

**COTONOU  
ARTICLE 96**

# **An ACP Perspective and Overview of Article 96 Cases**

**Andrew Bradley**

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**Andrew Bradley<sup>\*</sup>**

*\* Andrew Bradley has recently been promoted to Assistant Secretary-General for Political Affairs and Human Development at the ACP Secretariat. This article and the overview table of Article 96 cases were supplied by the author in his personal capacity. They do not necessarily reflect the opinions and views of the ACP Secretariat and the ACP Group.*

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# Contents

<b>Introductory Note</b>	<b>1</b>
<b>An ACP Perspective</b>	<b>1</b>
<b>ACP States and the EU: Table of consultation procedures and countries under sanctions</b>	<b>2</b>
<b>Table: Consultations between individual ACP States and the EU held under Articles 96/97 of the Cotonou Agreement and Article 366a of the Lomé Convention, and ACP States under sanctions within the ACP-EU Framework</b>	<b>4</b>
Republic of Niger	4
Republic of Togo	4
Republic of Guinea-Bissau	5
Federal Islamic Republic of the Comoros	6
Republic of Cote d'Ivoire	6
Republic of Haiti	7
Republic of the Fiji Islands	10
Republic of Liberia	10
Republic of Zimbabwe	12
Republic of Sudan	13
Central African Republic	15
Republic of Guinea	16

**The European Centre for  
Development Policy Management**  
Onze Lieve Vrouweplein 21  
NL-6211 HE Maastricht, The Netherlands  
Tel +31 (0)43 350 29 00  
Fax +31 (0)43 350 29 02  
info@ecdpm.org [www.ecdpm.org](http://www.ecdpm.org)

## Introductory note

*As part of this series we requested Andrew Bradley to give us an overview of the cases of Article 96/366a procedures as seen from an ACP perspective. The table in this document gives a complete listing of all the cases with a series of notes on each one. The short written piece gives a basic overview of the current debate on Article 96 as it might be seen from an ACP point of view. The article is not however an official position of the ACP Group, but represents the author's personal assessment.*

# An ACP Perspective

## Introduction

The Cotonou Agreement, often hailed as the most comprehensive partnership between a developing and developed grouping within the North-South development cooperation context, also provides a firm basis for ACP-EU political dialogue, and in particular for dialogue on the essential elements and fundamental element: respect for human rights, democratic principles, rule of law and good governance.

One of the key objectives of the Cotonou Agreement is to eradicate poverty, and it is therefore expected, within the spirit and nature of the ACP-EU Partnership, that when the Article 96 consultation procedure is invoked, it will be without any negative consequences for the aforementioned key objective of the Agreement.

Nevertheless, Article 96 is perceived to be negative, potentially punitive in nature, unilaterally applied, and when applied incorrectly, neither complementary to nor in conformity with the key objectives of the Cotonou Agreement. It is within this context that the ACP Group, through the recent revision of the Cotonou Agreement, addressed these concerns by rendering political dialogue under Article 8 more systematic and formal. The new Annex VII to the Cotonou Agreement entitled, "Political dialogue as regards human rights, democratic principles and the rule of law", sets out detailed modalities for this structured dialogue, which should bring the eventual application of Article 96, when needed, in line with the key objectives of the Cotonou Agreement.

## Realistic expectations

The ACP Group is aware of its responsibilities and obligations in terms of the Cotonou Agreement and has established a framework for intra-ACP political dialogue, which will allow the Group to address, firstly at the intra-ACP-level, issues related to human rights, democratic principles, the rule of law, and good governance. The comprehensiveness of the Partnership and the longstanding ACP-EU relationship should therefore allow the Group to resolve internally, prior to any EU involvement, issues that might have an impact on the relationship.

A handful of developments now will provide the opportunity to both Parties to change current perceptions in relation to the utilization and application of Article 96 consultations: the revision of the Cotonou Agreement, a better understanding of the modalities, prospects, and opportunities for political dialogue, improved communication, and a refocused willingness to address vigorously the key objectives of the Agreement. Conditionality in development cooperation is not disputed, but it should always be applied, when needed, with the key objectives of the Partnership at heart. It should never lead to the detriment of the peoples of the developing world. To this end, both signatory Parties to the Agreement should always ensure to act in a responsible manner and in support of the key objectives, as well as the spirit of the Partnership.

The strengthened focus on political dialogue (Article 8) will invariably lead to an improved application of Article 96 consultations and indeed remove some of the negative connotations attached to the Article. The objectives of Article 96 consultations should always be to assist the implicated country and to cre-

ate an environment where a normalized relationship can exist. Only then will this Article also conform to, and support the key objectives of the Cotonou Agreement.

