

Human Rights Seminar

**Belgian Federalism:
Fact or Fiction**

**CAP Reform:
Precondition for Enlargement**

Le Conseil de L'Europe

A Forgotten War

**Minority Policy:
Individual vs. Collective Rights**



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IFLRY**i n t h i s LIBEL**

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Introduction

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Libel is a means of communication for the International Federation of Liberal and Radical Youth. Any member of an IFLRY member organization as well as outsiders should feel free to contribute or react.

LIBEL is published with the help of the European Youth Foundation of the Council of Europe. It is sent to international youth leaders, to politicians and political parties, to governmental and non-governmental organizations and institutions, and, above all, to young liberals and radicals all over the world.

Opinions expressed in LIBEL are not necessarily the same as those of IFLRY or the IFLRY Bureau, unless explicitly stated as such.

Subscriptions may be sent to the IFLRY secretariat. Individual subscriptions cost 25 Swiss Francs for a year, 4 issues, or 50 Swiss Francs for 2 years, 8 issues. Old issues are also available from the Secretariat.

Editors are the IFLRY Bureau with President Jonas Renz as Responsible Editor. Design by Janice Nicholson. Type setting and Lay-out by Kevin Langlands. Printed on chlorine-free paper for a cleaner environment.

Dear fellow liberals:



Since the last issue of Libel we run some events, like the Seminar on 'Human Rights' in Strasbourg (France) in February, the seminar on 'Religious, Ethnic and Indigenous Minorities' as well as our Executive Committee meeting in Berlin (Germany) in late May. We also participated together with FEJOL and the Friedrich-Naumann-Foundation at a joint election monitoring delegation to the national and presidential elections in Paraguay in early May.

The seminars were both well attended. In May we also had to reject delayed applications, because of not enough capacity. The results can be read in the reports already mailed out in the member organisation's (MOs) mailing. You can request them from your International Officer or some limited copies at the IFLRY Secretariat.

At the Executive Committee meeting we hold working groups that dealt with the future development of IFLRY. As among the MOs there was a request to discuss the election-system in IFLRY, we offered a well attended working group on this issue. The other working groups dealt with the role of the Regional Organisations within the IFLRY structure. Reports on both were already mailed out to the MOs.

As in Europe the reform of the policies and institutions of the European Union (EU) is getting more and more important – especially as the European elections are coming close (June 99) – we dedicated an article in this issue of Libel to the Common Agricultural Policy. This issue is not only important to the EU member states, but also to the applicant countries of middle and eastern Europe and the rest of the world, as this subsidy policy is a big issue at the conferences of the World Trade Organisation (WTO).

Please feel free to submit us any helpful suggestions, articles, proposals, comments or criticism concerning this magazine. This is your magazine, you should therefore participate and enjoy reading it.

Yours sincerely,

Jonas Renz
IFLRY President

The Belgian Case: Who's Governing?

According to the 1st article of the new constitution of 1993 Belgium became officially a federal state, existing out of 3 communities and 3 regions. Before 1993 Belgium was a unitary state, which was founded in 1830 out of strategic reasons. It turned out to be a bad marriage between a dominating French upper-class (Walloons) and a Dutch-speaking majority (Flanders). Going along with the linguistic barrier which divided the new country, you also had economic differences. In the Walloons the heavy industry was booming, while Flanders was still depending heavily on agriculture. The Flemish people, feeling like second-class citizens under the French-speaking domination, slowly reacted against this discrimination. The support for their battle to have an equal treatment of both language groups was rapidly growing after the appalling treatment of the Walloon Military staff towards the Flemish soldiers. During the both world wars the Dutch-speaking soldiers were ordered about in the superior language, namely French. This constant refusal to address the Flemish soldiers in their own language led to many misunderstandings and also directly to the death of many of them. These sorts of misconduct led to a greater sense of Flemish community and also in an increase of the political demands for more linguistic respect and more Flemish autonomy in the cultural policy. In the next forty years Belgium would undergo major constitutional changes. Since 1993 Belgium is a federal state, but probably this is not the end of the reforms. At this moment there are 3 communities and 3 regions with all different political responsibilities.

The Flemish, French and German speaking community have the legislative powers in the policy domains of culture, language and personal matters such as health and some social policies. Housing, environment and some economic matters are the responsibility of the Flemish, Walloons and Brussels Region, while the federal government has still the control over monetary policy, military, police, justice and external affairs. This highly complicated institutional system was the result of a typical Belgian compromise between the Flemish and French-speaking interests. The continuous Flemish demands for linguistic equality and cultural autonomy resulted in 1970 in the

foundation of the cultural communities. In the following constitutional changes (1980 & 1989) an increase in autonomy and power was obtained, but the demand for a directly elected parliament was only given to the communities in 1993. While the Flemish were demanding for cultural and linguistic autonomy, the Walloons wanted more economic autonomy. In 1980 we saw the creation of the first 2 economic orientated Regional institutions. The Brussels region was only introduced in 1989 after a long protest of the Flemish. The fear of non-representation in the new Brussels institutions and the growing intrusion of the French-speaking immigrants in the Flemish cities just around Brussels made the Flemish politicians reluctant to go along with the idea of a strong Brussels Region. It was only after they got the promise of a minimal representation in the new institution and also on the local level that they agreed with the installation of the Brussels Region. As you can see the institutional changes resulted in a highly complicated and mostly inefficient juridical system. For the moment Belgium has no less than 8 different parliaments for only 10 million people. It is thus not a surprise that a normal Belgian citizen does not know to which administration he has to turn to if he has a problem. It even goes as far that the Ministers do not know the boundaries of their respective powers so that most of the time it is up to the constitutional court to decide which parliament / government is in power. That this situation can not go on forever seems very obvious, but the solution to the Belgian problem is not so simple!

By Pascal Dubois (Jong-VLD)

and Robin Ramakers (Volksunie Jongeren)

Minority Policy: Individual Rights vs. Collective Rights

(i) Let me first of all express the pleasure it is for me to speak to this audience. To be sure, this is not one of the standard empty phrases, guest speakers make. I am currently working on transnational co-operation of political parties and related organisations, and I think that it is a very important and promising approach for the modernisation of democracy in a globalizing and interdependent world. Insofar I congratulate you on your important activity and I wish you all the best for your future work and for this seminar.

