 of the Constitutional Treaty, before the 2009 elections.

(...).

(*DSCG-Comisiones Mixtas*, VIII Leg., no. 104, pp. 4–5).

Later, on 27 June 2007, the Prime Minister appeared before a Plenary Session of the Congress of Deputies to report on the European Council held on 21–22 June as follows:

The Government established from the very beginning that its main negotiating objective was to move Europe out of its stagnation while preserving the essential content and balance of the Constitutional Treaty.

(...)

...Each and every one of the elements contained in the Constitutional Treaty that we considered essential is set forth in the new Treaty...

It is true that to achieve this agreement we have had to make concessions. Spain would have like to have gone further, to have a single treaty that would simplify European legislation, keep the term “constitution” and the reference to the symbols of the Union...

The final result is excellent...It is a project that is foundational in nature, a treaty for a new Europe...After its entry into force, the qualified majority will be the system applicable to issues as sensitive for Spain as immigration, energy and cooperation on matters of justice and home affairs. These are areas with great potential in the European Union that required a more agile system in order to develop. Our citizens, Spanish citizens, will be the first and the most benefited by these measures.

...the definition of the voting system by qualified majority was one of the most debated issues of this Council...

Both under the current system and under double majority, Spain has adequate representation in line with its population size. However, Spain aspires to have a greater influence than its number of votes or its population, because it knows from experience that the real power in the Union is not measured by more or less votes, but rather by the ability of the Member States to generate trust, attract support, form alliances and defend their national positions from a European perspective.

Rather than the option of blocking minorities, the Treaty offers reinforced, stable cooperation that can be promoted by a minimum of nine States. This also has special importance for a country like Spain that aspires to spearhead the integration process on all fronts of community action. And there is more. Before the end of October this year a proposal is expected to be submitted on the new composition of the European Parliament, regarding which assurances

already exist that Spain will see an increase I its number of seats for the Parliamentary elections to be held in 2009.

(...)

The Treaty is also a major step forward in issues relating to the creation of a space for freedom, security and justice, that are subject to a qualified majority with the introduction of this category in the areas of law enforcement and penal cooperation. This is very good news for Spain, a culmination of our efforts at promoting these policies on the European level, and also a very important change for our citizens, as it strengthens the protection of their interests and their security.

Within this new framework, the European immigration policy that the Spanish Government has been pursuing will be increasingly more effective in the context of the European Union. Furthermore, regarding another matter of strategic importance for Spanish interests, the new Treaty includes a specific reference to promoting energy interconnection among Member States that...is a fundamental issue for security and the development of our energy policy...

In the new text Spain has also been able to retain all the improvements set forth in the Constitutional Treaty in relation to a subject as sensitive for our country as the Statute of the Ultraperipheral Regions.

(*DSC-P*, VIII Leg., no. 267, pp. 13343–13344).

In his appearance on 19 December 2007 before a Plenary Session of the Congress of Deputies to report on the December European Council, the Prime Minister stated:

(...)

...I come before you, ladies and gentlemen, to report to you on the signing of the European Union Treaty on 13 December in Lisbon and above all on the conclusions adopted at the European Council that took place on 14 December in Brussels...the new treaty was approved at the Lisbon summit on 18–19 October, in the framework of the Intergovernmental Conference and pursuant to the mandate issued by the European Council of June 2007...I will limit my remarks to referring the last agreement included in the text at the Lisbon Summit on the new composition of the European Parliament and to assessing the importance of its signing on the 13th. In the agreement on the new distribution of the European Parliament, Spain was the Member State that received the greatest benefit, with four seat more than it would have been entitled to under the current distribution after the membership of Romania and Bulgaria, and maintained 54 seats. This new distribution will be applicable in the upcoming 2009 elections if, as expected, the new treaty enters into force on 1 January of that year. This agreement is very positive for Spain, as it corrects the deficit in our European Parliament representation to which we have been subject since the Nice accords.

(...)

(*DSC-P*, VIII Leg., no. 309, p. 15355).