Article 96 should therefore only be utilized after exhaustive political dialogue, as foreseen in Article 8, except in cases of special urgency. When needed, Article 96 consultations provide the basis for formal, high-level consultations between the Parties on the essential elements, which would not necessarily lead to the application of appropriate measures by one Party. It is now the obligation of the ACP Group and the EU to ensure, through an improved application of Article 96 consultation procedures, that formal dialogue does not necessarily lead to invoking appropriate measures, but that it could, in most cases, also lead to the full normalization of relations.

The signatory Parties' demonstration of a greater willingness to cooperate and trust each other would contribute to strengthening the Partnership. When a need arises to institute appropriate measures within the context of the Article 96 consultation procedure, the focus should be directed firstly towards the development of capacities to address the initial perceived violation, prior to any inclination to resort to potential punitive measures. In a Partnership, the need to invoke appropriate measures should be the last resort, and the emphasis should be to resolve differences, to improve cooperation, communication, foster improved understanding, and to apply best practices to address and achieve the key objectives of the Agreement.

## **Conclusion**

The application and utilization of Article 96 consultations should always conform to and complement the key objectives of the Cotonou Agreement.

The ACP Group and the EU have an obligation to explore all possibilities for the resolution of any problem, whether it is at the level of the ACP Group and/or the joint level. Dialogue between the signatory parties must always continue, irrespective of the gravity of any potential problem. Appropriate measures as foreseen in Article 96 cannot be unilaterally developed and applied. The ACP and EU should commit themselves to focusing on problem solving and creating an environment for joint action and decision-making. This commitment will do justice to the spirit and uniqueness of the ACP-EU Partnership.

## ACP States and the EU: Table of consultation procedures and countries under sanctions

Since 1996, the following ACP States have been involved in consultations with the European Union (EU) under Article 366a of the Lomé Convention and Article 96 of the Cotonou Agreement, respectively:

- Republic of Niger (1996 and 1999);
- Republic of Togo (1993, 1998, and 2004);
- Republic of Guinea-Bissau (1999 and 2004);
- Federal Islamic Republic of the Comoros (1999);
- Republic of Cote d'Ivoire (2000 and 2001);
- Republic of Haiti (2000);
- Republic of the Fiji Islands (2000);
- Republic of Liberia (2001);
- Republic of Zimbabwe (2002);
- Republic of Sudan (1990)<sup>1</sup>;
- Central African Republic (2003); and
- Republic of Guinea (2004).

Presently<sup>2</sup>, EU sanctions apply to five ACP States:

- Republic of Togo;
- Republic of Haiti;
- Republic of Liberia;
- Republic of Zimbabwe; and
- Republic of Guinea.

No ACP State has been called by the EU for consultations under Article 97<sup>3</sup> of the Cotonou Agreement, and the principle reasons for consultations under Article 96 relate to:

- Coups d'état;
- Flawed and lack of transparent electoral processes; and
- Violation of democracy principles, rule of law, respect of human rights and fundamental freedoms.

The table below provides the reader with information relating to the (i) ACP States invited to enter into consultations with the European Union under Article 366a of the Lomé Convention and Article 96 of the Cotonou Agreement, respectively, (ii) date of opening of consultations, (iii) EU reason(s) for consultations/sanctions, (iv) measures (sanctions) taken by the EU, (v) measures implemented by the ACP State and the ACP Group, and (vi) the current status of the relationship. Further, the document also provides an overview of ACP States under sanctions within the ACP-EU framework.

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### Notes

- 1 EU sanctions against Sudan commenced prior to the inception of Article 366a of the Lomé Convention
- 2 As of 1 July 2005
- 3 Corruption was one of reasons for Liberia/EU consultations, but consultations were conducted under Article 96

**Table: Consultations between individual ACP States and the EU held under Articles 96/97 of the Cotonou Agreement and Article 366a of the Lomé Convention, and ACP States under sanctions within the ACP-EU Framework**