(ii) I will approach the issue of individual vs. collective rights in a somewhat indirect fashion by beginning with a few general remarks on minority definitions, minority situations and minority conflicts. I will then try to discuss the question of individual vs. collective rights within the wider context of the organisation and institutionalisation of democracy. Finally I will try to explain the contributions to minority policy which can be made at the international level. So please don't be impatient. The question of individual vs. collective rights has to be discussed in a wider context of minority problems. And I think that such a broader view is more useful in this early stage of your seminar than a too narrow discussion of individual rights and group rights.

(iii) Let me briefly explain which kind of minorities I have in mind in my lecture. I will talk about citizens (not foreigners), citizens with ethnic, religious or linguistic characteristics which differ from the majority of the population. Minority groups are groups of such citizens which show a certain sense of solidarity and aim at protecting their culture, language or religion. Therefore, I will not discuss other minority groups like migrant workers, women, children or dissidents.

The reason for this kind of discrimination is that these other groups need other mechanisms for their protection. The incorporation of these groups into the traditional protection of national or ethnic minorities would certainly make matters worse.

Topicality

You certainly know that today politicians as well as social scientists are paying much more attention to minority issues and especially minority conflicts than in earlier decades.

However, this does not mean that the number of minority conflicts has risen dramatically. The perception of a rapid spread of minority conflicts since the end of East-West confrontation is misleading insofar as there has been a constant spread since the 1960s. What we perceive today as an „explosion“ of minority conflicts is merely a continuation of a long-term trend. Nevertheless, there is one difference compared to earlier periods: Europe is today much more affected by minority conflicts, whereas the majority of conflicts in the 1960s, 1970s and 1980s was located in other regions of the world.

Definitions

Those who come in touch with minority issues – politicians as well as scientists – face a number of difficulties. One problem is related to the definition of „minority“, especially in combination with attributes like „ethnic“ or „national“. There is no such definition which is universally shared and accepted. The history of the international protection of minorities and of the treatment of minorities in international law for example is to a large extent a history of failing attempts to define what a minority is.

One political reason for this failure is that the way of defining a minority pre-decides in a formal sense the rights which minority groups can claim from the state – and the rights the state has to concede to the minorities. As a matter of fact, many states aim at restricting minority rights as narrow as possible. Consequently, we all know states which completely deny the existence of minorities on their territory.

The various definitions which can be identified in the political and scientific discourse are located around two different interpretations. Firstly, there is a so-called „objective“ interpretation which concentrates on objectively existing criteria (e.g. language, religion). In this sense minorities are groups which differ from the majority population with regard to these objective criteria. Secondly, there is a so-called „subjective“ interpretation which concentrates on the way people see themselves. In this sense minorities are groups which define themselves as minorities.

Experts in international law again and again try to elaborate a

Minority Policy continued...

systematic definition of minorities, but international organisations prefer to circumvent the definition dilemma. In the interwar period the minority treaties of the League of Nations for instance where addressed to minorities of race, language and religion (i.e. objective criteria) without giving an exact definition. The member states of the OSCE have chosen a different solution. OSCE documents use the generic term „national minorities“ whose ethnic, cultural, linguistic and religious identity has to be protected. In addition the OSCE has committed itself to a subjective interpretation, emphasising that belonging to a national minority is a matter of the voluntary decision of the individual. The Council of Europe has adopted this wording in its Framework Convention for the protection of national minorities in 1994. The UN has made especially in the 1970s ambitious attempts to elaborate a precise definition of minorities – without success. The 1992 UN-Declaration for the protection of minorities merely relates to „national or ethnic, religious and linguistic minorities“ without further clarification.

Summing up, we can see that with regard to minority definitions the international community today prefers a rather pragmatic approach. This kind of pragmatism has been articulated most frankly by the OSCE's High Commissioner on National Minorities. Once asked how he can do his job without a precise definition of minorities his answer was: „I know a minority when I see one.“

I think that in our discussion of minority issues we too should be as pragmatic as possible and try to avoid lengthy debates on terms and definitions.

Diversity of Situations and Interests of Minorities

Minority situations, interests, demands and objectives differ considerably from case to case. Firstly, a number of distinctive features of minorities can be described by attributes like „linguistic“, „religious“, „national“ or „ethnic“. Some minorities differ from the majority population only with regard to one of these attributes, others with regard to more than one. Secondly,

settlement and geography make an important difference. Some minorities are scattered over the country, others are concentrated in one region where they represent a high proportion of the population; some live in central areas of the state, others in border areas, possibly close to related groups in the neighbouring state. At first glance these differences seem to be trivial. But they are



politically significant, since settlement and geography are often crucial for the identity of a minority, for its potential for political action and mobilisation as well as for the majority's and the state's perception of the minority's ambitions. Thirdly, one can also distinguish between „voluntary“ minorities which want to preserve their minority status and

„forced“ minorities which want to overcome their minority status. And finally, even in economic and social terms there are huge differences from one minority situation to another. Not all minorities are underprivileged. There are also minorities with the – correct or false - impression of supporting and subsidising the rest of the country.

Diversity of Minority Conflicts

From the diversity of minority situations, interests and ambitions follows that there is no general type of minority conflict but a huge diversity of conflicts with different underlying motives and causes. We can distinguish:

- (i) conflicts between the majority population of a state and one religious, cultural or ethnic minority
- (ii) conflicts which develop during the disintegration and collapse of a multinational state
- (iii) conflicts within an existing multinational state
- (iv) conflicts which develop in consequence of newly emerging minority situations
- (v) conflicts with indigenous populations.

Different types of minority situations bear different conflict

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potentials. Generally the roots of minority conflicts in most cases reach far back into history. The empirical research on minority conflicts has identified a number of factors which can lead to the escalation of conflicts. For instance strongly felt or experienced injustice – especially when its experience reaches far back into history – makes the escalation of a minority conflict highly probable. Another factor is the geographic, demographic, cultural and political coherence of a minority on the one side and the lack of willingness of the majority to concede participation on the other. A third factor is the combination with economic, social and political cleavages.

Solutions (individual and collective rights)

From the diversity of minority situations and conflicts follows that there is no universally applicable scheme, no blue-print for conflict regulation, settlement and solution. On the contrary, the suitability of specific measures has to be discussed case by case.

