

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

COUNCIL COMMON POSITION 2004/85/CFSP
of 26 January 2004
concerning conflict prevention, management and resolution in Africa and repealing Common
Position 2001/374/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the conclusions of the European Councils of Cologne, Helsinki, Feira, Nice and the EU Programme for Prevention of Violent Conflicts,

Whereas:

- (1) The primary responsibility for prevention, management and resolution of conflicts on the African continent lies with Africans themselves.
- (2) The United Nations Security Council has the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations.
- (3) In the drawing up of UN Security Council decisions, the defense of European Union positions and interests is fully ensured by the application of Article 19 of the Treaty on European Union.
- (4) On 14 May 2001 the Council adopted Common Position 2001/374/CFSP concerning conflict prevention, management and resolution in Africa ⁽¹⁾.
- (5) The promotion of peace, security and stability on the continent is one of the objectives of the African Union (AU) and the peaceful resolution of conflicts among Member States is one of the principles enshrined in the Constitutive Act of the AU. The prevention, management and resolution of conflicts have been the subject of dialogue with the Organisation of African Unity (OAU) and its successor, the AU, and are included in the Cairo Declaration and Plan of Action.
- (6) There is a link between conflict prevention and democracy, human rights, the rule of law and good governance, where development cooperation has a strategic role to play in strengthening capacities to manage conflicts in peaceful ways.

(7) The European Community and its Member States entered into a Partnership Agreement with the ACP States at Cotonou on 23 June 2000.

(8) The European Parliament adopted on 30 November 2000 a Resolution on Participation of Women in Peaceful Conflict Resolution; and the ACP-EU Joint Parliamentary Assembly adopted on 21 March 2002 a Resolution on Gender Issues.

(9) On 8 December 2003 the Council adopted Guidelines on Children and Armed Conflict,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The objective of this Common Position is to contribute to the prevention, management and resolution of violent conflicts in Africa by strengthening African capacity and means of action in this field, in particular through enhanced dialogue with and support for the AU and subregional organisations and initiatives, and civil society organisations. In doing this, the EU shall take further steps to promote coordination between the many actors that may be involved, including a closer coordination of the measures taken by the Community and its Member States.

2. The EU shall, as it strengthens its capacity in the areas of crisis management and conflict prevention, improve its close cooperation with the UN and relevant regional and subregional organisations in order to achieve the above objective. Cooperation with the UN on crisis management shall be taken forward in line with and as a part of the implementation of the Joint Declaration on UN-EU Cooperation in Crisis Management of 24 September 2003. The EU, notwithstanding its commitment to African ownership, shall remain prepared to become involved, whenever necessary, in crisis management in Africa with its own capabilities.

⁽¹⁾ OJ L 132, 15.5.2001, p. 3.

3. The EU shall develop long-term conflict prevention and peace-building initiatives, recognising that progress in these areas is a necessary precondition also for African States to build and sustain capacity to deal effectively with terrorism.

4. The EU shall develop a proactive, comprehensive and integrated approach, which shall also serve as a common framework for actions of individual Member States. As a part of this, and to enhance capacity for early action, a yearly survey shall continue to be drawn up by the Presidency assisted by the Secretary General/High Representative and the Commission, so as to identify and monitor potential violent conflicts and presenting the policy options necessary to prevent their outbreak or recurrence.

Article 2

Successful conflict prevention relies on preparedness to take action before a situation deteriorates into violence. Thus, while recognising the need to respond to existing crises, the EU's policy shall focus on preventing the outbreak and spreading of violent conflicts through early action, and on preventing the recurrence of violent conflict. In this context, EU action shall cover:

- conflict prevention by seeking to address the more structural root causes while targeting the direct causes — trigger factors — of violent conflicts,
- crisis management by addressing acute phases of conflicts and supporting efforts to bring the violence to an end,
- peace-building by seeking to support initiatives for containing violent conflict and to prepare for, and sustain, peaceful solutions to such conflicts,
- reconstruction by supporting the economic, political and social re-building of post-conflict States and societies to prevent the re-escalation of violence and to promote sustainable peace.

Article 3

In order to better contribute to conflict management as well as to respond to existing crises, the EU shall take into account:

- development of international legal systems, dispute resolution mechanisms, and cooperative arrangements at the regional level,
- institution building by increasing the effectiveness of African national security and judicial institutions including for counter-terrorism activities as well as by identifying specific action to assist African countries in implementing their commitments under the existing international instruments in all relevant fields, including the fight against terrorism and illicit trafficking,

- support for the ratification and full implementation of the Rome Statute of the International Criminal Court, which can play an important role in shaping national institutions for the fight against impunity. This includes the reinforcement of judicial institutions which have an important complementary role in this context.