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
<b>Niger</b>				
1996	Coup d'état	Financial cooperation, except projects in support of the poorest population, was suspended for 6 months. A gradual approach was followed after the constitutional referendum by providing support to the electoral process and the resumption of support to the social sectors.	Return to constitutional order	Relations normalised (date unknown)
1999	Coup d'état	Continuation of ongoing programmes, followed by a conditional and gradual approach for new programmes. Emphasis on the support for elections and direct support to the population, particularly in the social sectors.	Return to constitutional order	Relations normalised (date unknown)
<b>Togo</b>				
1993	Divergence on the political situation in Togo	Suspension of cooperation.	<ul style="list-style-type: none"> <li>Adoption of a new Constitution and the establishment of governmental institutions (1992)</li> <li>Presidential elections (1993)</li> <li>Legislative elections (1994)</li> </ul>	1994 - EU resumed gradual cooperation
1998	Flawed electoral process	Non-resumption of development cooperation, but without penalising civil society.	<ul style="list-style-type: none"> <li>Organisation of the inter-Togolese Dialogue (1998)</li> <li>Signature of a Lomé Framework Agreement (1999)</li> <li>Legislative elections (1999)</li> <li>Promulgation of a new electoral code (2000)</li> <li>Establishment of a National Electoral Commission (2001)</li> <li>Revision of the voters roll</li> <li>Legislative elections (2002)</li> <li>Request to the UN for the establishment of an international inquiry on human rights violation (reported by Amnesty International)</li> <li>Presidential elections (2003)</li> <li>Visit of Prime Minister to the ACP and EU (2003)</li> </ul>	EU measures applicable

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
14 April 2004	Democracy, respect of human rights and fundamental freedoms	<p>On 16 November 2004 the Government of Togo was informed of the conclusion of the consultations with the adoption of the following appropriate measures:</p> <ul style="list-style-type: none"> <li>Continued implementation of projects financed with the unexpended balances of the 6<sup>th</sup> and 7<sup>th</sup> EDF;</li> <li>Linkage of the notification of the 9<sup>th</sup> EDF allocation with the adoption of electoral arrangements that will ensure transparent and democratic elections accepted by all parties, and the setting of a date for the holding of Parliamentary elections in Togo;</li> <li>Consideration of regional projects on a case-by-case basis;</li> <li>Once free and fair parliamentary elections have been held, the EU will resume full cooperation with Togo;</li> <li>Continuation of humanitarian operations, trade cooperation and trade-linked preferences; and</li> <li>Regular joint reviews by the EU Presidency and European Commission, and monitoring over a period of 24 months.</li> </ul>	<ul style="list-style-type: none"> <li>ACP Ambassadorial fact-finding mission</li> <li>European Commission follow-up missions</li> <li>Presentation of progress reports on the implementation of the commitments (22) undertaken by the Government of Togo during consultations</li> <li>Compliance with most of the aforementioned commitments</li> <li>Continuous exchange of views between the ACP Committee of Ambassadors and the Council of the European Union and the European Commission</li> <li>Presidential elections on 24 April 2005</li> <li>Observer mission by the ACP Group</li> <li>Declaration on the outcome of the Presidential elections by the ACP Group</li> </ul>	EU measures applicable
<b>Guinea Bissau</b>				
1999	Coup d'état	No appropriate measures adopted due to the return to democracy during the course of the consultations.		Relations normalised (date unknown)
19 January 2004	Coup d'état	<p>No appropriate measures adopted. A roadmap was agreed in which Guinea Bissau undertook the following key commitments:</p> <ul style="list-style-type: none"> <li>To confirm the transition programme, and in particular those aspects related to the organisation of legislative elections;</li> <li>To adopt measures aimed at improving governance in the management of public finances;</li> <li>To re-establish a progressive legal system and an independent judicial system;</li> <li>To re-establish civil control of the armed forces.</li> </ul> <p>It was also agreed that regular assessments of Guinea Bissau's progress towards fulfilling its commitments would be undertaken.</p>	<ul style="list-style-type: none"> <li>General elections on 28 and 30 March 2004</li> <li>Progress with the return to an independent judiciary with the appointment of a public prosecutor and the election of the Supreme Court President</li> <li>Adoption of an emergency economic programme</li> <li>Census of Government employees</li> </ul>	<p>Relations normalised and the EU committed to monitoring progress made in the areas of public finances, the return to an independent judiciary, the restoration of civilian control over the armed forces and the pur-</p>



DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
				suit of the electoral timetable for Presidential elections.
<b>Comoros</b>				
1999	Coup d'état	<p>After the conclusion of the consultations, the EU decided on the following appropriate measures:</p> <ul style="list-style-type: none"> <li>• Implementation of programmes already under way will continue as planned;</li> <li>• Future operations will be implemented according to a gradual and conditional approach; and</li> <li>• The EU reserves the right to review its position regularly.</li> </ul> <p>On 22 July 2002 the Government of Comoros was informed of the removal of all restrictions on EU cooperation with the Comoros.</p>		Relations normalised (2002)
<b>Côte d'Ivoire</b>				
January 2000	Coup d'état	<ul style="list-style-type: none"> <li>• Consultations concluded on 28 January 2001.</li> <li>• Continuation of existing programmes, regional cooperation and humanitarian aid not affected. A gradual and conditional approach for new projects focusing on support for the restoration of the constitutional democracy, rule of law, good governance, and civil society.</li> </ul>	<ul style="list-style-type: none"> <li>• Organisation of Presidential elections during October 2000</li> </ul>	EU measures applicable