The implementation of measures for the peaceful regulation, settlement and solution of minority conflicts must take place at the state level. (Later on I will also explain where the international level comes in.) Democracy and the rule of law are indispensable framework conditions for the protection of minorities. The crucial characteristic of democratic systems is that their legitimacy is derived from the political will of the people. This political will can find its expression through a number of institutionalised procedures. In a minimal definition a democracy exists when all citizens enjoy the same right to participate directly or indirectly in all legal regulations which affect them and when they can articulate and organise their political will without discrimination or subjugation. At the same time democracy assumes a society



the parts of which (groups or individuals) have different interests and value-orientations and need permanent regulations. Therefore, democracy requires functioning mechanisms for conflict regulation. The most customary mechanism is majority decision.

Societies in modern democracies are fragmented and pluralistic; they consist of numerous groups with different senses of solidarity, based on socio-economic status, religion or other aspects. However, it is a defining characteristic of well-functioning liberal democratic systems that – although cleavages and conflicts within the pluralistic society do exist – no group (and their members) is permanently dominated or subjugated by the majority. Each group can articulate and introduce its specific interests in the political process, the change of government is a normality, and the political minority of today has a chance to become majority in the future.

However, in deeply fragmented societies, in which majority decision is unacceptable to the minority because of fundamentally conflicting interests, other mechanisms of interest representation and conflict resolution have to be developed. This means either replacing the majority mechanism by other democratic institutions or adding other democratic institutions to the majority mechanism.

Minorities in the sense of our discussion of the subject – i.e. national, ethnic, religious minorities – are mostly structural and permanent minorities. Russians in the Baltic states, Albanians in the FR Yugoslavia, Kurds in Turkey or Iran, Armenians in Aserbaidshan, Hungarians in Slovakia and Romania and many others do not have the chance to become majority in the foreseeable future. Pure majority decision tends in all these cases to a permanent neglect of minority interests. In these cases of

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structural minorities the formal democratic mechanism of majority decision changes into the contrary of democracy. In a formally democratic system with majority decision structural minorities cannot participate effectively even in the decision of those questions which affect them fundamentally. Consequently, effective protection of structural minorities requires the development of institutional forms of democracy which at least partly overrule the majority mechanism.

There is a number of organisational schemes for the realisation of this objective. (i) In a system of personal autonomy members of minority groups organise themselves on a non-territorial basis and establish their own political institutions and competences. (ii) In a system of territorial autonomy members of minority groups organise themselves in a specific territory. (iii) Federalism is a weaker form of territorial autonomy. (iv) Proportional representation combined with mutual vetoes can also avoid majority domination and safeguard minority participation in the decision-making process.

The fundamental observation that effective protection of minorities requires a restriction of majority decision is also an answer to the question of individual vs. collective rights. Individual rights – mainly the classic human rights and fundamental freedoms – are not sufficient for the protection of minorities. They guarantee the pursuit of individual fundamental rights and freedoms and protect the individual against discrimination and persecution. But they do not guarantee the protection, survival and development of the group which requires collective rights in addition to individual rights.

Let me try to clarify this point briefly by giving a few examples:

(i) Based on individual human rights and fundamental freedoms, members of minority groups may establish political organisations. But when these organisations win in national elections merely one or two seats in Parliament the political effect of this freedom in terms of decision-making power remains very limited. Formal equality is not translated into de facto equality. De facto equality is only possible by specific protective measures, i.e. by collective

rights, e.g. by veto positions for political organisations of minorities in all matters of fundamental importance for them.

(ii) Based on individual human rights and fundamental freedoms, members of minority groups enjoy religious liberty and freedom of worship. But the group can preserve its religious identity only when it is allowed to establish places of worship (churches), to organise the formation of religious functionaries and priests, to have regional and international contacts with other like-minded religious communities and so on. Here, too, formal individual equality is not translated automatically into de facto equality. De facto equality is only possible by specific protective measures for the group, i.e. by collective rights.

(iii) Based on individual human rights and fundamental freedoms, members of minority groups may use their own language in privacy and in public. But the group as a whole can preserve its language only when their children are instructed at school in their mother-tongue – at least partly – or when the group is allowed to run their own schools in some conditions and with some limitations. In the majority of cases this will require financial assistance from the state budget. Here, too, formal individual equality is not translated automatically into de facto equality. De facto equality is only possible by specific protective measures for the group, i.e. by collective rights.

(iv) Based on individual human rights and fundamental freedoms, members of minority groups may seek, receive and circulate information and ideas. This is a central component of the individual freedom of opinion and information. But the group can communicate effectively only when it is allowed to establish its own mass-media and/or has access to TV stations. This is mostly not possible without specific regulations and state support. Here, too, formal individual equality is not translated automatically into de facto equality. De facto equality is only possible by specific protective measures for the group, i.e. by collective rights.

Summing up, my answer on the question of individual and collective rights is: Collective minority rights are a fundamental prerequisite of democracy in a multinational or multiethnic state.

Minority Policy continued...

Individual rights can only protect the individual against discrimination and persecution. But they do not safeguard the survival and development of the group.

Problems related to collective rights

I must admit that this pleading for collective rights is rather normative and idealistic. In the real world many states are reluctant to guarantee even the most fundamental individual rights to members of minority groups. The main reason for this reluctance is that national identity is a central component of the security problematic whether or not it lines up with the state. As a determinant of individual behaviour, national identity can either powerfully reinforce, or deeply undermine the state. National identity is reinforcing the state in states with nationally homogeneous societies. National identity has at least the potential to undermine the state in states with nationally heterogeneous societies, i.e. in states with a significant minority population.

Consequently, at first glance it seems to be a rational strategy of many states, to restrict minority rights as much as possible. However, the problem with this strategy is that it tends to provoke the conflicts it wants to avoid. Nevertheless, the question remains how reluctant states can be moved in the direction of a constructive minority policy, and this means a policy which guarantees the survival and development of minorities by individual and group rights.

Here, the international level comes in. International organisations and actors can be helpful in two ways: Firstly, international agreements can formulate general normative guidelines. Concerning the development of international norms and rules for the protection of minorities in the 20th century, the priority of international organisations has shifted twice. While the international norms of the League of Nations in the interwar period represented a combination of mostly individual with a few collective rights (i.e. autonomy), the UN followed a different approach after World War II. In the light of the internationalisation of human rights and fundamental freedoms additional protective

measures for minorities were deemed unnecessary since the principle of non-discrimination should guarantee that minorities too could enjoy these human rights and fundamental freedoms. The fact that at the end of the 1960s the UN launched a new effort aiming at the formulation of minority-specific norms and rules showed that this approach was misleading. Today international agreements – for example OSCE documents – mostly combine individual and collective rights in a certain fashion. Nevertheless, they still make a distinction between individual and collective rights. Whereas individual classical human rights and fundamental freedoms are often defined as binding in the legal sense, collective norms are formulated much more carefully with a number of reservations and escape-clauses. However, collective rights have come back on the international agenda. Today, a pure individual rights approach is not compatible with internationally agreed norms and standards.

