

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

COUNCIL COMMON POSITION 2003/319/CFSP

of 8 May 2003

concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo (DRC) and repealing Common Position 2002/203/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

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

Article 1

Whereas:

(1) The European Union considers that lasting peace in the DRC can be achieved through a negotiated peace 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.

The objective of this Common Position is to support the implementation of the Lusaka Ceasefire Agreement and of the various peace agreements, both internal and international, achieved in 2002 and 6 March 2003, and the relevant United Nations Security Council Resolutions, and the overall peace process under way in the DRC.

Article 2

(2) The Lusaka Ceasefire Agreement was signed on 10 July 1999 by the DRC, Angola, Namibia, Rwanda, Uganda, Zimbabwe, and later by the 'Mouvement pour la Liberation du Congo' and the 'Rassemblement Congolais pour la Democratie'. Following that, the Pretoria Agreement, between the DRC and Rwanda, was signed on 30 July 2002, the Luanda Agreement, between the DRC and Uganda, was signed on 6 September 2002, and the Pretoria Agreements, in the context of the Inter-Congolese Dialogue, were signed on 17 December 2002 and 6 March 2003 respectively.

The European Union will support action taken by the United Nations and the African Union in support of the implementation of the Lusaka Ceasefire Agreement, the Pretoria Agreement (July 2002), the Luanda Agreement (September 2002), and the Pretoria Agreements in the context of the Inter-Congolese Dialogue (December 2002 and March 2003 respectively), as well as the relevant Security Council Resolutions, and will cooperate closely with these organisations and other relevant actors of the international community in the implementation of this Common Position.

(3) On 15 December 2001, the European Council in Laeken reaffirmed its full support for the Lusaka Ceasefire Agreement.

Article 3

(4) The United Nations Security Council has adopted Resolutions 1234 (1999), 1258 (1999), 1291 (2000), 1304 (2000), 1332 (2000), 1341 (2001), 1355 (2001), 1376 (2001), 1399 (2002), 1417 (2002), 1445 (2002), 1457 (2003) and 1468 (2003).

The EU 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). Recalling that the EU has commended foreign troops withdrawals from the DRC, following the Pretoria (July 2002) and Luanda (September 2002) Agreements, the EU will call for full withdrawal of all foreign troops from the DRC, in accordance with the Lusaka Agreement, the Pretoria and Luanda Agreements and the decisions taken on this basis, and the pertinent Security Council Resolutions, monitored as appropriate by MONUC.

(5) Council Common Position 2002/203/CFSP 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 ⁽¹⁾, should be repealed,

⁽¹⁾ OJ L 68, 12.3.2003, p. 1.

Article 4

The EU considers that the peace agreements between the DRC and Rwanda (July 2002) and between the DRC and Uganda (September 2002) represent a major step for the normalisation of relations between the signatories and the restoration of lasting peace in the Great Lakes Region. The EU considers that full implementation of these Agreements is absolutely necessary and that this should be done in the same constructive spirit that led to the overall agreements and will call on all parties to refrain from supporting local groups opposed to these agreements.

Article 5

The EU will strive for the rapid implementation of the process of disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR) of combatants of armed groups, bearing in mind the distinction that has to be made between foreign and Congolese groups, as provided for under the Lusaka and Pretoria Agreements and which is an essential element for restoring peace to the region. The EU 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. The EU will support action by MONUC, the third party verification mechanism, and the JMC, as provided for in relevant Security Council Resolutions, the Lusaka Agreement and the Pretoria Agreement (July 2002). The EU will offer further support to the disarmament, demobilisation, repatriation, reintegration and resettlement process by appropriate measures, in particular through support for the multi-country demobilisation and reintegration programme (MDRP) for the Great Lakes Region.

The EU will support the steps taken by the government of the DRC to collaborate with the International Criminal Tribunal for Rwanda, and will call on it to continue to do so.

