



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.8.2003
COM(2003) 517 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

**concerning the opening of consultations with the Republic of Guinea
under Article 96 of the Cotonou Agreement**

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1. Article 9(2) of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, to which the Republic of Guinea is a signatory, defines the essential elements on which the partnership is based, among which are democratic principles and the rule of law.
2. Over recent years the international community has witnessed a deterioration in the democratic environment in the Republic of Guinea. This amounts to non-respect of the essential elements defined in Article 9 of the Agreement.
3. During the presidency of General Lansana Conté, Guinea embarked in 1990 on a process of democratisation with the adoption of the Basic Law, which provided for elections by universal suffrage and the establishment of the rule of law. In 1992, the country adopted a multi-party system. Presidential elections followed in 1993 and parliamentary elections in 1995. Although these first elections were not free of irregularities, opposition parties were able to play a full part in the Guinean institutions and the poll was considered acceptable by the international community.
4. These positive developments were interrupted by the 1998 presidential elections when opposition leader Alpha Condé and a number of his supporters were arrested for contesting the way the elections were held and the official results. A deterioration in the democratisation process was observed in the 2000 municipal elections which were marked by violence. The opposition also contested the results of those elections. The opposition parties of Alpha Condé, the “Rassemblement du peuple guinéen” (RPG, Rally for the Guinean People), and Sydia Touré, former prime minister and leader of the “Union des Forces Républicaines” (UFR, Union of Republican Forces), failed to win a single municipality despite attracting a significant percentage of the vote in certain prefectures. Finally, the legislative elections scheduled for the end of 2000 were postponed because of unrest on the country’s borders with Liberia and Sierra Leone.
5. The democratisation process worsened further when the party supporting the President, the “Parti du Peuple et du Progrès” (PUP, Party for the People and Progress), announced in 2001 its intention to amend the Basic Law by referendum after the National Assembly had already rejected the draft amendment. The amendments involved the abolition of the limit to the number of presidential mandates, enabling President Conté to stand a third time, and the appointment of heads of district (*chefs des quartiers et districts*). Previously they had been elected. These reforms were considered a step backwards for the young Guinean democracy. In its statement on 25 October 2001, the EU expressed concern at the possible consequences of the referendum for the country’s stability and democratic development and called for observance of

constitutional rules, maintenance of the balance of powers, liberalisation of the media and establishment of a framework for fair and transparent elections. On 8 November 2001, the EU once again expressed its concern to the Government, urging it to observe criteria enabling the referendum to be held in democratic conditions. Ignoring the opinion of the international community, Guinea held the referendum on 11 November in dubious circumstances. Immediately after the publication of the official results (87% turnout and 98% “yes” vote) the international community represented in Conakry expressed its reservations about the conduct of the referendum and called on the Government to postpone the legislative elections scheduled for 27 December in order to create an acceptable electoral environment for all political parties in Guinea. During his visit to Guinea in December, Hans Dahlgren, special EU Presidency representative for the Mano River countries, reiterated the request to the Government to postpone the elections in order to ensure they were conducted properly. He also asked for an election observer mission to be invited to Guinea to monitor this process. Mr Dahlgren spelled out the minimum conditions for EU support, notably the creation of an independent election supervisory body, neutrality of the Administration, a commitment by all the parties involved to renounce all forms of violence and the presence of an international electoral observation team.

6. As a result of this international pressure, the Government decided to postpone the legislative elections and generally expressed interest in obtaining support for the electoral process and receiving international observers. Given the importance of domestic political stability for Guinea itself and for the stability of the whole Mano River region, and in view of the EU requests to the Government to postpone the elections and invite observers, the EU sent out a fact-finding mission in April 2002 to assess progress in the electoral process and gauge whether giving support for the elections and dispatching observers was desirable, useful and viable. The mission concluded that the conditions set out under point 5 above for democratic elections had not been met. The EU therefore decided not to become involved in a process already marred by serious irregularities and devoid of any real competition given the absence of a number of representative opposition parties. It has therefore not provided financial and technical aid or sent out election observers.
7. However, the EU decided to continue monitoring the run-up to the presidential elections scheduled for 2003, a key element in the electoral cycle in which all the parties met have said they were ready to participate. In October 2002, Mr Dahlgren, special EU Presidency representative for the Mano River Union countries, again had talks with the authorities and reiterated the minimum conditions required by the EU for democratic elections. On 14 November 2002, Danish Foreign Minister Moeller and Commissioner Nielson wrote to President Conté on behalf of the EU stressing the importance the Union attached to efforts by the authorities to carry out electoral reform. In January 2003, a ministerial delegation from Guinea handed over the President’s reply and had talks with Mr Dahlgren and Commissioner Nielson. Neither the reply nor the discussions with the ministerial delegation pointed to a genuine commitment on the part of the Government to make progress in this dossier and the EU asked the delegation to provide further information on the reforms actually undertaken since the fact-finding mission of April 2002.