Secondly, international organisations and actors can supervise the implementation of minority policy at the state level and can offer advice and mediation. Effective protection of minorities is to a large extent a matter of trust. In many countries mutual trust between minorities and majority (state) is under-developed or non-existent as a result of protracted disputes and conflicts. In these cases, the engagement of impartial international actors can sometimes substantially improve the situation by promoting dialogue and offering advice and mediation.

[...]

Belgium a Federal State... or maybe not

In a previous article we explained how Belgium became officially a federal state in 1993. Although the new Belgian Constitution states that Belgium is a federal state, we have to make some remarks on this. If we compare Belgium with some other federal states like Germany or the United States we still notice some significant differences. We will highlight the most important problems in this article. First of all we see that in Belgium there is a special sort of federal system in place. Where we normally have a two-level federal state, we have explained before that in the Belgian case there is a multi-level power-sharing model operational.

Beside the federal government you have two other regional levels namely the communities and the regions. A second difference has to do with who is responsible of the so-called remaining powers. These are the powers which have not been attributed to one particular level of government by the constitution. In a normal federal state these powers are the responsibility of the regional assemblies. In Belgium, although this principle is formally written down in the Constitution, it still has to be approved by the parliament before it can be operational. The French-speaking politicians, who are against the transfer of these remaining powers to the regional level, hold a blocking majority in this vote. Own regional constitutions is the following a-normality between a normal federal state and Belgium. The regions are not allowed to publish their own constitution although this is a common fact in other federal nations.

Recently the Flemish government had asked some experts to write such a constitution. The reaction of the French speaking politicians was furious. They saw this as a provocation to the Belgium State and accused the Flemish Prime- Minister of being

a separatist. We find another difference in the working of the Belgium senate. Where in normal federal states the senate is a chamber of the regions, this is not completely the case for the Belgian federal system. There are some representatives from the regions, but the majority of senators is directly elected and they certainly are not defending or even discussing the regional problems and demands. Control of the Police and Justice-

department form another a-normality in the Belgian State. In other federal states this responsibility belongs to the regional level. In Belgium this not the case and this has already caused many problems in the past. The inefficacy of the Belgian police and juridical system is known far outside its jurisdiction. The last, but certainly not the least important difference can be found in the financial arrangement. In Belgium the regional levels are given block grants and only very little tax-raising powers, while in other federal countries the regions have substantive tax-raising powers in the decentralised policy areas. The Belgian financial arrangement was approved in 1988 / 89 and would last for 10 years. The discussions about changes that have to be made in 1999, have been going on for

several years now, but the outcome is still very uncertain. These matters will be a part of the next institutional round that normally will take place after the general election of June 1999.

The outcome of these elections will be very important for the future of Belgian institutions and politics in general, but we will come back on this in a next article.



By Pascal Dubois (Jong-VLD)

and Robin Ramakers (VolksunieJongeren)

A Forgotten War

Those who spent their vacation on Gran Canaria most certainly did not realise that the distant horizon is the scene of a war. Who is aware of what happens in the Western Sahara? Marcel van Drunen and Michel de Visser, interviewed Stiga Settaf Sherif, representative in the Netherlands of the liberational organisation Polisario.

The Hague, a rainy afternoon in July. We ring the doorbell of a modest house in a modest neighbourhood. A young lady opens the door, she is dressed in a very special cloth. Later she will tell us that this cloth is called a Melhef, and it is the traditional clothing for women in the Western Sahara. Intuitively we expect a rather difficult conversation in broken English or Spanish, but Stiga turns out to speak Dutch quite well.

She also displays a very pleasant attitude, and smilingly invites us to come in. Then she asks us whether we want to drink a cup of tea, which we gladly accepted. What starts before our eyes is a ritual which would last the rest of the evening. Making tea in the Western Sahara is not to be taken lightly. It involves five cups, a teapot, mint leaves, lots of sugar, and the tea is topped off with a layer of foam which would not look bad on a glass of Dutch beer. It tasted rather good though.

M&M: Could you tell us the short history of the Western Sahara?

Stiga: From 1889 till 1975 we were a Spanish colony. After the Spanish withdrew there was a plot of Morocco and Mauritania which involved the occupation of the northern half of the country by Morocco and the southern half by Mauritania. That is when the war for freedom started. In 1979 we made peace with the Mauritians, after which Morocco tried to occupy the rest of the country too. In 1980 the Moroccans started to build a wall right through the desert, dividing the country in a part occupied by the Moroccans, about 65 percent, and the rest is in the hands of Polisario.

Polisario proclaimed the Republic of the Western Sahara. About

150.000 people fled their homes and have lived in refugee camps ever since. Those camps are situated mostly in Algeria. But even in the camps we are not safe. Once, when I lived in one of those camps myself, we were bombed by the Moroccan airforce.

M&M: Why does Morocco want the Western Sahara so badly?

Stiga: This is a complex story. Off course there is an economical reason, the coastline holds a lot of phosphates. But the real reason is that king Hassan II of the Moroccans uses this war as a diversion to keep his own military busy. He hopes to avoid a coup d'etat against him. He also ships large groups of people to our country.

M&M: How many soldiers does Morocco have in your country?

Stiga: About 200.000, and added to that about 300.000 civilians. Those civilians are there mostly to support the claim of the Moroccans. How many Saharawi's still live there is not easy to say. Perhaps there are only 100.000 or less.

M&M: What are the recent developments?

Stiga: There has been heavy fighting between 1983 and 1985. Polisario has achieved some major victories, amongst which the killing of a Moroccan general. But because of the nature of guerrilla warfare, not much of the conquered terrain stayed in our hands for long. In 1988 a peace initiative was started by the UN and the Organisation for African Unity. But the secretary general of the UN, Boutros Ghali, was a close friend of king Hassan II. He has done very little for the peace in the region. Many things have changed since Kofi Annan became the SG of the UN. He sent James Baker to the region as his special envoy. His series of talks with all parties involved, led to the Houston accords, in which was agreed that a referendum will be held in February 1999, in which Saharawi's can speak for themselves, whether they want to be an independent state or want to be

**For more information
about the situation in
the Western Sahara,
look at:
<http://www.arso.org>**

A Forgotten War Continued...

governed by Morocco.

