

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

**COUNCIL COMMON POSITION
of 18 September 2000
on Rwanda**

(2000/558/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

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

Whereas:

- (1) By Common Position 1999/452/CFSP⁽¹⁾ the Council defined the objectives and priorities of the European Union vis-à-vis Rwanda.
- (2) By Joint Action 96/250/CFSP⁽²⁾ the Council nominated a Special Envoy for the African Great Lakes Region.
- (3) In the light of developments in Rwanda since 1999, Common Position 1999/452/CFSP should be revised,

The European Union affirms that progress in the areas referred to in Article 1 is primarily the responsibility of the Government of Rwanda. In order to support and encourage its efforts, the European Union shall pursue a constructive and critical dialogue with the Government of Rwanda, including through the offices of its Special Envoy to the African Great Lakes Region, 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:

- (a) calls on the Government of Rwanda to keep the commitments it made, *inter alia*, in Lusaka (July 1999) and Kampala (April 2000) in favour of a negotiated, peaceful and rapid settlement of the crisis in the Democratic Republic of the Congo (DRC), and to comply with the relevant Security Council resolutions, in particular Resolution 1304 of 16 June 2000;
- (b) considers it most important that the Rwandan troops present in the DRC and the other warring parties should abide by their obligations under international humanitarian law and in connection with the protection of human rights.

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 ongoing process of:

- (a) recovery from genocide and the promotion of national reconciliation,
- (b) reconstruction and development,
- (c) protection and promotion of human rights and fundamental freedoms,
- (d) transition to democracy.

Insofar as regional instability may jeopardise the achievement of these goals, the European Union shall encourage the Government of Rwanda to work, in particular through its foreign policy, towards the achievement of regional stability, as it does with all other parties to conflicts in the region.

Article 4

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

- (a) concerning reconciliation and power-sharing, the European Union shall encourage and support reconciliation among all Rwandans within and outside Rwanda, through dialogue between all groups which reject violence and genocide. Such dialogue must focus on power-sharing, national reconstruction and minority protection. In this context, the European Union considers it important for the Commission on Reconciliation and National Unity to be independent, representative of the Rwandan community, and to have a clearly defined programme of action that the European Union could possibly support;

⁽¹⁾ OJ L 178, 14.7.1999, p. 1.

⁽²⁾ OJ L 87, 4.4.1996, p. 1. Joint Action last extended by Joint Action 2000/347/CFSP (OJ L 122, 24.5.2000), p. 6.

(b) concerning democratisation, the European Union:

- stresses the importance of respecting the political balance laid down in Rwanda's basic law, including the Arusha agreements. It encourages the Government of Rwanda and the authorities responsible for drawing up a new constitution, designed to create a new institutional framework for the country, to guarantee effective protection of the civil and political rights of Rwandans, preservation of social cohesion and the safeguarding of fundamental rights and freedoms,
- urges the Government of Rwanda to specify its timetable for democratisation and to prepare actively for holding of the various electoral processes which must take place by the end of the transitional period in 2003 at the latest. More specifically, it calls on the Government of Rwanda to hold the elections at local authority level that the Government has planned as soon as possible, so that they contribute towards involving the people more in the decision-making process. In this context, it encourages the Government of Rwanda to establish appropriate arrangements and supervision for each of these elections. These arrangements, 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 Rwandans; 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,
- encourages the Government of Rwanda to continue to extend the responsibilities and powers of the local authorities elected in 1999, so as to ensure the participation of the local population in the political and development process, and shall remain prepared in principle to support this process by appropriate means,
- encourages the Government of Rwanda to strengthen and implement the process of decentralisation initiated in May 2000;

(c) concerning the judicial system and the establishment of traditional justice ('Gacaca'), the European Union:

- stresses the importance, and assesses the difficulty, of setting up a judicial administration which would help speed up the reconciliation process throughout the country,
- acknowledges that the 'Gacaca' system may, under certain conditions, serve this purpose,
- encourages the Government of Rwanda to bring the 'Gacaca' system into line with international human rights standards,
- encourages the 'Gacaca' authorities to establish clemency as a general working principle and to safeguard rights guaranteed by law both to those accused, particularly as regards defence and appeals and to civil parties,

- will study, with others, how possible support for administration of the 'Gacaca' system might be provided in a well-coordinated manner,
- encourages the Rwandan authorities to continue raising awareness, among the population in general and genocide survivors in particular, of the need to accept these principles, 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,
- encourages the Government of Rwanda to continue its efforts to reduce the prison population and its campaign to raise awareness, including by speeding up implementation of its decision, announced in 1998, to release prisoners against whom there are no files, or incomplete files,
- supports the work of the International Criminal Tribunal in Arusha, and in particular renews 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. It shall seek continued improvement of the Tribunal's administrative effectiveness,
- encourages the courts and the Government of Rwanda to show the utmost restraint with regard to the imposition and execution of the death penalty, with the highly desirable prospect of 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 encourages the Government of Rwanda to continue the critical reflection on the subject that it has already initiated, and to proceed with the policy only after careful planning, using a decentralised and participatory approach, and after carrying out prior impact studies, pilot projects and campaigns to raise awareness among 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:

- encourages and supports efforts initiated by the Government of Rwanda to protect and promote the human rights of all Rwandans, including through ensuring the independent and effective functioning of the National Human Rights Commission and by continuing to work with the Special Representative of the United Nations Commission on Human Rights and the UN High Commissioner for Human Rights,
- encourages the National Human Rights Commission to continue working with the non-governmental organisations concerned and to implement without further delay its programme of action, to which the Union could possibly make a contribution;

- (f) concerning economic development and cooperation, the European Union continues 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. In particular, it encourages it to make additional efforts with regard to good governance.

Noting the continued Rwandan presence in the DRC, motivated from the Rwandan point of view by security concerns, the European Union considers that action by the Government of Rwanda with a view to a peaceful settlement of the conflict in the DRC, under the terms of the Lusaka and Kampala agreements and in accordance with the relevant Security Council resolutions, in particular Resolution 1304, is likely, subject to detailed examination by the competent bodies, to influence the quality of the cooperation links between the European Union and Rwanda;

- (g) concerning reintegration into Rwandan society of genocide survivors, demobilised soldiers and all other displaced people, the European Union encourages and supports efforts by the Government of Rwanda to facilitate this process, including through cooperation with relevant international organisations. The European Union is convinced that there can be no military solution to the question of Rwandan armed groups driven back to the DRC. It demands that all States in the region refrain from giving military support to these groups; it calls on the Rwandan authorities to put into sustained and visible effect their declared undertaking to receive in Rwanda, in complete security, those Rwandan rebels fighting in the DRC who are not implicated in crimes of genocide or war crimes. The European Union is prepared to contribute to the implementation of economic and social reintegration programmes determined for this purpose.

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 United Nations, the Organisation of African Unity and other interested organisations.

Article 7

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

Article 8

This Common Position shall replace Common Position 1999/452/CFSP of 12 July 1999.

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, 18 September 2000.

For the Council
The President
H. VÉDRINE