


Procedure file

| Basic information | |
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| COS - Procedure on a strategy paper (historic) 1998/2060(COS) | Procedure completed |
| Partnership EU/ACP States: democratisation, rule of law, respect for human rights, good governance | |
| Subject 6.10.08 Fundamental freedoms, human rights, democracy in general 6.40.06 Relations with ACP countries, conventions and generalities | |
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| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | DEVE Development and Cooperation | | 22/07/1998 |
| | | PPE FERNÁNDEZ MARTÍN Fernando | |
| European Parliament | Committee for opinion | Rapporteur for opinion | Appointed |
| | AFET Foreign Affairs, Security and Defense Policy | | 24/09/1998 |
| | | PPE MAIJ-WEGGEN Hanja | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Development | 2141 | 30/11/1998 |

| Key events | | | |
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| 12/03/1998 | Non-legislative basic document published | COM(1998)0146 | Summary |
| 01/07/1998 | Committee referral announced in Parliament | | |
| 28/10/1998 | Vote in committee | | Summary |
| 28/10/1998 | Committee report tabled for plenary | A4-0411/1998 | |
| 30/11/1998 | Debate in Council | 2141 | |
| 15/01/1999 | Debate in Parliament |  | |
| 15/01/1999 | Decision by Parliament | T4-0040/1999 | Summary |
| 15/01/1999 | End of procedure in Parliament | | |
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| Technical information | |
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| Procedure subtype | Commission strategy paper |
| Legal basis | Rules of Procedure EP 142 |
| Stage reached in procedure | Procedure completed |
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| Documentation gateway | | | | | |
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| Non-legislative basic document | | COM(1998)0146 | 12/03/1998 | EC | Summary |
| Committee report tabled for plenary, single reading | | A4-0411/1998 OJ C 379 07.12.1998, p. 0006 | 28/10/1998 | EP | |
| Text adopted by Parliament, single reading | | T4-0040/1999 OJ C 104 14.04.1999, p. 0177-0185 | 15/01/1999 | EP | Summary |

Partnership EU/ACP States: democratisation, rule of law, respect for human rights, good governance

OBJECTIVE: the present communication, which is based on previous communications on human rights (cf. "fiche de procedure" COS0339): - explains the Community's understanding of the contents of articles 5, 224(m) and 366a of the revised Lomé Convention on respect for human rights, democracy and good governance to its ACP partners; - helps to strengthen the debate in the ACP countries, so that the main elements of the Lomé Convention are respected when these countries make the political and social choices incumbent upon them; - prepares the way for the discussions which will be held shortly on future ACP/EC relations. CONTENT: the Lomé Convention was the first convention to contain a reference to respect for human rights. In doing so, it started a movement to take account of fundamental principles in the context of cooperation with third countries. This is why the Commission feels that there is now a need: 1) to clarify the concepts of "democratic principles" enshrined in article 5 of the revised Lomé Convention: this is a dynamic concept and is therefore constantly evolving. Democratic principles have 3 main elements: - legitimacy, via free, independent elections; - legality, in the form of a suitable constitutional, legislative and regulatory system and the recognition of human rights and individual freedoms; - effective application of these rights (promotion of fundamental freedoms, independent authorities, political pluralism, transparency and integrity of institutions) by the relevant authorities. The Commission notes that article 5 of the Convention also contains a reference to good governance, which implies transparent and responsible management of all the resources of a country and the rejection of all forms of corruption. 2) to propose an action plan with suitable aid within the framework of the EDF with a view to: - establishing a systematic dialogue on human rights and democratic principles with ACP countries: the aim is to identify the action needed by analysing the needs of each ACP country and to support regional and national consultation networks (by mobilising potential contacts, supporting the creation or strengthening of these networks, supporting NGOs, trades union etc.); - emphasising a number of priority actions with a view to strengthening the democratic culture of the ACP countries and promoting good governance: actions will vary from one country to another and will target: . institutional and administrative reform: e.g.. constitutional reform, reform of the legal system etc.; . education in human rights and civic studies; . strengthening the civil society and the participation of women in the democratisation and development process; . measures to combat corruption, especially preventive measures and sanctions. Finally, the Commission tackles the question of the non-execution clause. This is the clause for which provision is made in article 366a of the revised Lomé IV Convention and which provides, in particular in cases in which no other solution can be found, for all or part of the Convention to be suspended. The Commission feels that the application of this clause should be considered as a last resort and should avoid penalising the population. The measures taken should be proportionate and in keeping with those taken by the Member States and should always favour consultation and the prevention of conflict.?