4. Reflection Group

In his appearance on 19 December 2007 before a Plenary Session of the Congress of Deputies to report on the December European Council, the Prime Minister stated:

...I will now report to you on the main conclusions from the Council held on 14 December which, in my opinion, were very positive and significant for Spain. We launched a discussion on the new challenges faced by the Union and their responses, approved the mandate for a reflection group on the Europe of 2020–2030, as well as a statement on globalization...In relation to the newly created reflection group, the Council has approved its mandate and has appointed its Chairman and two vice-chairmen. The choice for Chairman of the group of former prime minister of Spain, Felipe González, was very good news for both Europe and for Spain. Right from the beginning his candidacy received the broadest support from among Member States. This choice shows recognition for Felipe Gonzalez's political career and his personal commitment to European construction. It is recognition for the person who had the merit and the good fortune to navigate the last stage of our membership in a project from which we had been left out. It is recognition of the person who markedly advanced two principles that are now fundamental in the Union, European citizenship and cohesion. It also is recognition of Spain, of our deep Europeanism, of the central role we have earned for ourselves as a country since 1986, when we eliminated the historic defect. This recognition corresponds to the society as a whole, to the different governments that have been in office since then, to all the groups belonging to this Chamber.

...The group will be made up of people from different professional environments of acknowledged prestige and will act fully independently from their States of origin and community institutions. The group will present its conclusions in a final report at the Council to be held in June 2010, coinciding with the next Spanish Presidency, which will enhance its agenda. It is important to stress that the group will not discuss institutional matters nor will it determine short term reforms of common policies, so as to prevent instrumentalization of its work. Its mandate is, nonetheless, particularly broad and will consist of identifying the main challenges the European Union will have to face and formulating proposals as to how best to deal with and resolve them. The Council has set forth the following areas of reflection for this group: the modernization of the European Union's economic and social model; sustainable development; global security; immigration; energy and climate change; and the fight against terrorism and organized crime. Furthermore, the Council has asked the group to reflect how best to be in contact with citizens and respond to their expectations and needs.

(...).

(*DSC-P*, VIII Leg., no. 309, p. 15356).

5. Development Cooperation

On 23 November 2006, in response to a parliamentary query, the Government stated in the Congress of Deputies:

Spain has been very active in the general design of EU development policy, having participated in a decisive manner in the drafting of the European Consensus on Development that was approved in December 2005. In particular, Spain achieved, in paragraphs 61 and 66 of said document, recognition first of the needs of middle income countries, the group to which the countries of Latin America and the Mediterranean belong, and second, that low-middle income countries face problems that are similar to those of low income countries. In the Consensus, the Member States committed themselves to pay due attention to middle income countries, especially low-middle income countries.

(...)

During 2005, the 2007–2013 financial perspectives were negotiated in the EU. During these negotiations, Spain pressed for part of the Union budget items on cohesion to be devoted, for the first time, to cross-border cooperation and in particular cooperation with the southern Mediterranean States...

In regard to funding for Latin America and the Caribbean (LAC), Spain negotiated for EU funds to the countries of Latin America and the Mediterranean to be maintained during the 2007–2013 timeframe. During this period of time, Spain will try to get the EU to devote to Latin America 380 million euros under geographic programmes and some 500 million euros under thematic programmes.

Spain participated very actively in preparing the EU-LAC Summit held in Vienna in mid-June of this year, which was widely followed and attended by forty countries. Spain negotiated for the Final Declaration of the Summit to include Spanish initiatives such as the conversion of debt into official development aid including education, or facilitating the transfer of emigrant remittances in an attempt to reduce their cost.

During 2005, Spain promoted, together with France and Italy, the creation of a Forum of Local Governments/decentralized EU-LAC cooperation as a form of involving local EU entities in the development policies of Latin American cities. The first meeting of the Forum will be held in February 2007 and direct involvement is expected on the part of the European Commission.

(*BOCG-Congreso D*, VIII Leg., no. 490, p. 228).

