



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.8.2003
COM(2003) 513 final

Proposal for a

COUNCIL DECISION

**adopting measures in a case of special urgency and
amending Council Decision 2002/274/EC**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The security situation in Liberia rapidly deteriorated over the last couple of months. The rebel group “Liberians United for Reconciliation and Democracy (LURD), active in the North-east of the country since 1999, in July 2003 reached the outskirts of Monrovia and fierce battle has been going on between the rebels and Government forces over the control of the city. The LURD rebels received support from a new rebel organisation “The Movement for Democracy in Liberia” (MODEL) that sprung up in the first quarter of 2003 in the South-east of Liberia. MODEL has also been involved in combats for the control of Buchanan port, South-east of Monrovia.
2. The fighting in Liberia and particularly in and around Monrovia had catastrophic humanitarian consequences. An unknown number of innocent people have died in the battle. The population of the city increased following the arrival of tens of thousands of displaced persons and is trapped with exit and supply routes cut off. Food is short in supply, safe drinking water is not available and with the ongoing tropical rains the risk of a cholera epidemic and other diseases is substantial.
3. A ceasefire agreement between the belligerent parties brokered by the Economic Community of West African States (ECOWAS) during the peace negotiations in Accra and signed on 17 June, was broken shortly after its entry into force. The enforcement of the ceasefire agreement through the deployment of a peace keeping force should bring an end to the hostilities and would allow relief agencies to start providing assistance to the population. This would also enhance the possibilities for reaching agreement on a comprehensive peace package that is still being negotiated in Accra between Government of Liberia, the rebels, civil society and political parties and that should lead to the forming of a transitional administration.
4. ECOWAS offered the deployment of such a force. In this context, Nigeria was prepared to dispatch a vanguard force of 1500 soldiers to Monrovia. Reinforcement at a later stage should bring the force to 2795 troops. At a date yet to be established, the ECOWAS force will be replaced by a UN stabilisation force in Liberia in accordance with United Nations Security Council resolution 1497. ECOWAS is not in a position to carry the financial burden of its operation and needs support from the international community.
5. The European Union could contribute to the peace process in Liberia from the funds set aside for Liberia under the European Development Fund including financial support to a peacekeeping operation, a demobilisation and reintegration programme, institution building and restoring efficient democratic structures. The funds could be made available in the medium term. This requires modifying the Council Decision concluding consultations with Liberia under Articles 96 and 97 of the ACP-EC Partnership Agreement and in particular the appropriate measures pertaining to the conditions and destination of the 8th EDF allocation for Liberia provided for therein.
6. The Commission proposes therefore to the Council to modify its aforementioned Decision of 25 March 2002 and to adopt the attached decision.

Proposal for a

COUNCIL DECISION

adopting measures in a case of special urgency and amending Council Decision 2002/274/EC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular the second subparagraph of Article 300 (2) thereof,

Having regard to the internal agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement¹ and, in particular, Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Decision 2002/274/EC of 25 March 2002 to conclude the consultations with Liberia under Articles 96 and 97 of the ACP-EC Partnership Agreement provides for the adoption of the appropriate measures within the meaning of Article 96(2) (c) and of Article 97(3) of the ACP-EC partnership Agreement;
- (2) The essential elements cited in Article 9 of the ACP-EC Partnership Agreement continue to be violated by the Government of Liberia and the current conditions in Liberia do not ensure respect for human rights, democratic principles and the rule of law;
- (3) The political and security situation in Liberia have deteriorated dramatically since the date of adoption of Council Decision 2002/274/EC of 25 March 2002; This situation constitutes therefore a case of special urgency within the meaning of Article 96 (2) (b) of the ACP-EC Partnership Agreement;
- (4) It is consequently necessary to review the conditions under which funds set aside for Liberia can be made available in order to allow support to the peace process in Liberia in particular through a possible support to peace keeping operations, demobilisation and reintegration programme, institution building and restoring democratic structures.

¹ OJ L 317, 15.12.2000, p. 376.

HAS DECIDED AS FOLLOWS:

Article 1

The measures referred to in Article 2 of Council Decision 2002/274/EC of 25 march 2002 shall be replaced by the measures specified in the annexed draft letter addressed to the Minister of Foreign Affairs of Liberia. These measures shall expire on 31 December 2004. This date does not preclude any specific expiry date contained in the financial instruments covered by this decision.

Article 2

Decision 2002/274/EC is amended as follows :

The second sentence of Article 2 is replaced by the following :

These measures shall expire on 31 December 2004. This date does not preclude any specific expiry date contained in the financial instruments covered by this decision.

Article 3

This Decision shall enter into force on the day of its adoption.

Article 4

This decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

ANNEX

DRAFT LETTER TO THE MINISTER OF FOREIGN AFFAIRS

H.E. Mr Monie CAPTAN

Minister of Foreign Affairs

Liberia

Dear Minister,

The European Union is deeply concerned about the prevailing security situation in your country and wishes to assist in returning peace and stability. It has therefore the intention to provide financial support to a peacekeeping operation in Liberia. The European Union also wishes to make funds available for other measures to accompany the peace process once a comprehensive peace agreement has been reached and signed.

The Community has therefore decided to replace the measures within the meaning of Article 96(2)(c) and of Article 97(3) as outlined in the European Union letter n° SGS27 2745 of 27th March 2002 with the following new measures based on the same articles as regards the implementation of its aid:

- Regular follow-up will be ensured by means of a close political dialogue involving the Presidency of the European Union and the European Commission, and six-monthly political reviews,
- Implementation of current projects funded under Article 72 of the ACP-EC Partnership Agreement, amounting at the moment to EUR 25 million and intended to meet the needs of displaced persons, will be continued,
- Contributions to regional projects, operations of a humanitarian nature, trade cooperation and trade-related preferences are not affected,
- Institution support to allow for the implementation of the measures aimed at fulfilling undertakings given within the consultations can be provided,
- Chapter 1 of Annex 4 to the ACP-EC Partnership Agreement is suspended. The balances remaining for Liberia from the 8th EDF shall be available forthwith for implementation. The funds shall cover support to the peace process in Liberia that could include support to a peace keeping operation in Liberia, a demobilisation and reintegration programme, institution building and restoring efficient democratic structures.
- This suspension will end and notification of the 9th EDF allocation will be made once a comprehensive peace agreement has been reached and has been signed by all parties.
- The Commission will continue to exercise the function of national authorising officer on behalf of the latter for the implementation of the balances remaining from the 8th EDF as provided for in paragraph (5).

The European Union will continue to follow closely the situation in Liberia. We propose that our intensive political dialogue should continue, on the basis of Article 8 of the ACP-EC Partnership Agreement.

Yours faithfully,

For the Commission

For the Council