(Acts adopted pursuant to Title V of the Treaty on European Union)

COMMON POSITION OF THE COUNCIL
of 12 July 1999
on Rwanda

(1999/452/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) by Common Position 98/252/CFSP adopted on the basis of Article 12 of the Treaty on European Union [1], the Council defined the objectives and priorities of the European Union vis-à-vis Rwanda;

(2) by Joint Action 96/250/CFSP adopted by the Council on the basis of Article 13 of the Treaty on European Union [2], a Special Envoy for the African Great Lakes Region was nominated;

(3) in the light of developments in Rwanda since 1998, Common Position 98/252/CFSP should be revised,

HAS DEFINED THIS COMMON POSITION:

Article 1

The objectives and priorities of the European Union in its relations with Rwanda are to encourage, stimulate and support the process, begun by the Government of Rwanda, of

— recovery from genocide and the promotion of national reconciliation;

— reconstruction and development;

— protection and promotion of human rights and fundamental freedoms;

— transition to democracy.

Regional instability can jeopardise the achievement of these goals. The European Union shall therefore encourage efforts of the Government of Rwanda to orientate their foreign and security policies towards the achievement of regional stability, as it does with all other parties to conflicts in the region.

Article 2

The European Union affirms that progress in these areas is primarily the responsibility of the Government of Rwanda. In order to support and encourage the efforts of the Government of Rwanda in these areas, the European Union, including through the offices of its Special Envoy to the African Great Lakes Region, shall pursue a constructive and critical dialogue with the Government of Rwanda on the basis of the following provisions.

Article 3

With regard to the Government of Rwanda's regional foreign and security policy, the European Union shall:

— encourage it, as it does with all other parties involved in the conflict in the Democratic Republic of Congo, to participate in a constructive manner in regional and international efforts to negotiate a peaceful solution. This solution must lead to a ceasefire as soon as possible, followed by withdrawal of all foreign troops from the Democratic Republic of Congo. It must take into account security concerns and further legitimate interests of all parties concerned and respect the principles of territorial integrity and national sovereignty;

— encourage the Government of Rwanda, as it does with all other parties in the conflict, to abide by its obligations under international humanitarian law.

Article 4

With regard to the situation within Rwanda, the efforts of the European Union shall be based on the following principles:

[1] OJ L 108, 7.4.1998, p. 1.
[2] OJ L 87, 4.4.1996, p. 1.

(a) concerning reconciliation and power-sharing, the European Union shall encourage and support efforts by the Government of Rwanda to bring about reconciliation among all Rwandans within and outside Rwanda, including through dialogue with all groups which reject violence and genocide, focusing on power-sharing and minority protection. The independence effectiveness and broad-based composition of the National Commission on Reconciliation and National Unity is considered to be important in this context by the European Union;

(b) concerning democratisation, the European Union shall:

— encourage the Government of Rwanda to devolve competencies and powers to the newly elected local authorities as soon as possible, in order to ensure the participation of local populations in the political process at grassroots level; and is willing to consider, in principle, supporting the training of newly elected local councillors in order to facilitate the process;

— encourage the Government of Rwanda's plan to hold elections at commune and prefecture level in two years' time and to elaborate an appropriate mechanism, timing and management for these elections. This mechanism, while taking into account the problem of illiteracy, should establish a voting mechanism that will ensure free and fair elections, guaranteeing equal rights for all groups; the participation of civil society; public debate; the right of free expression; transparency with regard to the whole electoral process and electoral legislation; the nomination of an independent body to prepare and oversee the entire electoral process and an opportunity for all sectors of society to express their views. The European Union shall examine possibilities of supporting the elaboration of such an electoral mechanism;

— encourage the Government of Rwanda to continue to make progress towards democratisation and to plan for elections to be held at national level in the near future;

(c) concerning the judicial system and the establishment of traditional justice (Gacaca), the European Union, concerned that the gacaca system may not comply with international human rights standards and may cause further discord, shall:

— encourage the Government of Rwanda to establish clemency as a general working principle of gacaca, to safeguard the right of civil defence and to sensitise the population in general and genocide survivors in particular as to the need to accept this in order to deal simultaneously with the problem of impunity and to reach a pragmatic solution to the alarming problem of a large prison population awaiting trial under precarious conditions of detention;

— encourage the Government of Rwanda to continue its efforts to reduce the prison population and its campaign sensitisation, including by realising its decision, announced in 1998, to release prisoners against whom there are no files, or incomplete files, as an important step towards alleviating the over-crowded prison population;

— support the work of the International Criminal Tribunal in Arusha, including through renewing its efforts to ensure that all States surrender to the Tribunal all those indicted by it for genocide and other serious violations of international humanitarian law and by seeking continued improvement of the Tribunal's administrative effectiveness;

— encourage the Government of Rwanda to show the utmost restraint with regard to the imposition and execution of the death penalty with a view to its total abolition and to comply fully with its obligations under the International Covenant on Civil and Political Rights and to observe other international safeguards concerning the death penalty;

(d) concerning villagisation policy, the European Union shall encourage the Government of Rwanda to proceed with such policy only after careful planning, prior impact studies, pilot projects and campaigns to sensitise the population and to assure an equitable redistribution and management of land, in order to avoid resettlement, hastened by security considerations, bringing about human rights violations, results contrary to the desired effects and causes for further discord;

(e) concerning human rights, the European Union shall encourage and support efforts by the Government of Rwanda to protect and promote the human rights of all Rwandans, including through assuring the independent and effective functioning of the National Human Rights Commission and by continuing to work with the Special Representative and the United Nations High Commissioner for Human Rights;

(f) concerning economic development and cooperation, the European Union shall continue to support the efforts of the Government of Rwanda to promote inclusive economic development and to extend progress achieved on the macroeconomic field as instruments for peace and stability, including by encouraging additional efforts with regard to good governance;

(g) concerning reintegration, the European Union shall encourage and support efforts by the Government of Rwanda to facilitate the reintegration into Rwandan society of genocide survivors, demobilised soldiers and all other displaced people, including through close cooperation with relevant international organisations.

Article 5

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate, by pertinent Community measures.

Article 6

In implementing this Common Position, the European Union will cooperate closely with the UN, OAU and other interested organisations.

Article 7

The implementation of this Common Position will be monitored regularly. The Common Position will be reviewed within 12 months.

Article 8

This Common Position shall replace Common Position 98/252/CFSP.

Article 9

This Common Position shall take effect on the day of its adoption.

Article 10

This Common Position shall be published in the Official Journal.

Done at Brussels, 12 July 1999.

For the Council

The President

M. NIINISTÖ