



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.05.2000
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Proposal for a

COUNCIL DECISION

**concluding consultations with Côte d'Ivoire under Article 366a of the fourth
ACP-EC Convention**

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 24 December 1999 a military coup in Côte d'Ivoire's capital city, Abidjan, brought to power General Robert Guei, the former chief of staff, who dismissed the head of state and dissolved the government, the national assembly, the supreme court and the constitutional council.

On 25 December a National Committee of Public Safety was set up. Chaired by General Guei, it draws all nine of its members from the armed forces. An interim government was formed on 14 January 2000.

The international community has unanimously condemned the coup.

In its declaration of 30 December the European Union urged all parties to restore peacefully and rapidly constitutional democracy in the country, to respect human rights and to guarantee security during the transition period.

On 14 January the Council of the European Union invited the government of Côte d'Ivoire to hold consultations under Article 366a of the fourth ACP-EC Convention with a view to assessing the situation in detail and establishing how the country planned to fulfil its obligations in respect of the essential elements cited in Article 5 to the Convention, namely human rights, democratic principles and the rule of law. Frank and constructive consultations took place in Brussels on 7 February.¹

In its conclusions the Presidency took note of pledges by the interim authorities to:

- give the interim government full responsibility for managing the transition period;
- see that the proceedings of the Electoral and Constitutional Advisory Committee are completed by 31 March 2000;
- stick to a timetable providing for the adoption of a constitution and the holding of presidential, legislative and local elections by 31 October 2000 at the latest;
- ensure transparency of the State's decision-making process;
- uphold the separation of powers, the independence of the judiciary, pluralism and transparency, including freedom of the press, freedom of expression and free access to the media;
- strengthen audit and corrective measures to restore good governance.
- submit regular reports on implementation of the above measures.

¹ Council document No 6038/00 of 8 February 2000.

The President concluded that the European Union would be watching events in Côte d'Ivoire very closely, but would not be taking any decision on whether to suspend development cooperation for the time being. It would in particular monitor compliance with the electoral timetable and the adoption of measures to guarantee that the elections are transparent and democratically based.

In the wake of the consultations and in the light of developments in the situation, measures taken so far and the pledges given by the Ivorian authorities, the Commission proposes, by way of appropriate steps within the meaning of Article 366a(3) of the fourth ACP-EC Convention, the pursuit of cooperation on a gradual and conditional basis, focusing during the transition period on measures in support of the rapid and full restoration of constitutional democracy, the rule of law, good governance and civil society, and, should the need arise, humanitarian aid.

If conditions for gradually restoring cooperation have not been met by the end of the transition period, the Commission will propose further measures to the Council.

CONCLUSION

In light of the above and pursuant to Articles 5 and 366a of the fourth ACP-EC Convention and Article 2 of Council Decision 1999/214/EC, the Commission proposes that the Council conclude the consultations with Côte d'Ivoire and take, for a period ending on 31 October 2000, the steps set out in the draft letter annexed to the accompanying draft Council Decision.

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COUNCIL DECISION

**concluding consultations with Côte d'Ivoire under Article 366a of the fourth
ACP-EC Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the fourth ACP-EC Convention,² as revised by the agreement signed in Mauritius on 4 November 1995,³ extended by Decision No 1/2000 of the ACP-EC Committee of Ambassadors,⁴

Having regard to Council Decision 1999/214/EC on the procedure for implementing Article 366a of the fourth ACP-EC Convention, and in particular Article 2 thereof,⁵

Having regard to the proposal from the Commission,⁶

Whereas:

- (1) The essential elements cited in Article 5 of the fourth ACP-EC Convention have been violated by the overthrowing by force of the government of Côte d'Ivoire on 24 December 1999.
- (2) Consultations under Article 366a of the fourth ACP-EC Convention were held on 7 February 2000 with the ACP countries and Côte d'Ivoire, at which the Ivorian authorities gave specific undertakings concerning the restoration of democracy by the end of October 2000.
- (3) Respect for democratic principles has yet to be restored in Côte d'Ivoire.
- (4) Appropriate steps must be taken to assist the restoration of democracy during the transition period.