6. CFSP

a) European Gendarmerie Force

In response to a question on the development of the European Gendarmerie Force during the Presidency, the Government responded on 11 July 2007:

The objectives to be undertaken during 2006 in the Presidency on the European Gendarmerie Force (EGF) are focused mainly on the following:

- Carrying out an exercise that would test the capabilities of the EGF Headquarters to simultaneously plan and direct two international crisis management missions (one for substitution and the other for reinforcement), including deployment of units on the ground (carried out in our country during April).

- Making progress on the operational status of the EGF to culminate in an official operational statement.

Exercise evaluation reports were in general very positive, which led the High Level Interministerial Committee at its meeting in Madrid on 20 July to approve the EGF operational statement.

- Completing drafting of main EGF doctrinal and procedural documents.

- Making the EGF known and putting it at the disposal of the different international organizations under whose mandate it could act (EU, UN, NATO, OSCE, etc.).

- Advancing in drafting the future “EGF Treaty.”

The activity undertaken complied with expectations and therefore satisfactorily achieved established goals.

(*BOCG-Congreso D*, VIII Leg., no. 605, p. 397).

7. Official Languages

In response to a question on progress in the use of the official languages of Spain in European Union institutions, the Minister of Foreign Affairs stated on 24 October 2007:

...since the beginning of this legislative term this Government has sought to improve, and above all, achieve recognition in the European Union institutions of all the co-official languages that have official status as recognized by the Spanish Constitution.

As you know, ladies and gentlemen, after many difficulties, on 13 June 2005 the Council adopted conclusions whose practical implementation is turning out to be positive. As a result, negotiations have started on different respective agreements with the different EU agencies and institutions. The first agreement was signed with the Council itself, on 7 November 2005. Shortly thereafter, on 16 November 2005, an agreement was signed with the Committee of Regions. On 21 December an agreement was signed with the European Commission, and on 7 June with the Economic and Social Committee. Finally, on 30 November an agreement was signed with the European Ombudsman.

Since these agreements entered into force, all the communications that citizens have addressed to the institutions in the various official Spanish languages have been dealt with without difficulty. It is important to point out the case of the Committee of Regions where, since the entry into force of the agreement providing for this, interventions in the plenary sessions are taking in all these languages under a situation of absolute normalcy. In the Council, interventions are also being made by the representatives of the autonomous communities in different Spanish languages under full normalcy.

It is true that there is a separate issue, which is the European Parliament, where discussions within the Standing Committee have prevented the Chamber from accepting the Spanish Government's request for parliamentarians to be able to use these languages in their interventions in plenary sessions. Nonetheless, after an exchange of letters, the Standing Committee adopted, at its meeting on 3 June 2006, an agreement making it possible to use official Spanish languages other than Castilian in their communication with citizens. Therefore, without needing to enter into an administrative agreement, the Parliament's translation services see to it that all the citizens who address the European Parliament receive answers in their own language."

(*DSS-P*, VIII Leg., no. 135, pp. 8449–8450)

8. Good Neighbour Policy

In his appearance on 10 May 2007 before the Committee on the EU of the Parliament to report on the future of the European Union, the Minister of Foreign Affairs stated:

(...)

Since 2004 the European Union has had an ambitious good neighbour policy that has now become a fundamental pillar of its foreign policy with its neighbouring countries to the east and the south. Spain has been a strong promoter of this process that, from our point of view, needs to be governed by the following ideas. First, clear political vision: Spain feels that the good neighbour policy should be more than a number of instruments and correspond to the idea of a true common, shared space; our neighbours should perceive that they have special status in their relationship with the European Union, with mutual advantages and commitments. Second, proper explanation and partnership with the south: the great challenge of the good neighbour policy is that it be assimilated by our partners. And, third, the development of the idea of advanced status with some countries in their relations with the European Union, such as the case of Morocco and other North African countries, and reflection on reinforced cooperation among the main players in the larger neighbouring area: western African countries, Morocco, Mauritania, Spain – particularly the Canary Islands – and Portugal – particularly Madeira and the Azores –.

(...).

