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SEMDOC

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"I/A" NOTE

from : Presidency
to : COREPER / Council

Subject: Six monthly review of the Common Position on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa

Attached is the text of the draft review of the Common Position on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa (98/350/CFSP) as required under Article 5 of the Common Position. The text is submitted to COREPER with a view to its approval by the Council at an early date.

**Draft Review of Common Position on Human Rights,
Democratic Principles, the Rule of Law
and Good Governance in Africa**

Introduction

1. Article 5 of the Common Position of 25 May 1998 on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa (98/350/CFSP) stipulates that the Union's activities in implementation of this Common Position should be reviewed on a six-monthly basis. This report of the Presidency covers the period 25 November 1998 to 25 May 1999.
2. Human rights, democratic principles, the rule of law and good governance are key criteria and objectives in a number of co-operation agreements between the EU and African countries, in particular in the revised Lome convention. Programmes to support e.g. development of human resources, capacity building, non-governmental organisations and other elements of civil society all aim at enhancing the basic pre-requisites to create an environment conducive to sustainable democratic development in Africa.
3. While the period under review has been marked by striking changes in Nigeria, many countries in Africa showed little progress towards increased respect for human rights, or adherence to democratic principles, the rule of law or good governance. One third of the countries of Subsaharan Africa are presently involved in armed conflicts (civil wars, supporting parties of civil wars in other countries, armed intervention outside own country or self defence). The EU remains particularly concerned at the use of child soldiers in armed conflicts. No durable progress to achieve the objectives of the Common Position will be possible until peace prevails. The Council is considering how the flow of arms to and between African countries can be restricted and how to promote a demilitarisation of African society. Human rights and democracy-building remain the primary objectives of EU Africa policies. The efforts to support the role and strengthen the capacity of the OAU, regional organisations and governments, as well as African institutions specialised in these areas and NGOs have continued during the period under review. The EU remains particularly concerned that certain traditional and customary practices affecting the health of women and girls constitute a definite form of violence against them and a serious violation of their human rights. Around the world an estimated 200 million women and girls have been subjected to female genital mutilation, most of them in African countries. Apart from legal sanctions, the real key to eradicating this form of mutilation is a fundamental change of attitude by all involved. Those responsible must realize the harmful consequences and stop defending it as a cultural necessity. The EU welcomes the work of UNFPA, WHO and UNICEF in this regard.

4. In view of its commitment, as expressed by the Common Position, to promote human rights, democratic principles, the rule of law and good governance in Africa and to serve as a framework for actions in this respect by individual Member States, the EU has inter alia:
- welcomed the United Nations Secretary General's Report of 13 April 1998 on "the causes of conflict and the promotion of durable peace and sustainable development in Africa".
 - continued to give high priority to these issues in the ongoing EU political dialogue with the OAU and regional organisations such as SADC, as well as in contacts with individual countries;
 - monitored closely the evolution of the political situation throughout the continent;
 - continued to develop action in the field of human rights, which it intends to reflect in particular in the Annual EU report on Human Rights;
 - undertaken demarches, issued declarations and common statements in multi-lateral fora, and conveyed its views through letters by the Presidency urging African Governments to respect human rights, democratic principles and the rule of law, in particular in the context of conflicts;
 - supported elections and sent election observers to a number of African countries. In some cases this has not appeared necessary, as the elections were generally expected to be free and fair without monitoring. Benin and South Africa were such cases. In other cases, no observers were sent, because the minimum standards formally agreed by the EU as preconditions for observation were not met and the EU did not want to be seen to be giving legitimacy to a flawed process. In order to encourage African Governments to assume their responsibilities to a far greater extent, they should not be given reason to believe that the EU will automatically support, let alone give its stamp of approval to their elections, irrespective of the manner in which they are carried out;
 - cooperated closely within the framework of the 55th session of the United Nations Commission on Human Rights in Geneva and took the lead on resolutions on the human rights situation in the Democratic Republic of Congo and in Sudan;.

- pursued its efforts through the EU Special Envoy for the Great Lakes Region, to promote respect for human rights and democracy, not by imposing a European model but in accordance with African values and societies. These rights include at least the right to elect and be elected, the separation of powers and the respect for fundamental freedoms, including the rights of minorities. The message has been conveyed to the participants of the Arusha peace process for Burundi. In Rwanda, the elections at local level have been welcomed by the EU as first step towards democratisation and national reconciliation. The EU Special Envoy has encouraged the Government of Rwanda to find alternative judicial methods to deal with the some 120,000 persons detained for having instigated or participated in the 1994 genocide. The EU takes note of the Government's recent decision to refer to the traditional local judicial procedures the cases of the less seriously implicated. In the context of the DRC conflict, the Special Envoy has also to all parties involved stressed the need to fight against all forms of racial hatred and the need to protect the civilian population in the war zones;
- reaffirmed in a declaration of 18 February 1999 its commitment to supporting the democratisation process in its dialogue with the Government of the Democratic Republic of Congo. The current political situation and the ongoing civil war in the DRC have not allowed for the implementation of the planned support for the electoral programme within the framework of the Joint Action on support for Democracy in the Democratic Republic of Congo (97/875 CFSP) of 19 December 1997. Moreover, in view of the lack of commitment from the DRC Government to broaden its political base and take any credible steps towards democratisation, the Council is considering the renewal of the Common Position, due to expire on 30 June 1999. In order to create the conditions necessary for a proper democratisation process, consideration is also being given to supporting the current African mediation efforts in the DRC conflict and the national debate in DRC if the necessary conditions are met;
- followed with growing concern the political situation in Angola where the Government is now engaged in an all out war with UNITA and at the same time involved in the DRC conflict. The EU in a declaration on 28 December, expressed deep concern about the serious deterioration of the overall political, military and security situation in Angola and repeatedly urged UNITA to fulfil unconditionally its obligations under the Lusaka protocol and respect relevant UN Security Council resolutions. The EU has also expressed its concern over the increasing human rights abuses and urged both parties to respect the international humanitarian law, to stop remaining activities and to allow humanitarian organisations to operate freely throughout the country;

