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

COMMON POSITION

of 25 May 1998

defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning human rights, democratic principles, the rule of law and good governance in Africa

(98/350/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DEFINED THIS COMMON POSITION:

Having regard to the Treaty on European Union and in particular Article J.2 thereof,

Article 1

Whereas under Article J.1(2) of the Treaty on European Union, one of the objectives of the Common Foreign and Security Policy is to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms;

The objective of the Union is to work in partnership with African countries to promote respect for human rights, democratic principles, the rule of law and good governance. This approach shall serve as a framework for the actions of the Member States.

Whereas the Council and representatives of the Member States meeting in the Council adopted a resolution on human rights, democracy and development on 28 November 1991;

The aim of this common position is to contribute to the coherence of external Union activities in Africa, including appropriate policy responses. The Union recognises that democratisation is a process which can be assisted by appropriate support from the international community, including the Union, and that many African countries have successfully introduced reforms in recent years which have improved the ability of individuals to enjoy human rights and democratic processes.

Whereas under Articles 4 and 5 of the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989 as revised by the agreement signed in Mauritius on 4 November 1995, the work undertaken by the Community and its Member States in the framework of ACP/EC cooperation must take into account the human dimension and is based on the respect of human rights, democratic principles, the rule of law and good governance;

Article 2

The Union fully recognises the right of sovereign states to establish their own constitutional arrangements and to institute their own administrative structures according to their history, culture, tradition and social and ethnic composition. In this framework, the Union is committed to encourage and support the on-going democratisation process in Africa on the basis of respect for the following principles:

Whereas under Article 3 of Common Position 97/356/CFSP⁽¹⁾ on conflict prevention and resolution in Africa adopted on 2 June 1997, the Council notes that, in accordance with the relevant procedures, steps will be taken to ensure coordination of the efforts of the European Community and those of the Member States in development cooperation and the support for human rights, democracy, the rule of law and good governance;

- (a) protection of human rights (civil and political, and social, economic and cultural);
- (b) respect of basic democratic principles, including:

Whereas human rights are universal, indivisible, interdependent and intrinsically linked,

- the right to choose and change leaders in free and fair elections,
- separation of legislative, executive and judicial powers,

⁽¹⁾ OJ L 153, 11.6.1997, p. 1.

— guarantees of freedom of expression, information, association and political organisation;

- (c) the rule of law, which permits citizens to defend their rights and which implies a legislative and judicial power giving full effect to human rights and fundamental freedoms and a fair, accessible and independent judicial system;
- (d) good governance, including the transparent and accountable management of all a country's resources for the purposes of equitable and sustainable development.

Article 3

- (a) When deciding policy towards individual countries, the Union shall take into account their points of departure and the direction and pace of change within them, as well as the policy commitments of the respective governments. The Union shall give high priority to a positive and constructive approach that encourages human rights, democratic principles, the rule of law and good governance.
- (b) The Union, working with both governments and civil society on the basis of partnership and cooperation, shall consider increasing its support for African countries in which positive changes have taken place and where the governments concerned are engaged in promoting positive change. Where changes are negative, the Union shall consider the appropriate responses that could help reverse those developments on the basis of the principles laid down in the resolution adopted on 28 November 1991.

Article 4

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this common position, where appropriate, by pertinent Community measures.

Article 5

Union activities in implementation of this common position shall be reviewed on a six-monthly basis.

Article 6

This common position shall take effect on the day of its adoption.

Article 7

This common position shall be published in the Official Journal.

Done at Brussels, 25 May 1998.

For the Council
The President
R. COOK