(*DSCG-Comisiones Mixtas*, VIII Leg., no. 99, p. 5).

XIV. RESPONSIBILITY

1. In General

In his remarks to the Sixth Commission at its 2007 session, the representative of Spain stated his position regarding the future of the codification process on international State liability:

Mr. Virilla (Spain) said that what had occurred in the years since the adoption of the draft articles on State responsibility in 2001 made it clear that they reflected customary international law. They enjoyed wide acceptance and were also an important reference in the practice of the International Court of Justice and other judicial organs. In principle, Spain supported the idea of a future convention, but believed that it would be premature to undertake its development at the current juncture. His delegation would not want the negotiation of a convention to jeopardize the fragile balance that had been struck with respect to the draft articles or to threaten the progress achieved. The matter should be re-examined by the General Assembly in the near future.

(A/C.6/62/SR.13; p. 3).

XV. PEACEFUL SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

1. Collective Measures. Regime of the United Nations

On 25 September 2007, the Minister of Defence, Mr. Alonso Suárez, in compliance with Article 18 of the Organic Law on National Defence, informed the Spanish Parliament on operations being carried out by the Armed Forces abroad.

(...)

...there are currently four missions abroad...There is the UNIFIL mission, in Lebanon, that came out of the conflict between Israel and Hezbollah in the summer of 2006. Our participation in the other three: Bosnia-Herzegovina, Kosovo and Afghanistan date from some time ago...

In relation to the Balkans, I will speak first of the Bosnia-Herzegovina mission. The Spanish presence in that country began in late 1992 as a United Nations mission, continued in 1996 as a NATO stabilisation force, SFOR, and later, in 2004, the authority was turned over from NATO to the European Union. This is the origin of the Altea operation, currently being carried out by Eufor in Bosnia-Herzegovina...The European Union mission is now engaged in a force reduction process, going from 6,000 to 2,500 troops, of which some 3,500 remain in the theatre of operations. As for Spain, we have recently reduced a contingent of 500 troops to 250...

The other mission with Spanish troops in the Balkans is in Kosovo. In Kosovo at this time there are 15,129 participants from thirty-five countries, twenty-five of which are NATO members. Spain contributes 512 troops and ranks eighth among participating countries. The Mission in Kosovo and our presence there dates from 1999, following United Nations Security Council Resolution 1999 that authorized deployment of a multinational force lead by the Atlantic Alliance. We all know that the situation in Kosovo is very complex., as is its current political status...the possibility exists, if Kosovo declares independence, that it would

be immediately followed by the declaration of independence of the Republic of Srpska, based on the same principles and seceding from Bosnia-Herzegovina to immediately commence an integration or federation process with Serbia, among other messages that could be sent to the international community. Therefore, the Spanish Government advocates a consensus solution in which all players have a voice, that would lead to definitive, lasting peace and stability in a country as complicated as Kosovo. You are aware of the February 2007 proposal by Mr. Athissari, former president of Finland and now Special UN Envoy, but no solution will be reached without agreement between the parties or without a United Nations Security Council decision.

(...)

...We are in Lebanon...since September of last year; the mission was declared operational in October, after the conflict between Israel and Hezbollah that reached a climax in the summer of 2006. Security Council Resolution 1701 strengthened the prior mandate of UNIFIL, the United Nations Interim Force in Lebanon, established in 1978. Then, on 24 August of this year, Security Council Resolution 1773 of the Security Council renewed the mandate in the same terms as under the previous resolution...At the present time we have 1,099 troops there. In the UNIFIL deployment area, Spain leads the eastern multinational Brigade where, in addition to our troops, there are units from India, Nepal, Indonesia, Malaysia and Poland...

There is no question regarding the important role being played by UNIFIL, or the sacrifice, abnegation and good work on a technical and human level of our contingent. The cease fire and hostility cessation objectives have been achieved, permitting reconstruction work to commence in an area where infrastructure was severely damaged. Also, important de-mining work, civil-military and humanitarian cooperation work is being done. Among the numerous civil-military cooperation activities being performed by our contingent, there is, for example, the establishment of a temporary medical camp to assist local physicians, and a series of rapid impact projects to provide the local population with schools, health dispensaries, wells and lighting in areas where our troops are deployed...

