



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.01.2004
COM(2003)824 final/2

CORRIGENDUM

**Annule et remplace la p. 4 des versions
EN et DE du COM(2003)824 final
du 17.12.2003**

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

**concerning the opening of consultations with Guinea-Bissau under Article 96 of the
Cotonou Agreement**

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

concerning the opening of consultations with Guinea-Bissau under Article 96 of the Cotonou Agreement

The presidential and general elections held in Guinea-Bissau in 1999/2000 were won by President Kumba Yala and his party took the largest number of seats in Parliament. In the ensuing three years the country has experienced extreme governmental instability; and throughout this year matters have in fact worsened, with a failure to promulgate the new constitution, the dissolution of parliament, conflicts between the executive and the judicial branches and repeated postponements of general elections. This formed the background to the coup d'état on 14 September 2003. The EU issued a statement affirming its opposition to unconstitutional seizure of power and noting the Military Council's intention to ensure a prompt return to constitutional order and civilian rule in the country.

President Kumba Yala resigned on 17 September 2003 and transitional arrangements were set up following an extensive consultation process. A transitional charter signed on 28 September 2003 by the Military Committee for the Restoration of Constitutional and Democratic Order, most political parties and civil society organisations provides for general elections within six months and presidential elections twelve months after that. During those eighteen months the country will be led by the acting president and the Military Committee. A Prime Minister has been appointed and a transitional government made up of wholly civilian public figures has been formed. The Transitional Council, which is acting as the legislative authority, is made up of members of the Military Committee and other signatories to the Charter. This Council is to be dissolved when the newly elected members of parliament take their seats. No date has yet been fixed for the general elections, which are supposed to take place before the end of March 2004.

Article 9(2) of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, to which the Republic of Guinea-Bissau is a signatory, defines the essential elements on which the partnership is based. Respect for democratic principles and the rule of law are essential principles on which internal and international policies are based. In keeping with this clause, and in the light of the way in which power changed hands in Guinea-Bissau, the Commission considers that a dialogue with the country's new authorities is necessary in order to clarify a number of points subject to consultations in accordance with Articles 9 and 96 of the Cotonou Agreement, namely:

- (1) the organisation and conduct of general elections with particular reference to their timing and voter eligibility;
- (2) the progress of the emergency programme set out in the transitional charter with a view to a resumption of economic and financial activity in the country, and in particular progress towards consolidation of public finances;
- (3) progress towards a return to an independent justice system and undertakings concerning the submission of the armed forces to civilian rule once constitutional order is re-established.

A dialogue would give the Guinea-Bissau authorities an opportunity to state their case on the above points and allow the Commission to see whether, on that basis, it could support the

country's efforts at improving compliance with Article 9(2) of the Cotonou Agreement.

The Commission therefore proposes that the Council invite the Republic of Guinea-Bissau for consultations under Articles 9 and 96 of the Cotonou Agreement, in accordance with the draft letter attached.

The Commission proposes that cooperation activities under way under the 6th, 7th, 8th and 9th EDFs should continue during the consultation period on condition that the special conditions of financing agreements under way are observed.

ANNEX

Brussels,

H.E. Mr Antonio Artur Sanha

Prime Minister of the Republic of Guinea-Bissau

Bissau

Guinea-Bissau

DRAFT

Sir,

In a statement issued on 18 September 2003 condemning the coup in Guinea-Bissau the European Union reiterated its opposition to unconstitutional seizure of power.

It also took note of the announcement by the Military Committee of its intention to ensure a prompt return to constitutional order and civilian rule in the country.

In accordance with Article 96 of the Cotonou Agreement, we have the honour, on behalf of the Community and the Member States of the European Union, to invite your country for consultations in order, as provided for in the Agreement, to study the situation in depth and, where necessary, take steps to remedy it. The EU for its part will undertake these consultations in a spirit of dialogue.

The consultations will provide an opportunity for Guinea-Bissau to present the Government's transition programme, with particular reference to its plans for a general election, consolidation of public finances, a return to an independent justice system and restoration of civilian control over the armed forces. I propose that these consultations take place in the near future, at a date to be agreed jointly, in the building of the Council of the European Union.

I have the honour to be, Sir, yours faithfully,

For the Council

For the Commission

Copies:

- The Chairman of the ACP Committee of Ambassadors
- The Secretary-General of the ACP Group