Article 4

Recognising that the AU and African subregional organisations constitute the central actors in the prevention, management and resolution of conflicts in Africa:

1. the EU shall seek to increase its support to regional arrangements and efforts in conflict prevention by enhancing corporate responsibility, strengthening the rule of law, training in conflict prevention, building capacities for, *inter alia*, political and economic analyses, early warning systems, negotiation/mediation skills, improving international sanctioning and enforcement mechanisms, developing mechanisms that address economic factors that fuel conflicts, and strengthening linkages between regional organisations themselves as well as with local, national and regional non-State actors and other members of the international community. Efforts to support regional and subregional organisations in the area of conflict prevention shall be carefully coordinated by the Community and its Member States so as to develop joint initiatives and synergies, including through joint programming where appropriate;
2. the EU's support for and cooperation with the AU in the field of conflict prevention, management and resolution shall be pursued with a view to developing a long-term partnership, particularly in the framework of the follow-up to the Cairo Summit.

Article 5

Acknowledging that effective conflict prevention requires strategies to create enabling conditions for a stable and more predictable international environment, and comprehensive and balanced aid and developmental assistance programmes to alleviate the pressures that trigger violent conflict, the EU shall seek:

- to support the mainstreaming of conflict prevention perspectives within the framework of Community development and trade policy and its associated country and regional strategies,
- to introduce, as appropriate, conflict indicators and peace and conflict impact assessment tools in development and trade cooperation so as to reduce the risk of aid and trade fuelling conflict, and to maximise its positive impact on peace-building,

- to ensure that tangible dividends reach swiftly the population as a whole,
- to improve the coordination between the efforts of the Community and those of its Member States in this field,
- to improve development and trade cooperation with regional, subregional and local actors in order to ensure consistency between initiatives and to support African activities,
- to coordinate its efforts with the international financial institutions.

Article 6

With regard to the strengthening of African peace support operations capabilities:

1. the EU shall support, over the long term, the enhancement of African peace support operations capabilities, at regional, subregional and bilateral levels as well as the capacity of the African States to contribute to regional integration, peace, security and development. Notwithstanding such capacity enhancement, the Community and its Member States shall continue, on a case-by-case basis, to consider deploying their own operational means for conflict prevention and crisis management in Africa, in accordance with the principles of the UN Charter and in close cooperation with UN activities in the region, as successfully demonstrated through operation Artemis in the Ituri region of the Democratic Republic of Congo. Such considerations shall take into account the scope of capabilities developed under the EU crisis management capabilities, including the deployment of civilian personnel for longer-term responses to peace-building;
2. Member States and the Commission shall exchange information on all action taken to support African peace support operations capabilities with a view to improving coordination and developing synergies. This information shall be summarised in the annual review of this Common Position provided for in Article 14;
3. Member States and the Commission shall give higher priority to country and regional strategies and risk assessment. Country strategies can be developed with the use of standardised indicators and the assistance of expert groups. Risk assessment and country strategies would benefit from greater use of local knowledge, including information from local experts trained in early warning and risk assessment;
4. Member States and the Commission shall seek to achieve improved coordination of bilateral action in support of the AU and African subregional organisations, in particular the

Economic Community of West African States, the South African Development Community and the Intergovernmental Authority on Development, the Economic Community of Central African States and the Economic and Monetary Community of Central Africa, regarding African peace support operations capabilities;

5. Member States and the Commission shall systematically invite each other or the Presidency, as appropriate, to participate in exercises and seminars they organise with a view to reinforcing African peacekeeping capabilities;
6. coordination and exchanges on enhancement activities shall be sought with interested third parties, notably the United States, Canada and Japan in particular in the framework of the political dialogue with these countries;
7. the EU shall endeavour to improve further its coordination with the UN, and in particular with the Department of Peacekeeping Operations, on all activities aiming at strengthening African peace support operations capabilities;
8. the EU shall analyse how best to coordinate Member States' efforts in areas of training, equipment and exercises. This analysis shall take into consideration key areas of the Brahimi report on UN peace operations, including interoperability of troops and command and control structures;
9. on an ad hoc basis, the EU shall consider in due course initiating, where there is value added, capacity enhancement programmes in its own name, separately or in conjunction with programmes initiated by individual Member States. Such action might range from small-scale observer missions during peacekeeping exercises to more comprehensive training programmes.

Article 7

Member States shall continue to conduct a restrictive policy with regard to arms exports, fully applying the 1998 EU Code of Conduct on Arms Exports. Recognising that the availability and accumulation of arms exceeding legitimate security needs may be a factor contributing to instability, and that the curbing of the illicit trafficking in arms is an important contribution to the easing of tension and the reconciliation processes, the Member States and the Commission shall:

- cooperate in promoting international respect for arms embargoes and other relevant decisions by the UN Security Council and support initiatives to implement such measures effectively,
- continue to support and actively respect regional initiatives contributing to the prevention and combating of illicit trafficking in arms,

- cooperate to encourage associated countries to align themselves with principles adopted and measures taken by the EU. The EU shall further consider support for African efforts to improve controls on arms manufacture, import and export, and support for controlling or eliminating surplus small arms, as well as support for African efforts to tackle problems relating to small arms in accordance with Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾,
- continue to support the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects as well as the negotiations of the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime, adopted by the UN General Assembly on 31 May 2001.

