



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

REGARDING THE CONCLUSION OF CONSULTATIONS
WITH TOGO UNDER ARTICLE 366a OF THE LOMÉ CONVENTION

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

In its declaration of 26 June, the European Union expressed deep concern at the way Togo's presidential elections were conducted on 21 June and some scepticism concerning the results announced by the Interior Minister.

On 13 July the Council, acting on a proposal from the Commission, decided, on behalf of the Community and the Member States of the European Union, to invite Togo for consultations under Article 366a of the Lomé Convention and the common provisions of paragraph 2 to the joint declaration concerning that Article.

Consultations took place on 30 July. Their purpose was to emphasise the importance attached by the Union to compliance with the essential elements of Article 5 of the Lomé Convention and hear what the Togolese authorities were planning to do about this.

The fact that consultations took place is in itself encouraging. However, the Union's representatives at the consultations stressed the unsatisfactory nature of the Togolese Government's explanations. The Council Presidency declared that it was going to examine in detail these explanations, which differed considerably from the assessment of the Union's observers, and decide, in the light of its examination and subsequent developments in the practical implementation of the democratic process in Togo, whether consultations should continue. This assessment and approach were endorsed by all the Member States of the Union.

The Union has kept a close watch on developments. It expected progress towards restoring the rule of law and civil order in Togo, but events since the consultations have taken a different course.

On 1 October the Union formally asked the Government for written details of the practical measures taken or planned to remedy matters. Emphasising that any continuation of consultations would be based on such measures, the Union pointed out that the Community and the Member States of the Union would be obliged to take appropriate action if the Government failed to take prompt action warranting the continuation of consultations.

The Togolese authorities replied on 7 October. Their answer did not contain the requested details warranting the continuation of consultations, but reiterated their readiness to continue consultations in the event of any further questions.

The Commission sees no grounds for continuing consultations under Article 366a of the Lomé Convention, especially since such consultations are not normally supposed to last for more than 30 days. Despite all efforts to the contrary, no solution has been found to remedy the failure to meet obligations under Article 5 of the Convention.

The Commission proposes that the Community and the Member States decide to terminate the current consultations and notify the Togolese authorities that:

- cooperation cannot be resumed in the present situation and the Union will do its utmost not to penalise civil society, carrying out activities directly benefiting the people;

- the Union will help promote compliance with the essential elements of Article 5 of the Lomé Convention;
- political dialogue will continue;
- without prejudice to an overall review, implementation of the Stabex frameworks of mutual obligations (1990 and 1991-94) signed in September last year will not be suspended and contractual obligations will be honoured; however, for the time being, the funds available for a new budget support operation (1990 Stabex FMO) will not be disbursed, and only operations directly benefiting producers (1991-94 Stabex FMO) will be financed;
- the Union reserves the right to review its decision in the light of future developments.

DRAFT LETTER

Sir,

Concerned that events since the consultations of 30 July have not been conducive to the restoration of the rule of law and civil order, the Community and the Member States of the European Union wrote to your Government on 1 October formally requesting written details of the practical measures taken or planned to remedy matters.

Emphasising that any continuation of consultations would be based on such measures, the Union also pointed out that the Community and the Member States of the Union would be obliged to take appropriate measures if the Government failed to take prompt action warranting the continuation of consultations.

Your reply of 7 October does not, in the Union's view, contain the requested information showing that practical measures have been taken or specific action planned to achieve compliance with the essential elements laid down in Article 5 of the Lomé Convention.

The Community and the Member States of the European Union consider that consultations under Article 366a of the Lomé Convention and paragraph 2 of the joint declaration concerning that Article should not continue. Despite all efforts to the contrary, no solution has been found to remedy the failure to meet obligations under Article 5 of the Convention.

The Community and the Member States of the European Union have therefore decided to end consultations and not to resume cooperation with the Togolese Government.

The Union will do what it can to avoid penalising civil society. It will help promote compliance with the essential elements of Article 5 of the Lomé Convention.

Without prejudice to an overall review, implementation of the Stabex frameworks of mutual obligations (1990 and 1991-94) signed in September last year will not be suspended and contractual obligations will be honoured. For the time being, however, the funds available for a new budget support operation will not be disbursed (1990 Stabex FMO), and only operations directly benefiting producers (1991-94 Stabex FMO) will be financed.

The Union reserves the right to review its decision in the light of future developments.

The Community and the Member States of the European Union would like to stress the need for dialogue with the Government of Togo to continue in pursuit of the shared objective of restoring normal cooperation relations and full application of the Lomé Convention.

For the Commission

For the Council