Basic information

1998/2060(COS) COS - Procedure on a strategy paper (historic)	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 **Geographical area** ACP countries	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DEVE Development and Cooperation	FERNÁNDEZ MARTÍN Fernando (PPE)	22/07/1998

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Security and Defense Policy	MAIJ-WEGGEN Hanja (PPE)	24/09/1998

Council of the European Union

Council configuration	Meetings	Date
Development	2141	1998-11-30

Key events

Date	Event	Reference	Summary
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		
15/01/1999	Debate in Parliament		
15/01/1999	End of procedure in Parliament		
14/04/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1998/2060(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	DEVE/4/09893

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0411/1998 OJ C 379 07.12.1998, p. 0006	28/10/1998	
Text adopted by Parliament, single reading		T4-0040/1999 OJ C 104 14.04.1999, p. 0177-0185	15/01/1999	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1998)0146	12/03/1998	Summary

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

1998/2060(COS) - 15/01/1999 - Text adopted by Parliament, single reading

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 bureacratic approach to its actions in this area and to involve NGOs in the process.

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

1998/2060(COS) - 12/03/1998 - Non-legislative basic document

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.