Article 8

Recognising the importance of economic factors in conflicts in Africa, as well as the potential of diplomatic and economic measures for the prevention and resolution of violent conflicts:

1. the EU shall:

- seek to address economic factors that fuel conflicts,
- seek to promote the further integration of Africa into the world economy, and to support even access to the benefits and opportunities of this across societies,
- support economic and political cooperation, such as regional stabilisation arrangements, to strengthen relations between parties as a preventive and post-conflict peace-building measure,
- work to ensure that regional trade integration measures, within a policy context comprising safety nets for vulnerable groups, support conflict prevention and resolution;

2. the EU shall also:

- cooperate in promoting universal respect for embargoes related to the illegal exploitation of and trade in high value commodities and for other relevant decisions by the UN Security Council; and support initiatives to implement such measures effectively,

- actively work towards finding means to suppress illegal exploitation of natural resources which contributes to the eruption, escalation and continuation of violent conflicts,
- where appropriate, use restrictive measures, including economic and financial sanctions, targeted at actors who profit from and exacerbate violent conflicts. In this context, there is a need to further reflect on the (positive or negative) role to be played by the private sector in the area of conflict prevention and resolution.

Article 9

Throughout the different phases of the conflict cycle, the EU shall:

- evaluate the important role that 'non-State actors' can play either fuelling conflict or helping to resolve or prevent it. Either way, their role and the positive contribution they may make, needs to be accounted for,
- encourage the application of UN Security Council Resolution 1325 on Women, Peace and Security, through ensuring that a gender perspective informs planning, implementing and evaluating the impact of conflict, the needs of the different actors in conflict and the level and nature of participation in decision-making in the prevention, management and resolution of conflicts, including peace processes and negotiations,
- address the short, medium and long term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal, and building on past and ongoing activities, in accordance with the EU Guidelines on Children and Armed Conflict. It shall also try to influence third country actors (governments as well as non-State actors including armed groups) to take effective measures to protect the rights of children affected by armed conflict.

Article 10

To reflect the need to maintain focus on a conflict even after it has become less acute, and to contribute to a more coherent and systematic approach to post-war situations in Africa, the EU shall:

- stand ready to support security sector reform within the framework of democratic principles, respect for human rights, the rule of law, and good governance, in particular in countries in transition from violent conflict to sustainable peace,
- continue and consolidate its support for tackling the problems of the destabilising accumulation and uncontrolled spread of small arms,

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

- enhance its support for the disarmament and sustainable reintegration of demobilised ex-combatants with particular attention to gender-based needs and the needs of children recruited to take part in military activities,
- increase its assistance to the removal of existing landmines, as well as it shall promote mine awareness and encourage the development of African capacities in de-mining,
- continue to support actions aimed at facilitating the reintegration of up-rooted populations in post-conflict situations, taking into account the relevant Guiding Principles on Internal Displacement, of the Representative of the UN Secretary General,
- encourage reconciliation and support reconstruction needed to allow countries emerging from conflict to relaunch policies for long term development,
- in accordance with the Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court ⁽¹⁾, reiterate in its political dialogue with its African counterparts its strong commitment to support the International Criminal Court and its position regarding the US-proposed non-surrender bilateral agreements.

Article 11

Given that a particular area of concern in Africa is the relationship between the radicalisation of religious groups and their vulnerability to terrorist recruitment, the EU shall evaluate possible cooperation at national and regional levels in this area suggesting avenues, utilising a range of instruments, to address this problem in a conflict prevention and peace-building perspective. In this context, the EU recalls the Joint Declaration on Terrorism adopted by the EU-Africa Ministerial Conference of Brussels (11 October 2001), as well as the Joint Declaration on Terrorism adopted by the EU Ministerial Conference of Ouagadougou (28 November 2002).

Article 12

Given the importance of HIV/AIDS and the scale of the epidemic in the African continent, the EU shall ensure that tackling HIV/AIDS is an integral part of EU strategies to prevent and mitigate conflict. In this context, assistance to peace support operations shall ensure elements on awareness and training for prevention of HIV/AIDS.

Article 13

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 14

On the basis of a report by the Presidency, in association with the Secretary General/High Representative and the Commission, this Common Position and the implementation thereof shall be reviewed annually and amended as appropriate.

Article 15

Common Position 2001/374/CFSP is hereby repealed.

Article 16

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

Article 17

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

Done at Brussels, 26 January 2004.

For the Council

The President

B. COWEN

⁽¹⁾ OJ L 150, 18.6.2003, p. 67.