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
January 2001	Lack of openness in elections and other developments during the transition period	<p>After the conclusion of the consultations, the following prerequisites for normalised relations were listed:</p> <ul style="list-style-type: none"> <li>• Respect for the rule of law;</li> <li>• Democratisation;</li> <li>• National reconciliation;</li> <li>• Independence and neutrality of the judiciary;</li> <li>• Respect for human rights; and</li> <li>• Provision of security and protection to foreigners.</li> </ul> <p>The EU followed a gradual and conditional approach toward new projects in support of the restoration of constitutional democracy, rule of law, good governance and civil society.</p> <p>On 19 February 2002, the Government of Côte d'Ivoire was informed of the normalisation of relations with the EU, which will be demonstrated by the normal operation of the European community cooperation instruments, including the 9<sup>th</sup> EDF.</p>	<ul style="list-style-type: none"> <li>• Organisation of legislative, municipal and departmental elections (General Councils)</li> <li>• Organisation of a National Reconciliation Forum</li> <li>• Strengthening of political dialogue-Submission of draft high court legislation to the National Assembly</li> <li>• Improvement of human rights</li> <li>• Establishment of a National Identification Office, including an Information Office on nationalisation</li> <li>• Draft legislation on press freedom</li> <li>• Formation of a democratic Government</li> </ul>	Relations normalised on 19 February 2002
August 2000	Flawed electoral process	<p>After the conclusion of the consultations, the EU decided on the following appropriate measures (29 January 2000):</p> <ul style="list-style-type: none"> <li>• Non-provision of the 2<sup>nd</sup> tranche under the 8<sup>th</sup> EDF, totalling Euro 44.4 million;</li> <li>• Suspension of direct budget aid provided for under the 8<sup>th</sup> EDF and the budget heading for food security;</li> <li>• Redirection of the remaining funds of the 8<sup>th</sup> EDF tranche to projects that are of direct benefit to the Haitian people, to strengthen civil society and the private sector, and to support democratisation and underpin the rule of law; and</li> </ul>	<ul style="list-style-type: none"> <li>• Haitian Government's commitment to implement Resolution 822 of the Permanent Council of the Organization of American States (OAS)</li> <li>• 76<sup>th</sup> ACP Council of Ministers Resolution on the 'Restoration of aid of the EU and other international institutions to the Republic of Haiti'</li> <li>• Request for consultations with the European Communities and Commission by the Haitian authorities</li> </ul>	EU measures applicable

### Haiti

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
80	<ul style="list-style-type: none"> <li>• Preparations for the 9<sup>th</sup> EDF programming, but no notification of the allocation of resources.</li> </ul> <p>On 23 January 2002, Haiti was informed of the EU's decision to maintain and extend the appropriate measures taken on 29 January 2001 for another year (1+1), and to review it, in the absence of an agreement between the parties, by December 2002. This decision upholds a previous decision not to make available the 2<sup>nd</sup> tranche of the 8<sup>th</sup> EDF, suspension of direct budget aid, redirection of remaining funds to projects that are of direct benefit to the Haitian people, and no notification of the 9<sup>th</sup> EDF allocation.</p>	<p>The EU indicated that as soon as an agreement between the two sides is signed, all the cooperation instruments affected by the measures decided on 29 January 2001 will gradually be reactivated on the basis of crisis exit indicators.</p> <p>On 21 January 2003, the EU informed Haiti of its decision to review the decision of 21 January 2002, and decided to adjust the appropriate measures as follows:</p> <ul style="list-style-type: none"> <li>• Redirection of the remaining funds of the 1<sup>st</sup> 8<sup>th</sup> EDF tranche and provision of the 2<sup>nd</sup> tranche under the 8<sup>th</sup> EDF for programmes that are of direct benefit to the Haitian people, to strengthen civil society and the private sector and to support democratisation, the strengthening of the rule of law and the electoral process; and</li> <li>• The allocation of resources for the 9<sup>th</sup> EDF will not be notified and the corresponding NIP will not be signed while this Decision is valid.</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of Resolution 822 by the Organization of American States (OAS) on 4 September 2002, and its implementation by Haiti</li> <li>• Strengthening of democratic institutions, including political parties</li> <li>• Formation of a new Provisional Electoral Council (CEP)</li> <li>• Establishment by the CEP of an Electoral Guarantees Commission (CGE)</li> <li>• Development and implementation of a comprehensive disarmament programme</li> <li>• Promotion of National Dialogue (Government, political parties, NSAs)</li> <li>• Development of an independent police institution and security plan for the restoration of a climate of security</li> <li>• Preparations for legislative and local elections</li> </ul>	