M&M: Well, that's settled then. All Saharawi's will vote for independence!

Stiga: That remains to be seen. It is still not completely clear who has got the right to vote. The text of the accords do not state clearly who is a Saharawi and who is not. King Hassan II uses all kinds of tactics to delay the process of registering voters. We also expect lots of irregularities during the referendum. That is why we want to have a large amount of independent observers to be present at the referendum. We invite people from the UN, the EU, and all sorts of political organisations.

M&M: You are the representative of Polisario here in the Netherlands. How did you get this function?

Stiga: In 1976 I fled to Algeria, where I studied. In 1994 I got the chance to go to Antwerp and Brussels, where I also became member of the Polisario organisation. After a few years people asked me to go to the Netherlands to set up a representation here. So for about a year, I live now here in The Hague.

M&M: What do you expect from the rest of the world?

Stiga: The Western European countries should make more use of their ties with Morocco. After all, many Moroccans live and work in Europe. Most countries are a bit cautious. Everybody is in favour of a peaceful solution and supports the position of the UN. Most countries want to stay as neutral as possible, this is augmented by the fact that some of those countries have delegated some troops for the MINURSO peace force. MINURSO means Mission Nations Units pour le Referendum Sahara Occidental. But apart from a peace force, the Saharawi's are in need of more fundamental support. It is a problem that is not widely known to the world.

After all this, we had a lovely meal of cous-cous, meat and

vegetables and we drank a few cups of tea, brewed with the usual time consuming but very entertaining ritual.

As the situation is now, the referendum will take place not before the end of 2000. IFLRY will try to send a delegation of young liberals to attend the referendum as international observers. We are in contact about this with UJSARIO, the youth wing of Polisario. As soon as we have more information etc. about the programme, this will of course be forwarded to you. Observers could go there one to three weeks. People will be hosted in the refugee camps and food and local travel will be organised. Right now, it is not likely that there will be any travel refund from IFLRY. However, people could try to find resources within their own countries. Many countries support a democratic solution in the



Western Sahara, and this all depends very much on a fair and transparent referendum. In order to obtain that, the role of international observers can be crucial.

For more information about the situation in the Western Sahara, look at: <http://www.arso.org>

by Marcel van Drunen
and Michel de Visser

Le Conseil de l'Europe

Un dimanche soir j'aurais du prendre un vol d'Amsterdam a Strasbourg via Bruxelles pour ne pas être en retard dans la Capitale parlementaire de l'Europe. Le lundi matin il y avait un meeting du groupe parlementaire du LDR et pour ne pas donner une mauvaise impression des jeunes libéraux aux députes, il fallait mieux être a temps. Tant pis pour moi... En tant que représentant de l'IFLRY au Assemblée Parlementaire du Conseil de l'Europe a Strasbourg j'avais le malheur d'avoir réservé un vol qui a été annulé au dernier moment.

Quand même, si on finalement arrive dans le Palais de l'Europe, il est très difficile de trouver les salles de réunion, les restaurants, les bureaux. Le bâtiment est comme une labyrinthe. Quand j'étais finalement arrivé il m'a coûté plus d'une heure de trouver les amis du groupe libéral.

Le Conseil de l'Europe (CdE) est l'organisation de la plupart des pays européens (40 pays sont membre du CdE), qui s'occupe des droits de l'homme, la culture et entre autres la promotion de la coopération entre les pays de l'Europe. De l'Islande jusqu'à la Roumanie. Cette organisation a connu une croissance énorme après la chute du mur de Berlin. Dans le période des 10 derniers ans le nombre des pays membres du CdE a plus que doublé.

Quatre fois par an, notre organisation a la possibilité d'y envoyer des délégués pour assister au réunions du groupe LDR, les débats dans Assemblée et pour simplement avoir une semaine très intéressant. Cette possibilité a commencé il y a tant d'années après que assemblée avait adopté une résolution pour promouvoir la participation des jeunes dans le processus politique. Le groupe LDR est le seul d'avoir vraiment exécuté cette résolution en nous donnant la possibilité d'aller a Strasbourg.

Il y a beaucoup de visages connus et inconnus dans le groupe LDR. Ce sont des personnes d'origine de l'IFLRY. Nous connaissons tous Imke Roebke, Roman Jakic et Jan Weijers. Mais on trouve par exemple aussi des personnes qui ont été actif dans l'ancien WFLRY.

La réunion de 20-24 avril 1998 avait entre autres sur l'ordre du jour: la fonctionnement démocratique des parlements, les relations entre le CdE et l'Union Européenne (UE), les élections des juges du nouveau Court des Droits de l'Homme, la réforme des Nations Unies et l'abus d'enfants. Une question qu'on peut revoir dans plusieurs débats et la suivante. Comment est-ce qu'on peut voir la relation entre le CdE et l'UE, l'OCSE et l'OCDE. Il y a beaucoup de parallèles dans les buts des différentes organisations. Surtout entre le CdE et l'UE après le nouveau Traité d'Amsterdam. L'Union veut s'attacher au Charter des Droits de l'Homme du CdE. Une des conclusions est que le CdE doit affirmer son propre rôle dans la coopération constructif avec l'UE.

Après le débat le mardi matin il y avait une allocution de Ivan Kostov, Premier Ministre de Bulgarie. Il a dit qu'il est fier d'avoir la possibilité d'adresser les représentants du CdE, comme une des plus anciennes organisations intergouvernementales. Il a parlé du rôle de la Bulgarie sur le Balkan, les murs dans l'Europe, la crise en Ex-Yougoslavie et l'adhésion de Bulgarie dans l'OTAN et l'UE.

Comme on peut expérience toujours au sein des groupes libéraux, il est toujours organisé un bon dîner. Cette fois on avait pris le bus pour aller en Allemagne pour y avoir le dîner. Comme une des députés ma expliqué dans le bus, la cuisine Allemande s'est énormément développée ces dernières années. Je peux confirmer ses mots.

Le Mercredi matin le dernier réunion du groupe Libéral a décidé unanime de nommer Lord Russel Johnston (l'ancien Président de l'International Libéral) pour candidat a la Présidence de l'Assemblée Parlementaire.