(...)

Now I will talk about Afghanistan...for different reasons this has certainly had the highest presence and the highest parliamentary visibility. Both the international United Nations ISAF force and its legal support are sufficiently well-known to this Chamber. We are in Afghanistan under United Nations mandate and purposes, carrying out international commitments assumed by Spain and as authorized where required by this Parliament. We are in Afghanistan, as the United Nations Security Council resolutions state, to maintain security so that the Afghan authorities, United Nations personnel and other international civilian personnel devoted in particular to humanitarian work and reconstruction can act in a safe environment. This is what the United Nations says and this is what we are doing in Afghanistan. We are there, in short, for the purpose of promoting basic conditions of stability and hope for the Afghan people.

(...)

As set forth in the conclusions of the London Conference on Afghanistan, also sponsored by the United Nations first, security; second, governability, the rule of law and human rights and, third, economic and social development constitute the three critical and interdependent pillars of activity for the coming years. Now, with these goals, at this time there are 38 countries pertaining to the international community contributing military contingents to the United Nations ISAF mission. Spain is participating with 690 troops, we lead the provincial reconstruction team in the province of Badghis, in its capital, in Qala-e-Naw, whose purpose is fundamentally reconstruction and development. We are at the forward support base in Herat, where we provide security for reconstruction teams in four provinces and, in addition to this, there is an entire Air Force detachment in Manas, Kyrgyzstan, and we are also present at the ISAF Headquarters in Kabul.

The other major reference point for Spanish presence in Afghanistan is in development. We are there with the International Cooperation Agency and our participation has provided for widely diverse humanitarian actions in reconstruction and development. We have distributed tons of materials of prime necessity; we have provided sanitary, educational, roadways, water channelling, electrical cabling infrastructure; in short, everything necessary to support any civil society seeking to develop, to stabilize itself, and therefore, seeking to create, as do the Afghani – the social conditions of security that would enable the country to hold the reins of its own future.

(...).

(DSC-C, VIII Leg., no. 893, pp. 4–6).

XVII. WAR AND NEUTRALITY

1. Disarmament

a) Colombia

In response to a parliamentary question, on 29 November 2007 the Spanish Government reported on its reasons for continuing to export arms to a conflict zone such as Colombia:

In Spain, the appropriate government agency (Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble Uso-JIMDDU [Interministerial Regulatory Board on Foreign Trade in Defence and Dual Use Articles]) is following the internal situation in Colombia very closely, with full attention and great interest, especially when decisions were taken regarding defence material exports to that nation,.

In accordance with Spanish regulations in force (Royal Decree 1782/2004, of 30 July), Spain strictly applies all the criteria contained in the European Union Code of Conduct on Arms Exports, and the Junta Interministerial Reguladora

del Comercio Exterior de Material de Defensa y de Doble Uso, on which the Ministry of Foreign Affairs and Cooperation is represented, issues the licenses. Every application for an export license to Colombia is resolved following a case-by-case study, and the JIMDDU takes into account, among other relevant data, both the product to be exported and the data and characteristics of the importer and exporter, and the potential risk of diversion of the exported materiel.

For the JIMDDU to consider export applications a Final Use Certificate must be submitted, without which the operation will not be authorized as it is a guarantee that the material exported cannot be transferred nor re-exported to persons or legal entities other the ones set forth as the Final User. In addition to checking this documentation, actual risk of diversion is taken into account in each case and is evaluated by taking into account a number of reports from different security organizations competent in this field, in proper compliance with Criteria 7 of the Code of Conduct on diversion risk.

Spanish business activity in foreign countries is fundamentally regulated by regulations and legislation in force in such nations, and the Courts of Justice of such countries are the ones that must interpret and implement their own rules, generally territorial in basis and scope of application.

(BOCG-Congreso.D, VIII Leg., no. 642, p. 538).