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		<p>Furthermore, the EU stated that it 'will follow further developments in the democratisation process closely, in particular the achievement of the steps towards general and local elections, such as the constitution of the provisional electoral council and the setting up of an electoral guarantees committee. Decisions on the gradual reactivation of the cooperation instruments affected by these measures will be taken on the basis of the advancement of the electoral process and in the light of the resumption of the cooperation with the international financial institutions'.</p>	<ul style="list-style-type: none"> <li>• Change of Government</li> <li>• New Interim Government</li> <li>• Discussions between the Interim Government and the European Commission in Brussels on 12 May 2004</li> <li>• Commitments by the Interim Government to improve the human rights situation, establishment of democratic principles , including the holding of free and fair elections, the rule of law and good governance</li> </ul>	
		<p>On 22 December 2003, Haiti was informed by the EU of its intention to review the decision of 21 January 2003, and to also review the appropriate measures accordingly. To this end, the following was decided:</p> <ul style="list-style-type: none"> <li>• Re-direction of the remaining 9<sup>th</sup> EDF funds to programmes that are of direct benefit to the Haitian people, to strengthen civil society and the private sector, and to support democratisation, strengthening of the rule of law and the electoral process; and</li> <li>• Decision on the notification of the 9<sup>th</sup> EDF allocation, programming and signature will be taken on the basis of the implementation of the OAS Resolution 822.</li> </ul> <p>On 01 October 2004, the EU conveyed its decision to review the appropriate measures as follows:</p> <ul style="list-style-type: none"> <li>• Re-direction of the remaining funds under the 8<sup>th</sup> EDF to programmes that are of direct benefit to the Haitian people, to strengthen civil society and the private sector;</li> <li>• Allocation of resources under the 9<sup>th</sup> EDF, and to commence with discussions on the programming of these resources;</li> <li>• Signature of the NIP is foreseen following national elections in accordance with OAS Resolution 822; and</li> <li>• Contributions to regional projects, operations of humanitarian nature and trade cooperation are not affected.</li> </ul>		

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<b>Fiji</b>				
August 2000	Coup d'état	Suspension of cooperation, notably projects under the 7 <sup>th</sup> and 8 <sup>th</sup> EDF, and the notification of the 9 <sup>th</sup> EDF allocation.	<ul style="list-style-type: none"> <li>• General election during August 2001</li> <li>• Formation of a new Government</li> <li>• Hosting of the 3<sup>rd</sup> Summit of ACP Heads of State and Government during July 2002</li> <li>• Completion of 9<sup>th</sup> EDF Programming</li> </ul>	Relations normalised
<b>Liberia</b>				
September 2001	Violations of human rights, democratic principles, rule of law and serious cases of corruption	<p>After the conclusion of the consultations, the EU decided on the following appropriate measures:</p> <ul style="list-style-type: none"> <li>• Six monthly political reviews;</li> <li>• Implementation of current projects under Article 72 of the Partnership Agreement (Euro 25 million to meet needs of displaced persons);</li> <li>• Provision of institutional support and the continuation of regional projects;</li> <li>• Division of the 8<sup>th</sup> EDF NIP into two instalments - implementation of 1<sup>st</sup> instalment linked to progress in restoring democratic structures, and implementation of 2<sup>nd</sup> instalment linked and conditional to the holding of free elections in 2003;</li> <li>• Support for elections will be subject to compliance with normal conditions for the holding of free and fair elections;</li> <li>• Notification of the 9<sup>th</sup> EDF will be made once free and fair elections have taken place; and</li> <li>• European Commission to continue to exercise the function of NAO until the implementation of the 2<sup>nd</sup> instalment of the 8<sup>th</sup> EDF NIP.</li> </ul>	<ul style="list-style-type: none"> <li>• The ACP Group took note of recent political developments, including the appointment of a new President, which might lead to the normalisation of the relationship with the EU.</li> </ul>	EU measures applicable