Le mercredi après midi j'ai pris le train pour retourner aux Pays Bas. J'ai passé une semaine très intéressante a Strasbourg et je voudrais vous encourager d'y aller!

par Daniel Tanahatoc, vice-président du LYMEC

The International Youth Indaba

January this year saw the DPY Congress take an unusual format. In conjunction with Friedrich-Naumann-Stiftung we hosted the International Liberal Youth Indaba in Durban, South Africa.

We invited 10 youth leaders from Africa, 10 Salsa members, IFLRY president Jonas Renz, 4 young liberals from Scandinavia including LUF president Erik Ullenhag as well as 100 of our own delegates.

The Indaba took place over the last week-end in January at the University of Natal - Durban. We started with an OALY meeting attended by all the guests as well as a DPY representative.

Eventually our Congress opened with a welcome from the leader of the DP and an honorary member of the DPY, Tony Leon. As befitting any Congress most of the day was consumed by resolutions. However after supper we held our election circus - and circus it is. Basically all candidates running for federal positions are allowed to address the plenary for a few minutes.

Then the plenary may ask any of the candidates questions - there are no rules thus the candidate can be asked anything (which means ALL the dirty linen is aired) except for time limits (we do want to go to bed sometime !!) and a speakers list. This is probably the most fun session of Congress. The session ended and for most delegates it was time for some fun.

Saturday arrived and we held our elections which proved to be very interesting. Then it was back to the Indaba with our international guests making short presentations about their organisations. This was followed by working groups for the rest of the day until we held discussions in the plenary which closed the days work. But the night had only started.

As with every DPY Congress we hold a formal dinner-dance on the last evening. This year we had a Latin theme. As always the night proved to be full of fun, dance and laughter and Sunday was really about wrapping up. A final OALY meeting was held and the DPY dealt with its last resolutions as well as other issues that had arisen over the week-end. It was an emotional end to an emotionally-draining week-end.

In retrospect, many mistakes were made that week-end but overall it was a good learning experience for all present. Yes this years Congress was good but next years will be better - see you in Durban in January 1999!

By Michelle Alexander
DPY National Communications Officer



Seminar on Human Rights

IFLRY's first seminar in 1998 was held in Strasbourg, at European Youth Centre during last week of February. Subject of the seminar was Human Rights. Participants came from twenty-one different member organisations of IFLRY.

At the evening of arrival participants were introduced with preparatory team and acquainted with the building of European Youth Centre. Seminar started with the brain storming on the issue of Human Rights. Participants had to write down the terms, which reminds them of Human Rights.

Interesting thing was that participants from the similar social systems had the similar reminders. Besides that everyone was well prepared and had good background on the issue, lecture on Human Rights which was held at the beginning of the seminar helped participants to easily understand the topic. Lecturer was Dario Louis Dangon Moises from Colombia who is University professor and IFLRY's Vice-president.

Seminar group was acquainted with the state of Human Rights in Paraguay, Uruguay, Senegal and Croatia through the case studies. Participants were very interested in the case problems, and these countries are facing different ones with unequal chances to solve it. The longest and the most venomous discussion were developed on the case study on Senegal. This state have one of the highest level of the democracy and respect of Human Rights in Africa, but also great influence of Islamic religion, what makes a specific mixture, unknown to the habitants of America or Europe.

Mark Taylor, who is working for the Council of Europe, also lectured about Human Rights in general but in the way, which included highest level of seminarists participation. Group had also the honour to host President of the Macedonian Helsinki Comity Mr. Metod Jovanovski who spoke about the problems they dealing with in Macedonia. Macedonian priority problem related with Human Rights is conflict between Macedonian majority and Albanian minority. Problem consists the question of language and status of Albanian minority but fortunately can't be compared with the Albanian problem in Kosova or other conflicts

in the region.

Preparatory team organised the visit to the European court of Human Rights and to the Council of Europe. At the European court of Human Rights seminarists had chance to spoke with one of the judges. Participants divided in the working groups also visited institutions as is Homosexual organisation or Centre for resocialising of young delinquents whose work is related to the subject of seminar.

Final participants task was to think about a ways how can they as individuals, their organisations and IFLRY improve the state of Human Rights. Group adopted subjects for next seminars and ideas for IFLRY's campaigns.

Seminar was also wealthy with the cultural events. Besides the traditional exhibition and tour whit foods from different countries preparatory team organised the dinner in Moroccan restaurant and, of course, the great parties in Austrian room. Instead of organising a farewell party participants prosecuted the preparatory team for suffer and humiliation they've been through. They were all finds guilty for organising a one more good seminar and making the unforgettable week for everyone.

By Antun Zagar (22), Secretary General of LSA, Croatia

A brief reflection

I can say that I liked the seminar very much, especially because of participants. They all were very nice people. There was only one thing wasn't OK for me. I was almost the oldest woman on seminar, except Mateja. It is not the best felling to know that everything has its end, so the Young Days too!

After the seminar I wrote my comment to Johannes: in my opinion the seminar could be stronger with its organisation. I know how the German seminars look like. To take part in one of them means to work very hard, the organisers use every possibility in order to give as much information as possible, because the education system in Germany is based on individuality. Everybody works for him- or herself. I was answered that it would be impossible because of the international profile of the seminar, especially because of the people who depend on translation. Maybe he is right.

Anyway I had fun on the seminar. Not only because of the information, out of which the biggest part I already knew, as a student of German law: more precisely Constitutional Law and International Law, including European Law in the German Constitution. However, for me, this seminar was the best exercise of my English!

By Giedre Beckert, member of LLJ
(Lietuvos Liberalus Jaunimas), Lithuania

Reform of the CAP: Precondition for Enlargement?

Introduction

With the publication of the 'Agenda 2000' on 16th June 1997, the European Commission tried to identify the main challenges the Union will face in the next ten years and to propose new orientations for the Common Policies.

On the background of a thorough review of the European integration, starting at the Single Act of 1986 (Treaty of Maastricht) and leading all the way to the Treaty of Amsterdam in 1997 and the Economic and Monetary Union (EMU), the Agenda 2000 is supposed to be a comprehensive answer of the European Union to the external and internal factors of rapid global change.

The year 2000 proves to be by a simple coincidence a very important date for the EU: It marks the beginning of the next period for the financial framework which makes it necessary to out-line in general new perspectives and adopt the financially most important internal policies to these new priorities and regulations.

