



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.11.1999
COM(1999) 491 final

Proposal for a

COUNCIL DECISION

**concerning the conclusion of consultations with the Republic of Guinea-Bissau
under Article 366a of the fourth ACP-EC Convention**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Following the events that took place in Guinea-Bissau on 6 and 7 May 1999, the European Union published a statement condemning the use of violence, the ousting of the democratically elected President in breach of the Abuja Agreement and the attacks on diplomatic missions.

Article 5 of the Lomé Convention makes respect for human rights, democratic principles and the rule of law the basis of relations between the ACP States and the Community.

The Union has accordingly asked the various political players in Guinea-Bissau:

- to work for national reconciliation, reconstruction and development;
- to relaunch the democratisation process on the basis of the national constitution;
- to take the necessary steps to organise free and fair presidential and legislative elections in November 1999.

Under Article 366a of the Lomé Convention, implemented by Council Decision 1999/214/EC of 11 March 1999, on 19 July 1999 the Council decided, on a proposal by the Commission, to invite Guinea-Bissau to consultations in order to examine the situation thoroughly, underline the importance attached by the European Union to respect for the essential elements referred to in Article 5 of the Convention, and learn the intentions of Guinea-Bissau in this regard.

The consultations took place in Brussels on 26 July 1999 in a frank and constructive atmosphere.

On behalf of the European Union, the President of the Permanent Representatives Committee made a statement calling for:

- re-establishment of the rule of law: release of political prisoners, freedom of expression, operation and independence of the judicial system;
- rehabilitation of institutions;
- adherence to the timetable for elections;
- genuine separation of civil and military powers.

In response to this appeal the Guinea-Bissau delegation, led by the Prime Minister Mr Fadul, gave information on the situation of the country, following which the Presidency of the Union noted that:

- the Constitution and human rights were respected;
- the soldiers arrested following the incidents of 6 and 7 May 1999 had been formally charged or released;
- the State institutions functioned and nominations for key posts had been made;

- the political parties and the media were active with no restrictions;
- the National Assembly met and constituted the seat of political debate;
- the Military Junta intended to pursue a strategy of return to barracks and non-interference in economic and political life;
- preparation for legislative and presidential elections was proceeding on the basis of the scheduled date, i.e. 28 November 1999.

At the end of these consultations the Presidency of the Union noted with satisfaction the efforts made by the Government of Guinea-Bissau to re-establish the rule of law, bring about the genuine separation of powers, rehabilitate institutions and adhere to the timetable for elections.

It also noted the commitment of the Guinea-Bissau authorities to pursue resolutely the efforts begun and their willingness to keep the European Union informed of the results, stressing that it would follow the situation in Guinea-Bissau very closely and would monitor the transitional government's compliance with its undertakings, which constitute prerequisites for restoring normal cooperation between the European Union and Guinea-Bissau.

In the light of the foregoing and under Articles 5 and 366a of the Lomé Convention and Article 2 of Council Decision 1999/214/EEC, the Commission proposes that the Council decide:

to end consultations with the Republic of Guinea-Bissau and to consider the letter to be sent to the Guinea-Bissau authorities, the text of which is annexed to the attached proposal for a Council Decision, as part of that Decision.

Proposal for a

COUNCIL DECISION

**concerning the conclusion of consultations with the Republic of Guinea-Bissau
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 Convention¹, as amended by the Agreement signed in Mauritius on 4 November 1995²,

Having regard to Council Decision 1999/214/EC of 11 March 1999 on the procedure for implementing Article 366a of the fourth ACP-EC Convention³, and in particular Article 2 thereof,

Having regard to the proposal from the Commission⁴,

Whereas:

- (1) Following the events that took place in Guinea-Bissau on 6 and 7 May 1999, the European Union, in a statement of 18 May 1999, condemned the use of violence, the ousting of the democratically elected President in breach of the Abuja Agreement and the attacks on diplomatic missions.
- (2) On 19 July 1999 the Council decided pursuant to Article 1 of Decision 1999/214/EC to open consultations with Guinea-Bissau in accordance with Article 366a of the fourth ACP-EC Convention.
- (3) Frank and constructive consultations took place on 26 July 1999, at which the Government of Guinea-Bissau outlined the measures it had implemented or intended to implement in order to meet the expectations expressed by the European Union in its statement of 18 May 1999.
- (4) The Government of Guinea-Bissau is making efforts to re-establish the rule of law, bring about the genuine separation of powers, rehabilitate institutions and adhere to the timetable for legislative and presidential elections.

¹ OJ L 229, 17.8.1999, p. 3.

² OJ L 156, 29.5.1998, p. 3.

³ OJ L 75, 20.3.1999, p. 32.

⁴ OJ C

- (5) The Government of Guinea-Bissau has undertaken to pursue those efforts resolutely and has shown its willingness to keep the European Union informed of the results.
- (6) It is therefore appropriate to conclude the consultations,

HAS ADOPTED THIS DECISION:

Article 1

The consultations held with the Republic of Guinea-Bissau under Article 366a(2) of the fourth ACP-EC Convention are concluded.

Article 2

The letter set out in the Annex which forms an integral part of this Decision shall be sent to the Government of Guinea-Bissau.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX

Letter to be sent to the Government of Guinea-Bissau

In keeping with the principles underlying Article 5 of the fourth ACP-EC Convention (the fourth Lomé Convention), the European Union publicly condemned the use of violence in Guinea-Bissau on 6 and 7 May 1999.

Given the nature of the incidents, on 19 July 1999 the Council of the Union decided to open consultations with Guinea-Bissau under Article 366a of the Convention in order to examine the situation thoroughly, underline the importance attached by the European Union to respect for the essential elements referred to in Article 5 of the Convention, and discover the intentions of Guinea-Bissau in this regard.

The opening of the consultations coincided with the desire expressed by the Guinea-Bissau authorities to commence dialogue with a view to restoring normal relations with the European Union as quickly as possible.

At the consultations, which took place on 26 July 1999, the European Union noted with satisfaction the efforts made by the Government of National Unity to re-establish the rule of law, bring about the genuine separation of powers, rehabilitate institutions and adhere to the timetable for elections.

The European Union also noted the undertaking by the Guinea-Bissau authorities to pursue resolutely the efforts begun and their willingness to keep it informed of the results of these efforts.

In the light of the foregoing, the Council of the Union has decided to end the consultations under Article 366a of the Lomé Convention.

The European Union will follow closely the situation in Guinea-Bissau and will monitor the transitional government's compliance with its undertakings.

For the Council

For the Commission