- the EU has followed the preparations of the general elections due to take place in Mozambique in 1999 and has signed a 21 Meuros financing agreement with the Government in support of the elections;
- made a demarche in Harare on 29 January and later called in the Zimbabwean ambassadors in European capitals to express the EU's concern regarding the unlawful arrest of journalists by the military, alleged torture by the military and by police authorities, the non-compliance with court orders and the violation of the freedom of expression. The EU continued to follow closely the situation in Zimbabwe, analysing the political impact of the deteriorating economic situation and of the military involvement in the DRC conflict, considering ways to support the country and has conveyed its concern to the Government of Zimbabwe;
- through demarches to the Governments of Ethiopia and Eritrea and in various declarations, urged them to respect the human rights of each others' citizens resident in their territory. The EU has also repeatedly appealed to both governments to refrain from violence and military action and to cooperate with the OAU's efforts to mediate a peaceful negotiated solution to the conflict. In this context, it has stressed the importance for both sides to de-escalate the conflict by adopting policies geared to the restoration of confidence between the governments and peoples of Ethiopia and Eritrea including measures to improve the humanitarian situation. In October 1998, the Austrian Foreign Minister, in his capacity as President of the Council, sent letters to The President of Eritrea and the Prime Minister of Ethiopia to this effect. In February 1999, an EU Ministerial Troika led by German Minister of State Ludger Volmer, visited Asmara and Addis Ababa to urge both governments to stop the fighting and solve their conflict peacefully. Deeply troubled by the on-going influx of arms to the region, the EU imposed an arms embargo against Ethiopia and Eritrea in a Common Position of 15 March 1999;
- adopted on 22 December 1998 a Joint Action in support of the democratic process in Nigeria. Through the joint action, technical assistance was given to the Nigerian Independent Election Committee and to NGOs involved in preparing the elections. The EU sent a team of 100 observers to the 20 February parliamentary elections and the 27 February presidential elections. The Council congratulated the people of Nigeria on the outcome in a declaration on 3 March. Despite cases of fraud and manipulation, the Council believes the outcome reflected the will of the Nigerian people. The Council is considering further support to Nigeria in the transition to a democratically-elected civilian Government;

- agreed, at the request of the Government of Togo and the opposition parties, together with France and Germany, to provide three facilitators who, together with a fourth facilitator from the Organisation of the Francophone Countries (OIF), would assist with the internal dialogue between the Government and the opposition, in seeking ways to overcome the political deadlock in Togo. However, the Government refused the request from the opposition to delay the parliamentary elections scheduled for 21 March. The EU in a declaration on 25 March expressed its regret that the envisaged dialogue between all Togolese parties had not taken place before the elections were held. The outcome of these elections, having been held without the participation of the opposition, could not be considered to reflect the will of the Togolese people. The EU has reiterated its readiness to support a future resumption of dialogue between all political forces in Togo.
- in a declaration on 14 April, condemned the military coup in Niger. The Council on 29 April decided that the EU would reexamine its development cooperation with Niger, in accordance with the provisions in article 366a of the fourth revised Lome convention and invited the Government of Niger for consultations on how to remedy the situation;
- made a detailed statement to the Consultative Group Meeting on Uganda in Kampala in December 1998, stressing that a consolidation of Uganda's achievements, further political and economic steps were necessary, not least to control corruption, to settle armed conflicts in a peaceful way and to allow broad-based political participation to take place. The EU expressed its willingness to assist Uganda in this endeavour.
- made a demarche to the Government of Uganda urging it not to carry out the announced execution of 28 persons in Uganda on 29 April. In a declaration on 4 May it deplored that the executions had taken place, thus breaking a moratorium on executions in Uganda dating from 1996;
- in a declaration on 7 May, condemned the military coup in the Comoros and announced that the EU would reexamine its development cooperation with the Comoros, in accordance with the provisions in article 366a of the fourth revised Lome convention.

5. The Council on 30 November 1998 adopted conclusions on democratisation, the rule of law and good governance. These confirm the principles of the Common Position and relate to the Commission Communication on Democratisation, the Rule of Law, Respect for Human Rights and Good Governance: The challenge of the partnership between the European Union and the ACP States. These Council conclusions cover all developing countries, not only the ACP countries, and emphasise the importance of a permanent dialogue between the EU and its developing country partners. The Conclusions also underline the need for coherence with the Union's external policy, in particular as defined by the Common Position.

The Council also on 30 November 1998 adopted a resolution on indigenous peoples. On 10 December it adopted a declaration on the occasion of the 50th anniversary of the signature of the Universal Declaration of Human Rights, and notably the six point Action Programme which puts particular emphasis on education, training and awareness-raising in human rights.

6. The Council further on 29 April 1999 adopted two regulations laying down the requirements for the implementation of Community operations, both in the fields of development cooperation and in other areas, which, within the framework of the Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.
7. The Council will continue to seek to improve further the co-ordination between its various bodies responsible for the different aspects of the issues covered by the Common Position and the Council's Conclusions on the matter to ensure that the objectives of the Common Position are taken into account in the work of all competent bodies, in particular in the implementation of the EU Code of Conduct on the Exports of Arms.
8. The Council will continue to review on a six-monthly basis the progress made concerning the implementation of the Common Position.