At the same time, the current programming period of the Structural Funds programmes ends in 1999. The task set out in Article 130a of the Treaty to 'reduce disparities in development between the member states and the regions' is to be achieved by the means of the regional intervention of these funds. The efforts herein had to be adapted both to the positive results of the policy as well as to non-favourable developments and new priorities such as employment creation.

Furthermore, the Common Agricultural Policy (CAP), even after the successful reform of 1992 has to deepen and be further developed towards more market orientation and an environment-friendly production, including a comprehensive rural development policy.

From outside the Union, opening of a new round of multi-lateral trade negotiations within the World Trade Organisation (WTO, formerly GATT) signify the necessity to adapt community policies

even more to the progressing globalisation and the growth of world trade.

However, the most important challenge is the applications for EU-membership from the Central- and Eastern European Countries (CEEC). Not only does this pose the largest and most significant enlargement of the Union ever, but by its sheer size and political weight, it demands respective changes to internal policies and institutions as to facilitate the process of accession and – in consequence – of full membership of all ten applicant countries. That is why the European Commission devoted a whole part of the 'Agenda 2000' to this question, not only to thoroughly analyse the current situation in all the applicant countries but also to out line the impact of enlargement on Community policies.

European Agricultural Policy

The principles of the Common Agricultural Policy (CAP) have been set up in the Treaty on the European Economic Community (EEC), as the EU was called in the year 1957. The Article 39 defines the main objectives:

To increase agricultural productivity by promoting technical progress and by ensuring the national development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

Thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;

To stabilise markets;

To ensure the availability of supplies;

To ensure that supplies reach consumers at reasonable prices.

Also included in the Treaty were the basic elements of the CAP such as the common organisation of the markets (CMO), the common price policy and the creation of funds to provide the financing for the CAP such as the European Agricultural Guarantee and Guidance Fund (EAGGF).

At the conference in Stresa in July 1958, the guidelines for the CAP were elaborated in all details. This process has to be seen against the background of the situation at that time in post-war Europe. The issue of food security was still high on the Agenda of the countries in the process of re-establishing their economies after the destruction of the Second World War. The term 'over-supply' was not heard of at that time. Also, the macroeconomic importance of agriculture was incomparably higher than today regarding the number of people employed in that sector as well as its contribution to the GDP. And finally, the European Union was at a very early state of development giving national governments more influence than now-a-days to pursue their specific interest in the common policies.

But also, the political choice taken in the CAP was clear: The European Farm Model was the privately owned family farm which was to be supported by intervention measures and protected by preferential treatment.

Foundations of the CAP

After the Conference of Stresa, the period of the so called 'Golden Years' for European Agriculture started. Until the end of the 1960s nearly 90% of all agricultural production was managed within the Common Market Organisations, resulting in harmonised guaranteed price levels for all member states.

Because of the specific conditions of agricultural production in Europe, the prices for the key products were well above the level of the other major producing countries in the world, which meant that right from the start border protection had to be introduced to shield the internal market in this area from outside competition. The combination of high internal prices, guaranteed market shares through border protection and additional intervention or deficiency payments for farmers had an extremely stimulating effect on production.

The importance of the Agricultural Policy is reflected in the share of the budget that was and is devoted to this Common Policy.

Apart from that, there were first attempts to introduce a common structural policy which also mainly served the cause of improving competitiveness and to increase the size of the average agricultural holding. But while all market policy measures were funded by a 100% through the EAGGF - Guarantee Section, the structural policies were financed up to only 25% from the EU. As a result, the poorer member states of the EU resorted more and more to the Market Policy to address or support structural policy issues.

Period of Crisis and Reform

In the mid 1970s, starting with the general economic crisis in Europe, the situation in agriculture changed drastically to the worse: In consequence of the bad employment situation, people were more and more unwilling to leave farming. But at the same time the technical progress in this area led to ever increasing production. In consequence surpluses started to appear in a number of key products such as milk and dairy products, cereals, beefmeat and wine. This in turn made the prices go down to intervention level which again led to a further intensification of production in order to compensate for the loss in income. More and more surpluses had to be stored and later exported on to the world market, which was only possible by export subsidies. A brief overview on the difference between prices in the EU for the most important agricultural commodities and on the world market in the year 1994 shows for wheat 143% and for corn 186%.

Both the rising cost for the CAP, the surpluses and environmental problems related to the intensified production led to a slow recognition of the problematic aspects of agricultural production in the broad public.

In the year 1988, the reform of the Structural Funds introducing the multi-sectoral approach to economic and social development including rural areas showed the way forward for state intervention. At the same time, supply management instruments such as obligatory set-aside regulations (cereals) and production quotas (milk) as well as ceilings for support payments were established in the CAP in response to the

Reform of the CAP continued...

criticism also from the multilateral trade negotiations within GATT. But the decisive step was probably the introduction of the agricultural guideline putting a strict limit on the growth of the funds available for agriculture in the EAGGF.

In the Reform of 1992, called McSharry-Reform after the then Commissioner for Agriculture, a partial shift from price support to direct payments in a number of sectors was introduced. The most significant change was the establishment of additional measures to the CAP. This included support for afforestation, early retirement schemes for older farmers and, most notably, agro-environmental measures. Within these measures, the possibility to engage in environmental-friendly farming practices and be rewarded by direct support has been widely appreciated since then, especially in the mountainous and less favoured farming areas of the EU. Instead of totally ceasing any farming activity, smaller holdings in natural valuable regions now had a source of income that both adds necessary revenues to the income from farming in order to sustain suitable living conditions on the respective holding and at the same time provides services to the community such as up-keeping the traditional landscape and specific natural features of high value at a price much lower than any commercial enterprises could offer.

Furthermore, the direct link between the services of the farmer to the community and the financial means received for them increased the approval rates of funding for agriculture within the public. And on the other hand, farmers learned to broaden the range of goods and services they can offer on an open and free market and turn from simple producers of basic goods into entrepreneurs in the growing service industry. As a result, the agricultural active population gets more integrated in the rural society, the lines between the different professions start to

diminish and an integrated approach to rural development is being put in to practice.

Agenda 2000

One of the main lessons, the Commission learned from the Reform of '92 was that the difficulties of such a discussion are vastly increased if it starts at a time of crisis, as was the case then in the form of major surpluses in intervention stocks. This time, the CAP reform follows the much advanced discussion on the reform of the Structural Funds which is already under way since

a much longer time, the publication of the '1st Cohesion Report' in 1997 and subsequently the 'Cohesion Forum' being the very public highlights of it.