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
		<p>On 27 August 2003 the EU decided to provide financial support to a peace-keeping operation in Liberia and to make funds available for other measures to accompany the peace process once a comprehensive peace agreement has been reached and signed. Further it also decided on the following:</p> <ul style="list-style-type: none"> <li>• Six monthly political reviews;</li> <li>• Continuation of the implementation of current projects under Article 72 of the Partnership Agreement (Euro 25 million to meet needs of displaced persons);</li> <li>• Provision of institutional support and the continuation of regional projects, operations of a humanitarian nature, trade cooperation and trade-related preferences;</li> <li>• Suspension of Chapter 1 of Annex 4 of the Partnership Agreement (Balances remaining for Liberia from the 8<sup>th</sup> EDF shall be available for implementation (peace keeping);</li> <li>• Notification of the 9<sup>th</sup> EDF will be made once the comprehensive peace agreement is in force and the signatory parties to the agreement have shown the commitment to implement the agreement; and</li> <li>• European Commission to continue to exercise the function of NAO and the continuation of political dialogue under Article 8 of the ACP-EU Partnership Agreement.</li> </ul>		
		<p>On 23 December 2004, Liberia was informed that the EU will extend its decision of 25 August 2003 for a period of 18 months. Political dialogue would continue under Article 8 of the Cotonou Agreement, and EU support for the peace process and the results Focused Transitional Framework shall continue.</p>		

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	<b>Zimbabwe</b>			
January 2002	<p>Violation of human rights, democratic principles, and the rule of law</p> <ul style="list-style-type: none"> <li>• Suspension of the budgetary support under Zimbabwe's 7<sup>th</sup> and 8<sup>th</sup> EDF National Indicative Programmes (NIP's);</li> <li>• Suspension of financial support for all projects, except those in direct support of the population;</li> <li>• Re-orientation of financial support to assist the population;</li> <li>• Suspension of the signature of the 9<sup>th</sup> EDF NIP;</li> <li>• Suspension of Annex 2 of Article 12 of the Cotonou Agreement insofar as required for the application of restrictive measures adopted on the basis of the Treaty establishing the EC; and</li> <li>• Evaluation of regional projects on a case-by-case basis.</li> </ul> <p>Furthermore, the EU, in addition to the aforementioned measures, decided to implement (not taken within the framework of the Cotonou Agreement):</p> <ul style="list-style-type: none"> <li>• An embargo on the sale, supply or transfer of arms and of technical advice, assistance or training related to military activities, and the sale or supply of equipment which could be used for internal repression; and</li> <li>• A travel ban on persons who engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in Zimbabwe, and a freezing of their funds, other financial assets or economic resources.</li> </ul>	<p>On 19 February 2002, the EU conveyed to Zimbabwe its decision to conclude the consultations, and to take the following appropriate measures, within the meaning of Article 96(2)(c) of the Cotonou Agreement:</p> <ul style="list-style-type: none"> <li>• Suspension of the budgetary support under Zimbabwe's 7<sup>th</sup> and 8<sup>th</sup> EDF National Indicative Programmes (NIP's);</li> <li>• Suspension of financial support for all projects, except those in direct support of the population;</li> <li>• Re-orientation of financial support to assist the population;</li> <li>• Suspension of the signature of the 9<sup>th</sup> EDF NIP;</li> <li>• Suspension of Annex 2 of Article 12 of the Cotonou Agreement insofar as required for the application of restrictive measures adopted on the basis of the Treaty establishing the EC; and</li> <li>• Evaluation of regional projects on a case-by-case basis.</li> </ul> <p>Furthermore, the EU, in addition to the aforementioned measures, decided to implement (not taken within the framework of the Cotonou Agreement):</p> <ul style="list-style-type: none"> <li>• An embargo on the sale, supply or transfer of arms and of technical advice, assistance or training related to military activities, and the sale or supply of equipment which could be used for internal repression; and</li> <li>• A travel ban on persons who engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in Zimbabwe, and a freezing of their funds, other financial assets or economic resources.</li> </ul>	<p>Zimbabwe explained that there was no violation of human rights, democratic principles and the rule of law, and that the EU was accusing the country of such transgressions simply as a cover to punish the Government for the redistribution of land from the white minority to the majority black population.</p> <ul style="list-style-type: none"> <li>• On 1 February 2002, the Government of the Republic of Zimbabwe informed the EU of its decision to invoke the provisions of Article 98 of the Cotonou Agreement and declared a dispute between the Republic of Zimbabwe and the European Union.</li> <li>• Following the imposition of EU sanctions, Zimbabwe reciprocated by imposing "smart sanctions" on 9 November 2002 on Members of the British Cabinet, Heads of British Government Departments, members of the Shadow Cabinet, the leader of the opposition party, certain British MEPs, including Mrs. G. Kinnock, Patrons of the Zimbabwe Democratic Trust, Board of Governors of the Westminster Fund for Democracy, Members of the International Crisis Group, Staff of SW Radio Africa and Voice of the People Radio. The assets of concerned individuals in Zimbabwe were also frozen.</li> </ul>	EU measures applicable