² OJ L 229, 17.8.1991, p. 3.

³ OJ L 156, 29.5.1998, p. 3.

⁴ OJ L 56, 1.3.2000, p. 47.

⁵ OJ L 75, 20.3.1999, p. 32.

⁶ OJ C ...

HAS DECIDED AS FOLLOWS:

Article 1

Consultations with Côte d'Ivoire under Article 366a(2) of the fourth ACP-EC Convention are hereby concluded.

Article 2

The measures specified in the annexed draft letter are hereby adopted as appropriate steps within the meaning of Article 366a(3) of the fourth ACP-EC Convention.

The measures shall expire on 31 December 2000.

Article 3

This Decision shall be published in the Official Journal.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft Letter

Sir,

In its declaration of 30 December 1999 the European Union noted with deep concern the military coup and the dissolution of political and legal institutions in Côte d'Ivoire on 24 December 1999.

The European Union attaches the utmost importance to the provisions of Article 5 of the fourth ACP-EC Convention. As essential elements of the Convention, respect for human rights, democratic institutions and the rule of law are the basis of our relations.

The European Union considers the dissolution of democratic institutions a grave violation of the above principles.

The Council of the European Union therefore decided, on 17 January 2000, to invite the authorities of Côte d'Ivoire and the ACP countries to hold consultations with a view to assessing the situation in detail and remedying it.

Frank and constructive consultations took place in Brussels on 7 February. A number of key issues were addressed, and the authorities presented their plans for the restoration of constitutional rule and a legitimate government. During the consultations the European Union took note of steps already taken in that direction and the authorities' pledges during the transition period:

- to give the interim government full responsibility for managing the transition period;
- to hold free and transparent elections according to the following timetable:
 - completion of the work of the Electoral and Constitutional Advisory Committee (CCCE) by 31 March 2000;
 - examination of texts by the Council of Ministers and holding of a referendum on the constitution and the electoral law in April 2000;
 - holding of presidential, legislative and local elections by 31 October 2000 at the latest;

Mr Seydou Diarra,
Minister for Planning,
Development
and Government Coordination

- to respect the human rights,
- to uphold the separation of powers, and in particular the independence of the judiciary;
- to respect pluralism and transparency, including freedom of the press, freedom of expression and free access to the media;
- to pursue audits and corrective measures to restore good governance;
- to submit regular reports on implementation of the above measures throughout the transition period.

In the light of these undertakings the European Community and its Member States are minded to conclude the consultations held under Article 366a of the Convention. As respect for democratic principles has yet to be restored, the Community has decided, as appropriate steps within the meaning of Article 366a(3) of the Convention, to take the following measures in support of Côte d'Ivoire's transition to democracy:

- Programmes for which financing agreements have already been signed will be implemented as planned, with due regard for the principle of the neutrality of Community aid during the run-up to the elections. The monitoring and supervision of programmes by independent national bodies and the Commission will be stepped up.
- In the case of counterpart funds and programmes for which financing agreements have yet to be signed, a gradual and conditional approach will be applied, focusing during the transition period on measures in support of the restoration of constitutional democracy, the rule of law and good governance.
- In the case of counterpart funds and programmes for which financing agreements have yet to be signed, a gradual and conditional approach will be applied.
- Contributions to regional projects and operations of a humanitarian nature will not be affected during the transition period.
- On the basis of the monthly reports that the interim authorities have undertaken to provide, the European Union, which will be monitoring the transition process very closely, reserves the right to take any additional measures necessary and reaffirms the importance of ongoing political dialogue with the authorities in Côte d'Ivoire to the normalisation of bilateral relations.

For the Commission

For the Council