The Commissions proposals of 'Agenda 2000' served for the regional policy as the result of a longer discussion, the CAP reform proposals on the other hand started the discussion in the first place. Both attempts find their internal reason in the new financial framework to be set up for the years 2000 to 2006 and externally in Eastern Enlargement.

The 'Agenda 2000' itself was nothing more than a simple Commission publication, not an official document. After a period of intensive discussion for nearly nine months, the Commission submitted draft version of the legal texts to be finally decided upon by the European Council. This should happen in separate steps in the course of the year 1998.

The original version of the 'Agenda 2000' set the structure the discussion and decision process is following. It separated the whole Agenda in three parts:

Part I deals with the future development of the current Community Policies, such as the Structural Funds, including the European Fund for Regional Development (EFRD), the European Social Fund (ESF), the Financing Instrument for Fishery Policies (FIFP)



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as well as the EAGGF and the comprehensive reform proposal for the CAP.

Part II contains the Commissions views on Enlargement. It includes the analyses of the situation in the ten CEEC, the so-called 'avis', posing the direct response to the 'questionnaire' the applicant countries had to deliver to the Commission. Also included in this part is the impact analysis of enlargement on Community policies.

Part III contains the framework for all the before mentioned policies as it includes the financial perspectives for the years 2000 to 2006. Therefore, whatever is recommended within these new guidelines will determine the shape and extent of the other Community policies, not to mention the speed and size of Enlargement. In consequence, in the discussion about the future financing, the reform of the two most prominent and most costly parts of the European policies, the regional interventions measures within the Structural Funds and the CAP have been playing the most prominent role.

Agricultural Chapter

The agricultural chapter of Agenda 2000 is founded on an evaluation of the 1992-McSharry-Reform as being basically successfully but in the need of further measures to move even further in the same direction. The relevant document for the Commissions future plans in the CAP haven been laid down in the Agricultural Strategy Paper of December 1995 which has been presented on the occasion of the European Council in Madrid.

The Commission set out the following main objectives of the CAP:

Increase competitiveness internally and externally in order to ensure that Union producers take full advantage of positive world market developments;

Food safety and food quality, which are both fundamental obligations towards consumers;

Ensuring fair standards of living for the agricultural community and contributing to the stability of farm incomes;

The integration of environmental goals in the CAP;

Promotion of sustainable agriculture;

The creation of alternative job and income opportunities for farmers and their families;

Simplification of Union legislation.

The framework for all this tasks is defined by the fact that the Commission proposes to the Council the maintaining of the upper spending limit for the CAP, the agricultural guideline. Even more, under the working hypothesis of an average EU growth of



the GDP of 2.5% annually and an inflation rate of 2%, there should be a margin of approx. 4 to 5 billion ECU left at the year 2005 within the guideline. According to the Commissions proposal, this sum can be spend on further

CAP-reform but most notably on increased support to the agricultural sector in the CEEC in the process of approximation and accession.

The reform proposals in detail contain the following major points. Basically, it is split into the part of rural development and the markets.

In the agricultural market policy proposals, the general strategy is to further pursue the shift from price to direct income support. By lowering the actual prices for agricultural commodities, both internal demand and unsubsidised export should be stimulated, making supply management measures unnecessary.

In the crop sector (cereals, oilseeds and protein crops) it is estimated, that the intervention stocks may rise to an unacceptable high level. In order to avoid a permanent use of export subsidies, a support price cut of 20% has been recommended. For proteins crops, the same rules as for the other crops should apply, thus abolishing the special direct payment system existing now. That should add not only to the simplification of the legislation but also to get rid of the constraints

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of the current GATT-agreement.

In the milk and dairy sector, the approach taken is much more cautious. The highly disputed quota regime is prolonged from the year 2000 to 2006, although the support price is lowered by 10%. But as the quota itself is increased by 2%, increasing the price cuts by another 8%, the message for the farmers is clear as to the further development along the lines of the crop sector meaning the abolishment of the supply management measures.

In the beef sector, the price cuts arise to 30%. This happens at a time of cyclical downsizing of the stocks, emphasised by the BSE-crisis.

In rural development, the following areas have been summarised: the issue of ceilings to direct payments, called modulation, the linkage of the eligibility for such payments to environmental standards, called cross compliance, and finally the rural development measures being introduced also as a consequence of the reform of the Structural Funds and their impact on rural development policies.

As a lecture learned after the 1992-reform, direct payments should be subject to modulation, which means linking them to criteria such as an individual farm, acreage or workforce employed, differentiated for each region in order to avoid preferential treatment for farmers already in a favourable position by progressively reducing the percentage of payments received.

The introduction of cross compliance of payments with either the criteria of employment or environmental requirements is to reflect the regional differences in an adequate way although the risk exists, that changing federal governments (especially in federal countries such as Germany and Austria) do create imbalances in the market by too radical or frequently changing regulations.

The integration of rural development measures into the existing accompanying measures, financed from the EAGGF –

guarantee section has to be called a bold step forward into developing the CAP into a more integrated and environmental friendly policy. Also, the introduction of the same rules as for the Structural Funds in implementation such as a single programming procedure should add transparency and accountability. But the integration of all other market policies into the rural development policies has yet to be achieved.

As the proposals for the reform of the Structural Funds lead to a drastic reduction in the rural areas that are eligible for support, other ways of financing the development and structural adjustment programmes had to be found. By integrating them into a rural support programme and therefor forcing agriculture into the regional and local economies, the artificial distinction between the sectors is supposed to decrease and by horizontal and vertical co-operation the competitiveness of all the economic activities in the rural areas should be strengthened. In consequence, farmers should be forced both into the recognition of them being part of a wider rural regional economy as well as granting them the opportunities to engage in more activities than just the production of agricultural commodities.

The criticism concerning the proposals on rural development from the farmers point of view centres on the fact, that by extending the eligibility for EAGGF – section guarantee funding from export subsidies, investment aid as well as certain direct payments and accompanying measures to areas that have before been supported only by the EAGGF – section guidance, such as structural and development policies in agriculture, the margin for actual market and price policies is being substantially decreased. Even more, as the EAGGF – section guarantee also is to provide the means for the fishing fleet, information policy on the CAP - and especially worrying for the farmers - the pre-accession aid to the applicant countries from Central- and Eastern Europe a drastic reduction in available means in being anticipated.

To be continued in LIBEL 3.98...

By Felix Mittermayer