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
		<p>On 19 February 2003, the EU conveyed to Zimbabwe its decision to extend the aforementioned appropriate and other restrictive measures.</p> <p>On 19 February 2004, Zimbabwe was informed by the EU of its decision not to revoke the appropriate measures taken in accordance with Article 96(2)(c) during February 2002. The EU also stated in its letter that the measures will only be revoked once conditions prevail which ensure respect for human rights, democratic principles and the rule of law. The EU informed Zimbabwe that it reserves the right to take additional restrictive measures.</p> <p>On 18 February 2005 the EU informed Zimbabwe of its decision to extend the period of application of appropriate measures until 20 February 2006. Furthermore, the EU stated that these measures will be reviewed on the basis of an in-depth assessment of the situation in the light of the Parliamentary election scheduled to take place in Zimbabwe at the end of March 2005.</p>	<ul style="list-style-type: none"> <li>• Mission to Zimbabwe by ACP members of the ACP-EU JPA (September 2003). The report on the mission [ACP/23/066/03] dated 17 September 2003 was disputed by EU members of the ACP-EU Joint Parliamentary Assembly (JPA) during its 6<sup>th</sup> Session held in Rome, Italy during the period 11 - 15 October 2003.</li> <li>• By letter of 7 June 2004, the Government of Zimbabwe informed the ACP Committee of Ambassadors (CoA) of Zimbabwe's decision to revoke its invocation of Article 98 of the Cotonou Agreement given the ongoing review of the political dimensions of the Agreement.</li> <li>• The ACP Group informed the EU accordingly of Zimbabwe's decision.</li> </ul>	

## Sudan

20 March 1990	<ul style="list-style-type: none"> <li>• Violations of human rights, democratisation and rule of law</li> <li>• Relations with neighbouring countries</li> <li>• Terrorism</li> <li>• Sudanese peace process</li> </ul>	<p>Suspension of programming under Lomé IV, including the balances of Lomé II &amp; III, and withholding STABEX transfers.</p>	<ul style="list-style-type: none"> <li>• Policies to reform the economy and determination to address the internal conflict</li> <li>• Sudan-EU political dialogue to address the Sudanese peace process, democracy, human rights, rule of law, and good governance</li> <li>• Various Declarations at the ACP-EU Joint Parliamentary Assembly (JPA) and ACP Council of Ministers</li> <li>• ACP-EU JPA Fact-finding mission to Sudan (26 June - 2 July 2001)</li> <li>• Resolution on the resumption of development cooperation between the EU and certain ACP</li> </ul>	<p>Signing of the Country Support Strategy paper under the 9<sup>th</sup> EDF on 24 January 2005, which marks the normalisation of relations with the EU</p>
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DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
			<p>States, including Sudan adopted by the 3<sup>rd</sup> Summit of ACP Heads of State and Government in Nadi, Fiji Islands during the period 18 - 19 July 2002</p> <ul style="list-style-type: none"> <li>• EU Troika meeting with the Sudanese authorities (9 - 10 December 2002) and agreement on the cessation of hostilities and unimpeded humanitarian access</li> <li>• Terrorism - full cooperation with the USA, leads to the satisfaction of the EU-Peace process - progress under GAD framework</li> <li>• Relations with neighbouring countries - improvement lead to economic integration (Libya and Chad), and military cooperation with Uganda</li> <li>• Democratisation, rule of law and human rights - multiplicity of political parties, Constitution, democratically elected Government,</li> <li>• Presidential and parliamentary elections, non-state actor participation, and free press</li> <li>• ACP Ministerial Troika visit to Sudan during the period 4 - 10 December 2004</li> <li>• Signing of the Peace Agreement between the Government of Sudan and the SPLA/SPLM on 9 January 2005</li> </ul>	