8. At this stage, six months before the scheduled date of the presidential elections, it has to be concluded that there has been no real progress on electoral reform. Nor have the Guinean authorities shown any sign of moving in the near future towards a genuine process of democratisation. The authorities informed Mr Dahlgren during his visit to Conakry in April this year that President Conté's health did not allow progress to be made. However, the electoral campaign for the outgoing president launched in January 2003 was continuing.
9. The Commission considers that the gradual deterioration in the democratic environment described above, notably the dubious referendum of November 2001, the undemocratic parliamentary elections in June 2002, and the lack of positive signs of imminent change in the situation amount to non-respect of the essential elements set out in Article 9 of the Cotonou Agreement. The Commission therefore considers that the political dialogue under Article 8 of the Agreement, launched with a view to improving the political climate, has been conducted exhaustively during the last two years. Regular dialogue between the Member States' and European Commission's heads of mission in Conakry, contacts between the special representative for the Mano River Union, Mr Dahlgren, and the Guinean authorities, correspondence between the European Union and the European Commission, on the one hand, and the Guinean Government, on the other, and the visit by the ministerial delegation to Brussels in January 2003, are proof of this. It is therefore necessary to open consultations with the Republic of Guinea, in accordance with Articles 9 and 96 of the Agreement.

The objectives of these consultations are :

- to stress the importance the EU attaches to electoral reform, and notably to ensure that:
 - all the actors involved in the electoral process can play their roles freely,
 - the political parties can prepare for elections and their candidates can stand for election and campaign without hindrance,
 - the media is free to provide political information and analysis, without hindrance and without risk of harassment, so that voters can make an informed choice,
 - voters can vote for the candidates of their choosing,
 - an election supervisory body can be created with genuine autonomous power to intervene, free from the influence of the Administration or any party.

The consultations will also determine

- whether Guinea intends starting a genuine dialogue with the various opposition parties in order to get the reforms mentioned above under way,
- whether it is necessary to take appropriate measures under Article 96 of the Cotonou Agreement.

For these reasons, the Commission proposes that the Council invite Guinea for consultations under Articles 9 and 96 of the Cotonou Agreement, in accordance with the draft letter attached.

The Commission proposes during the consultation period to continue the activities under way financed under the sixth, seventh and eighth EDF, except for the budgetary support programme 2002, the disbursement of which has not yet been made. However, it proposes postponing the signing of the strategy paper for the period 2002-2007.

ANNEX

Brussels,

S.E. Monsieur Kazaliou BALDE
Ambassadeur de la République de Guinée
Avenue Roger Vandendriessche, 75
1150 Bruxelles

DRAFT

Your Excellency,

The European Union has on several occasions expressed its concern about the development of democracy in Guinea and its desire to see electoral reform create the conditions for democratic elections.

By letter of 14 November 2002, Minister Moeller, President of the Council of the European Union, and Commissioner Nielson expressed the EU's desire to see concrete commitments on the part of the Guinean authorities on the abovementioned reforms, notably in order to ensure that:

- all the actors involved in the electoral process can play their roles freely,
- the political parties can prepare for elections and their candidates can stand for election and campaign without hindrance,
- the media is free to provide political information and analysis, without hindrance and risk of harassment so that voters can make an informed choice,
- voters can vote freely for the candidates of their choice,
- an election supervisory body can be created with genuine autonomous power to intervene, free from influence of the Administration or any political party.

In accordance with Article 96 of the Cotonou Agreement, We have the honour, on behalf of the Community and the Member States of the European Union, to invite your country for consultations in order, as provided for in the Agreement, to study the situation in depth and, where necessary, take steps to remedy it.

We propose that these consultations take place in the near future, at a date to be agreed jointly, in the building of the Council of the Union.

We have the honour to be, Sir, yours faithfully,

For the Council

For the Commission

Copies: The Chairman of the ACP Committee of Ambassadors
The Secretary-General of the ACP Group