Article 6

The EU affirms that it will support the global and all-inclusive Agreement on the transition in the DRC, signed in Pretoria on 17 December 2002, as well as the Pretoria Agreement of 6 March 2003 on the constitution of the transition and the memorandum on security and the army, in the context of the inter-Congolese dialogue. The EU will urge the signatory parties to implement in good faith the provisions of these agreements and to work together for the formation of an all-inclusive transitional national Government responsible for leading the DRC until the first democratic elections with a view to the early, full restoration of representative democracy, an essential guarantee for the country's lasting and equitable development. The EU will be ready to support the implementation of these agreements. The EU will give its full support to the special envoy of the UN Secretary-General for the Inter-Congolese Dialogue. The EU reaffirms its willingness to support the transition, as soon as its institutions are in place, with projects that are designed in

particular to promote aid to the population, the strengthening of state structures, the economic reconstruction of the country and DDRRR projects. In this context, the EU will underline the importance of adhering to the agreements between the DRC and the international financial institutions, especially the agreement concerning the poverty reduction and growth facility (PRGF) between the government of the DRC and the International Monetary Fund.

Article 7

The EU will call for an immediate stop to armed conflict and violence in all parts of the DRC. The EU condemns in the strongest terms the atrocities recently committed in the east of the country, particularly in the Ituri region. Those responsible must be brought to justice. The EU recalls that the Rome Statute of the International Criminal Court is applicable to all acts of genocide, crimes against humanity and war crimes committed on DRC territory after the statute's entry into force (1 July 2002). The EU will urge the complete withdrawal of foreign troops from the Ituri region, as well as increased DDRRR, the full implementation of MONUC's mandate, and peace-building efforts, which are vital in order to reach a degree of stability in Ituri and the Kivus. The EU will call on all the groups in the Ituri region to bring an end to the conflict there, and on all parties to cooperate fully in order to set up the Ituri Pacification Commission (IPC). The EU will also call for the integration to the IPC of those groups in the region that have not given their support to it yet. The EU believes the IPC is more likely to reach agreement under neutral chairmanship and against a backdrop of complete foreign troop withdrawal. The EU will call upon the Governments of the DRC, Rwanda and Uganda to use all their influence to bring an end to the tension and to work towards ensuring that conditions exist in the Ituri region which will allow the Luanda Agreement (September 2002) to be successfully implemented. The EU takes note of the recent amendment of the Luanda Agreement to this end, done at Dar es Salaam in February 2003 and, in accordance with UNSCR 1468 (2003), will call on the Government of Uganda to abide by its commitment to withdraw its troops without further delay.

Article 8

The EU condemns the illegal exploitation of natural resources, which represent one of the causes and consequences of four years of war, as well as a factor that fuels prolonged conflict, according to the recent UN report of the panel of experts on the illegal exploitation of natural resources and other forms of wealth of the DRC. The EU calls on all States to draw the appropriate consequences from the findings of the panel and calls on all states concerned to take the necessary measures. The EU supports the action agreed in UNSCR 1457 (2003), which should help bring to an end such exploitation. The EU stands ready to cooperate with the panel to fulfill its new mandate.

Article 9

The EU will ensure, bearing in mind the conditions set out in Article 6, an appropriate level of development and humanitarian aid to the DRC and will lend its support to the transitional Government for 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.

Article 10

The EU will, in its cooperation with the countries in the region involved in the Congolese crisis, take account of the efforts made by the latter to implement the ceasefire and peace agreements and UNSCRs mentioned in Article 2.

Article 11

The EU 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 in itself could promote peace and stability in the Great Lakes Region. The EU 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 countries concerned so decide.

Article 12

The EU reserves the right to modify or cancel any activities in support of the implementation of the Lusaka Ceasefire Agreement and subsequent Agreements, if the parties do not abide by their terms.

Article 13

Common Position 2002/203/CFSP is hereby repealed.

Article 14

The implementation of this Common Position will be monitored regularly notably in order to take into account developments in the peace process in the DRC.

Article 15

This Common Position shall take effect on the day of its adoption. It shall be reviewed in the light of developments in the region. In any case, a new Decision shall be taken before 8 May 2004.

Article 16

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 May 2003.

For the Council

The President

M. CHRISOCHOÏDIS