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
<b>Central African Republic</b>				
12 June 2003	Coup d'état	By letter of 19 November 2003, the Council of the European Union and the European Commission informed the CAR of its decision to conclude consultations and to introduce as appropriate measures under Article 96(2)(c) the partial suspension of cooperation and the progressive continuation of other areas of cooperation to support the efforts of the CAR authorities on the basis of actual commitments.	<ul style="list-style-type: none"> <li>Establishment of a Follow-up Committee</li> <li>Fact-finding mission of the ACP Group</li> <li>Report by the CAR authorities to the EU on the implementation of commitments made during the Consultations</li> <li>Presidential and legislative elections on 13 March and 08 May 2005, respectively</li> </ul>	Resumption of full and complete cooperation as from 1 July 2005
The EU also reserved the right to reduce the 9 <sup>th</sup> EDF allocation to the CAR by 20% a year in the event of the non-fulfilment of the commitments made by the CAR authorities.				
<b>Republic of Guinea</b>				
20 July 2004	Non-respect of the essential elements set out in Article 9 of the Cotonou Agreement	By letter of 20 April 2005, the EU informed the Republic of Guinea of its decision to conclude consultations, and to introduce the following appropriate measures under Article 96(2) (c) of the Cotonou Agreement: <ul style="list-style-type: none"> <li>Cooperation financed from the unexpended balances of the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> EDFs directed towards the implementation of undertakings within the context of the consultations, in particular decentralisation, liberalisation of the media and good economic governance, will continue;</li> <li>Cooperation financed from Envelope B of the 9<sup>th</sup> EDF will continue for the implementation of programmes directly aimed at improving the living conditions of the most disadvantaged sections of the population or victims of the sub-regional political crisis;</li> </ul>	<ul style="list-style-type: none"> <li>Undertaking by the Government of the Republic of Guinea to fully cooperate with the EU to normalise the situation in relation to the essential elements of the Cotonou Agreement</li> <li>Mission by the ACP Committee of Ambassadors to Conakry on 04 June 2004</li> </ul>	EU measures applicable

DATE OF OPENING/ SANCTIONS	EU REASONS	EU MEASURES	MEASURES IMPLEMENTED BY ACP STATE AND ACP GROUP	STATUS
16	<ul style="list-style-type: none"> <li>• Programmes to strengthen civil society, respect for, and reinforcement of democracy, human rights and good governance and the emergence or consolidation of free media may also be supported;</li> <li>• Contributions to regional projects will be considered on a case-by-case basis;</li> <li>• Humanitarian operations, trade cooperation and trade-linked preferences will be continued;</li> <li>• Support for the preparation of elections, once electoral arrangements guaranteeing a transparent and democratic electoral process, based on the Declaration on the principles Governing Democratic Elections in Africa, have been established;</li> <li>• Reduction of the 9<sup>th</sup> EDF by Euro 65 million in accordance with the MTR;</li> <li>• Finalisation of the CSS and NIP, whilst the signing and implementation will take place once sufficient progress has been noted in the implementation of the undertakings given by Guinea, in particular the holding of free and transparent elections. The EU will base its assessment on whether: (1) Free and transparent local election have been held and duly elected local authority executives have taken office; and(2) Electoral arrangements and operational requirements for parliamentary elections (including the date of the elections), based on the Declaration on the Principles Governing Democratic Elections in Africa have been established within the framework of political dialogue with the opposition forces.</li> <li>• Regular reviews will be conducted by the Presidency of the EU and the European Commission, the first to be held within the next six months; and</li> <li>• The EU will continue monitoring the situation in Guinea closely for a period of 36 months, and an enhanced political dialogue within the framework of Article 8 of the Cotonou Agreement will be conducted.</li> </ul>	<ul style="list-style-type: none"> <li>• Guinean authorities initiating the following actions:               <ol style="list-style-type: none"> <li>(1) Resumption of political dialogue with political representatives with a view to revising electoral arrangements;</li> <li>(2) Establishment of an inter-party coordination office to facilitate dialogue;</li> <li>(3) Organisation of local elections in June 2005;</li> <li>(4) Stepping up the process of decentralisation;</li> <li>(5) Confirmation of decision to organise parliamentary elections in June 2007;</li> <li>(6) Confirmation of a timetable for the liberalisation of the airwaves, to take effect in June 2005; and</li> <li>(7) Confirmation of sectoral reforms in the field of macroeconomic management in conjunction with a timetable for implementation.</li> </ol> </li> </ul>		

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#### **The European Centre for Development Policy Management**

Jacque Dias

Onze Lieve Vrouweplein 21

6221 HE Maastricht, The Netherlands

Tel +31 (0)43 350 29 00 Fax +31 (0)43 350 29 02

E-mail [info@ecdpm.org](mailto:info@ecdpm.org) [www.ecdpm.org](http://www.ecdpm.org)

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