



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

**ON CONCLUSION OF CONSULTATIONS WITH NIGER PURSUANT TO
ARTICLE 366a OF THE LOME CONVENTION AND
TAKING OF APPROPRIATE STEPS**

Communication from the Commission to the Council

On conclusion of consultations with Niger pursuant to article 366a of the Lomé Convention and taking of appropriate steps.

1. EXPLANATORY MEMORANDUM

The President of Niger, Mr. Ibrahim Baré Maïnassara, was assassinated by his presidential guard on Friday, 9 April at Niamey airport.

On 11 April the National Armed Forces adopted the following measures:

- Suspending the Constitution;
- Dissolving the National Assembly, the Government and the Supreme Court;
- Setting up a Council of National Reconciliation with full powers for the transition period of 9 months.

The coup d'état was immediately condemned by the international community

The European Union has condemned the coup, demanded a swift return to democracy and launched consultations with ACP/Niger, pursuing the consultation procedure foreseen in article 366a of the Lomé IV Convention in order to assess the situation in detail. The objective was to underline the importance attached by the European Union to respecting the essential elements referred to in article 5 of the Convention and to find out Niger's intentions regarding compliance with them.

On 18 May the consultations took place in Brussels (Council Doc. N° 7729/99) in an open and constructive atmosphere. On behalf of the European Union, the chairman of COREPER delivered a declaration calling for:

- Full respect for human rights and democratic principles
- A credible and verifiable timetable for return to democracy
- Transparent, free and fair elections
- Pluralism and transparency including freedom of the press
- Full power to be given to the civil government
- Non-eligibility for members of the National Reconciliation Council for the forthcoming elections
- An investigation of the circumstances of the assassination of president Baré
- Regular progress reports to be prepared during the transition period

The Delegation of Niger, headed by the Minister of Foreign Affairs, provided general information on the political, economic and sociologic situation in the country. The delegation, which confirmed that democracy will be re-established and power be handed

over to a democratically elected president at the end of 1999, presented the authorities plan for the transition period including a timetable for free elections.

Furthermore, the delegation of Niger presented a number of political commitments, which to some extent reflected the issues and concerns raised by the European Union.

At the end of the consultations, the EU presidency stated that the European Union welcomed the declared intentions of Niger to return to democracy, but reiterated that additional commitments were needed on two issues: the conduct of an investigation of the circumstances of the assassination of president Baré and additional power to be given to the civil government during the transition period.

Responding to these two concerns, the Niger authorities presented on 3 June a document to the European Union, which provided additional commitments on the two remaining issues and provided a report on steps already taken in order to prepare the transition to democracy in Niger.

In order to assess further the situation in the country and to prepare the Commission's proposed strategy for the transition period, the Commission sent an evaluation mission to Niger which visited the country between 6 and 11 June. During this mission meetings were held not only with relevant authorities (military and civilian) but also with representatives of the civil society (associations, NGO's, political parties, intellectuals, etc). The mission concluded that basic civil rights are now being respected and that a number of measures have already been taken to prepare the transition to democracy in line with a credible plan for the remaining period.

However, the mission also identified a number of potential risks for the transition process, which cannot be neglected.

While the Niger authorities thus have provided a number of commitments relating to the restoration of democracy and political rights, Niger is only now entering a transition period, which hopefully will lead to the declared objective. The Commission notes that respect for democratic principles and political rights has not yet been ensured and that there is consequently a continuing failure to respect one of the essential elements referred to in Article 5. While the Niger authorities have committed themselves to the re-establishment of democracy by the end of 1999, the Commission proposes that the EU decide, as appropriate measures under Article 366a, paragraph 3, of the Lomé Convention, to re-establish cooperation with Niger only on a gradual and conditional basis, as set out in a draft letter enclosed. If, at the end of the transition period the conditions for re-establishing full co-operation under the Lomé Convention have not been met, the Commission will present a new proposal for the Council on what additional measures may be called for.

2. PROPOSAL

In light of the above and pursuant to articles 5 and 366a of the Lomé Convention and Article 2 of Councils framework decision 1999/214/EC, the Commission proposes that the Council decide to:

Conclude the consultations held with Niger and take, for a period ending on 31 December 1999, the steps set out in the draft letter enclosed to the draft Council decision as follows:

**PROPOSAL FOR A
COUNCIL DECISION**

Concerning the conclusion of consultations with
ACP/Niger pursuant to article 366a of the Lomé
Convention and adoption of appropriate steps.

