ACP/EU relations, Lome IV Convention: human rights, democratisation, article 366 a for consultations

1996/0050(AVC) - 21/02/1996 - Initial legislative proposal

OBJECTIVE: the purpose of the Decision is to establish a procedure for implementing Article 366a of the Lomé Convention which provides for the application of possible sanctions, after consultations between the parties concerned, against a State which has failed to respect the fundamental rights and human rights endorsed by the Convention. SUBSTANCE: in accordance with the Lomé Convention, respect for human rights and democratic principles constitutes one of the essential elements of the Convention (Article 5 of the Mauritius Agreement amending LOMÉ IV). Article 366a of the Convention provides that a party (namely the Community and its Member States, on the one hand, and each ACP State, on the other) which considers that there has been a failure to fulfil an obligation stemming from those essential elements may invite the State concerned to hold consultations to assess the situation and remedy it. To that end, Article 366a provides for a special procedure, including set deadlines for those consultations. On expiry of the deadlines, if the State refuses to be consulted or immediately in the event of urgency, the party which invoked the failure (in this case, the Community), may decide to take steps or to suspend, partly or in full, the application of the Convention (suspension is a last resort). The purpose of this proposal is precisely to define the procedure to be implemented by the Community in such cases, with a view to applying Article 366a of the Convention. In addition, in fields covered by the Convention and falling within their jurisdiction, the Member States may authorize the Council to cover those fields when it adopts (by a qualified majority) measures concerning consultations or suspension of the Convention. A Council decision providing for simple consultations or for steps to be taken is to be notified to the European Parliament immediately.