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

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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.