THE COUNCIL OF THE EUROPEAN UNION,

having regard to article 5 and article 366a of the Lomé IV Convention,

having regard to Council decision 1999/214/EC on the procedure for implementing
Article 366a of the fourth ACP-EC Convention, in particular its article 2,

having regard to the proposal of the Commission,

whereas essential elements of the Lomé IV Convention, as referred to in its article 5,
have been violated,

whereas open and constructive consultations with ACP/Niger took place on 18 May
during which a number of specific commitments were taken by the authorities of Niger
aiming at reestablishing democracy by the end of 1999,

whereas respect for democratic principles and political rights have not yet been restored
in Niger,

whereas it is thus necessary to adopt special steps to support the re-establishment of
democracy and political rights during the transition period,

HAS DECIDED AS FOLLOWS :

Article 1

The consultations held with Niger under article 366a, paragraph 2 of the Lomé
Convention are hereby concluded.

Article 2

The measures specified in the draft letter attached are hereby adopted as appropriate steps
envisaged in Article 366a, paragraph 3 of the Lomé IV Convention.

Article 3

This decision expires on 31 December 1999.

DRAFT

Dear Madam,

In its declaration of 14 April 1999, the EU roundly condemned the coup d'Etat in Niger during which President Baré was assassinated. Moreover, the EU deplored the suspension of the Constitution as well as the dissolution of the Parliament and the Government.

The EU attaches great importance to the provisions of article 5 of the Lomé Convention. Respect for human rights, democratic institutions and the rule of law constitute essential elements of this Convention and thus form a fundamental basis for our relations.

The EU considers that the assassination of the President Baré and the coup d'état including the dissolution of the democratic institutions, were serious violations of the above mentioned principles and included acts of unacceptable violence.

In this light, the EU decided on 29 April 1999 to invite the Niger government and the ACP States to hold consultations with a view to assessing the situation in detail and to remedy it.

On 18 May the consultations took place in Brussels in an open and constructive atmosphere during which a number of fundamental issues were addressed and the government's plan for return to democracy was presented. During these consultations - and later confirmed in its letter to the EU dated 03 June 1999 - the government of Niger made the following political commitments for the transition period :

- An official inquiry on the circumstances of the assassination of President Baré will take place
- Extended power to the civil government.
- Organisation of free and fair elections according to the following timeschedule :

July 1999 : referendum

October 1999 : 1st round of presidential elections

November 1999 : 2nd round, presidential elections as well as elections for Parliament

December 1999 : investiture of a democratically elected president

- Separation of power including an independent judiciary
- Pluralism and transparency to be respected during the transition period incl. freedom of press and free access to the media.
- Respect of the National Reconciliation Council's own decision according to which its members will not be eligible for the forthcoming elections
- Good governance
- Preparation of monthly progress reports during the transition period

In view of these commitments, the European Union and its Member States are ready to conclude the consultations held under Article 366a of the Lomé Convention. As respect for democratic principles and political rights have not yet been fully restored, the EU has

decided, as appropriate steps under Article 366a, paragraph 3, to take the following measures accompanying Niger's transition to democracy:

- For already approved programmes : implementation will continue as scheduled
- For future programmes : a gradual, conditional approach will be adhered to reflecting documented progress in the transition process. In the early phases of the transition EU aid will focus on election support and then gradually open into areas of direct benefit to the population like actions of humanitarian nature as well as actions related to food security, health and education ending up with a normalised co-operation at the end of the transition period. Budget support earmarked for these sectors is foreseen at the end of the transition period provided that a framework agreement with IMF has been established.

The EU will follow the transition process closely, reserves the right to revise its position should the need occur and reiterates the importance of a continuous political dialogue with the authorities of Niger in order to re-establish democracy and political rights and normalise relations between Niger and the EU

For the Commission

For the Council

Copy : Ambassador of Zimbabwe

Mrs Aichatou Mindaoudou

Minister of Foreign Affairs and Co-operation