

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

COUNCIL COMMON POSITION

of 11 March 2002

concerning European Union support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo and repealing Common Position 2001/83/CFSP

(2002/203/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

(6) Common Position 2001/83/CFSP should be repealed,

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

HAS ADOPTED THIS COMMON POSITION:

Having regard to Council Common Position 2001/83/CFSP of 29 January 2001 concerning European Union support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo ⁽¹⁾, and in particular Article 10 thereof,

Article 1

The objective of this Common Position is to support, through action by the European Union and its Member States, the implementation of the Lusaka ceasefire agreement and the relevant United Nations Security Council Resolutions within the framework of the peace process in the Democratic Republic of Congo (DRC).

Whereas:

- (1) On 14 and 15 December 2001, the European Council in Laeken reaffirmed its full support for the Lusaka ceasefire agreement.
- (2) At its meetings on 26 February, 14 May, 16 July, 8 October, 29 October, 19 November and 10 December 2001, the Council adopted conclusions concerning the situation in the Great Lakes region.
- (3) The Council has adopted Common Position 2001/374/CFSP of 14 May 2001 concerning conflict prevention, management and resolution in Africa ⁽²⁾ and Common Position 98/350/CFSP of 25 May 1998 concerning human rights, democratic principles, the rule of law and good governance in Africa ⁽³⁾.
- (4) The Lusaka ceasefire agreement was signed on 31 August 1999 by the Democratic Republic of Congo, Angola, Namibia, Rwanda, Uganda, Zimbabwe, the 'Mouvement pour la libération du Congo' and the 'Rassemblement congolais pour la démocratie'.
- (5) The United Nations Security Council has adopted Resolutions 1234 (1999), 1258 (1999), 1291 (2000), 1304 (2000), 1332 (2000), 1341 (2001), 1355 (2001) and 1376 (2001).

The European Union affirms that lasting peace in the DRC can be achieved through a negotiated peace settlement which is fair to all parties, respect for the territorial integrity and national sovereignty of the DRC and respect for democratic principles and human rights in all States of the region, as well as for the principles of good-neighbourliness and non-interference in domestic affairs, while taking account of the security interests of the DRC and its neighbouring countries.

Article 2

The European Union will support action taken by the United Nations and the Organisation for African Unity in support of the implementation of the Lusaka ceasefire agreement and the relevant Security Council Resolutions within the framework of the peace process, and will cooperate closely with these organisations and other relevant actors of the international community in the implementation of this Common Position.

Article 3

The European Union will continue to work for the strict observance of the ceasefire between the signatories to the Lusaka agreement and, to this end, will continue to lend its support to the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) and the Joint Military Commission (JMC).

It will pursue its action for a full withdrawal without delay of all foreign troops from the DRC in accordance with the Security Council Resolutions.

⁽¹⁾ OJ L 29, 31.1.2001, p. 1.

⁽²⁾ OJ L 132, 15.5.2001, p. 3.

⁽³⁾ OJ L 158, 2.6.1998, p. 1.

Article 4

The European Union will strive for the rapid implementation of the process of disarmament, demobilisation, repatriation, reintegration and resettlement of combatants of armed groups as provided for under the Lusaka agreement and which is an essential element for restoring peace to the region.

It will recall that this process must be carried out voluntarily, with the cooperation of all the signatories to the Lusaka agreement, and must lend itself to support by coordinated action by the international community.

To this end, it will support action by MONUC and the JMC and will work in particular for the rapid application of the process to ex-combatants currently stationed in Kamina.

The Council notes that the Commission intends to support the disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR) process by appropriate Community measures.

Article 5

The European Union will continue to encourage the inter-Congolese dialogue process and lend its support to facilitation.

It will express its desire for that dialogue to produce concrete results at the earliest opportunity and under the conditions of independence, freedom, transparency, security and representativeness required for a peaceful, consensual, fair and lasting solution to the Congolese crisis.

The European Union hopes that the parties to the dialogue will reach an agreement which enables the unity and integrity of the country to be maintained and the rule of law to be re-established through a peaceful transition capable of restoring good governance, respect for human rights and fundamental freedoms and paving the way for a return to democracy.

The Agreement on transition and its institutions should in particular address the key issues of Congolese nationality and the new organisation of the army and of the State with a view to the full restoration of representative democracy as an essential guarantee for the country's lasting and equitable development.

Article 6

The European Union will maintain an appropriate level of humanitarian aid to the DRC and will lend its support to the reconstruction and development of the country, ensuring that such support benefits all the Congolese people and all the

regions of the DRC and that it contributes dynamically and proactively to the peace process by promoting the restoration of the Congolese State, good governance, an improvement in the economic situation and respect for human rights.

The Council notes the Commission's intention to continue its efforts in pursuit of the above objectives.

In this context, the Council welcomes the signing by the Commission on 21 January 2002 of the National Indicative Programme (NIP) under the 8th European Development Fund (EDF) for the DRC, which represents a firm commitment by the Union with respect to the country and its population, and it notes the Commission's intention to implement that commitment in the light of progress made towards national reconciliation and the prospects of stability and security within the framework of the peace process.

Article 7

The European Union's cooperation with the countries in the region involved in the Congolese crisis will take account of the efforts made by the latter to implement the Lusaka agreement and the relevant Security Council Resolutions.

Article 8

The European Union will continue to support the Burundi peace process based on the Arusha Agreement, the success of which is linked to the solution of the Congolese crisis and which could serve as an example for all the countries in this region of Africa affected by violence of an ethnic origin in particular.

In this context, it will support the holding of an international conference on peace, security, democracy and development in the Great Lakes region once progress in the Lusaka and Arusha peace processes so allows and the interested countries so decide.

Article 9

The European Union and its Member States reserve the right to modify or cancel any activities in support of the implementation of the Lusaka ceasefire agreement if the parties do not abide by the terms of the agreement.

Article 10

Common Position 2001/83/CFSP is hereby repealed.

Article 11

The implementation of this Common Position will be monitored regularly. The Common Position will be reviewed before 28 February 2003.

However, it may be reviewed before that date and in particular once conclusive results emerge from the implementation of the Lusaka agreement, including the inter-Congolese dialogue.

Article 12

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

Article 13

This Common Position shall be published in the Official Journal.

Done at Brussels, 11 March 2002.

For the Council

The President

J. PIQUÉ I CAMPS