Partnership EU/ACP States: democratisation, rule of law, respect for human rights, good governance

Article 5 of the Lomé Convention (Lomé IV, as revised in 1995) introduces a reference to the recognition and application of democratic principles, the consolidation of the rule of law and good governance. Article 366a contains a mechanism introducing sanctions for failure to fulfil an obligation in respect of one of these essential elements. Article 224(m) states that cooperation is to cover support for institutional and administrative reform measures with a view to democratisation and the rule of law. The report by Fernando FERNÁNDEZ MARTÍN (EPP, E), which has been adopted by the Committee, notes that progress has been made over the last few years in a number of ACP countries as regards democracy, in spite of difficult socio-economic circumstances. However, it also notes that corruption still exists in certain ACP countries, which is eroding confidence in the State's ability to take effective action. The report therefore urges that the promotion of good governance (accompanied by an explicit reference to action to combat corruption) should also become one of the basic features of the next ACP-EU Convention. The committee calls for the introduction of practical instruments and measures which would enable action to be taken to combat corruption at all levels. It wants the next Convention to contain a set of specific, practical and uniform anti-corruption sanctions which would apply equally to the ACP countries, the EU Member States and their economic operators. It says the sanctions contained in the next

Convention should be reinforced by a joint anti-corruption watchdog and enforcement mechanism which can be activated in both the EU Member States and the ACP countries. The report says that the ACP countries themselves should be invited to propose criteria relating to the promotion of human rights, democratisation and good governance, including action to combat corruption. The committee also calls for particular attention to be devoted, in the context of ACP-EU dialogue, to the situation of children, the protection of children's rights, the participation of women in political processes, women's legal and social rights and the involvement of civil society. It stresses the importance of specific initiatives relating to army, police and prison personnel, with particular regard to the conditions under which they operate and the extent of their human rights training. It also stresses that the emergence of independent media is crucial. The report argues that the social, economic, political and cultural specificity of each ACP country must be recognised. As regards the ACP-EU Joint Assembly, the committee reiterates its call for this body to be democratised so as to reflect the diversity of opinion within the ACP countries, which are currently represented by a single delegate per country. It believes that the existing structures of the ACP-EU Council of Ministers and the ACP-EU Joint Assembly must be strengthened.?

Partnership EU/ACP States: democratisation, rule of law, respect for human rights, good governance

The resolution drafted by Fernando Fernández Martín (E, EPP) which broadly endorses the Commission Communication entitled "Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP States" was approved by the European Parliament. The report stresses that widespread corruption in certain ACP countries is eroding confidence in the State's ability to take effective action. In this context, it urges that the promotion of good governance, with particular reference to anti-corruption measures should be one of the essential features of the next ACP-EU Convention. The Parliament recalls its wish that the ACP countries themselves should be invited to propose criteria relating to the promotion of human rights, democratisation and good governance, including anti-corruption measures. In the context of this dialogue, it also stresses that particular attention should be paid to the protection of children's rights and demands specific initiatives relating to army, police and prison personnel. The report also stresses the importance of defending women's rights and assisting the independent media. In order to make progress in all of these areas, the Parliament describes the need for a deepening and broadening of cooperation, both between the EU and the ACP countries and within the ACP countries themselves and for this process of dialogue to be given an institutional status in the next ACP-EU Convention. It considers that, in the context of this dialogue, the role of the civil society is very important. The Parliament also considers that progress in cooperation policy in this area should form the subject of a major annual debate within the Joint Assembly. In the case of a serious infringement of human rights, democracy, the rule of law and good governance, it proposes the appointment of rapporteurs (one from the EU and one from the ACP countries) to conduct inquiries and draw up a report for the ACP-EU Council of Ministers and to the ACP-EU Joint Assembly. The Parliament considers that the EU's positive approach should be enhanced by sanctions, as currently provided for in Article 366a of the Convention and judges it necessary that it should also be possible for sanctions to be imposed on its initiative. The Parliament proposes that every ACP country should have an independent national audit office to report to that country's government and parliament so that, where appropriate, the required action can be taken. In cooperation with the European Court of Auditors, this office should carry out checks on EU development funds to that country. The report proposes a set of specific, practical and uniform anti-corruption sanctions applied equally to all parties concerned to be contained in the next Convention, to be reinforced by a joint anti-corruption watchdog and enforcement mechanism. The Parliament lastly advises the Commission to avoid taking a bureaucratic approach to its actions in this area and to involve NGOs in the process.?