



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.5.2006  
COM(2006) 267 final

Proposal for a

**COUNCIL DECISION**

**amending Decision 2003/631/EC adopting measures concerning Liberia under Article 96  
of the ACP-EC Partnership Agreement in a case of special urgency**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

Since 25 March 2002 the European Union's relations with Liberia have been governed by Articles 96 and 97 of the ACP-EC Partnership Agreement. Council Decision 2002/274/EC of 25 March 2002 provided for the adoption of appropriate measures under Article 96 and Article 97 of the ACP-EC Partnership Agreement.<sup>1</sup>

Following the signing of the Accra Comprehensive Peace Agreement in August 2003 a transitional government was established with the task of preparing for reconstruction and presidential and parliamentary elections. Observing breaches of the principles of democracy, rule of law and governance, the Council decided, with Decision 2003/631/EC of 25 August 2003,<sup>2</sup> to extend the application of the appropriate measures to 31 December 2004. In view of the inadequate progress made at political level, Council Decision 2005/16/EC<sup>3</sup> again extended these measures, this time to 30 June 2006.

A European Union assessment mission, jointly coordinated by the Commission and the Presidency, was conducted on 24 and 25 April 2006 to examine the situation before the appropriate measures expired.

The assessment mission's findings showed the Liberian government to have made little headway. This was, however, attributable to a lack of funding and to the fact that the current government had only recently taken office. Furthermore, progress in a number of areas suggests that Liberia is now on the road to recovery: the government's active involvement in implementing the GEMAP (the anti-corruption plan initiated by the international community), the holding of what are judged to have been free, fair and democratic elections in October 2005, the restoration of freedom of speech. The Liberian government therefore appears determined to strive for good governance, respect for human rights and the rule of law. However, the venture's success continues to depend on the support of the international community, given the lack of financial resources available to Liberia.

Given the Liberian government's manifest determination to bring about social, economic and political reconstruction in Liberia, all activities in pursuit of that goal should be supported and encouraged. The appropriate measures adopted by Council Decision 2003/631/EC and amended by Decision 2005/16/EC should therefore be terminated. An enhanced, structured political dialogue based on Article 8 of the ACP-EC Partnership Agreement could be established to monitor developments in the situation.

The Commission therefore proposes that the Council adopt the annexed Decision.

---

<sup>1</sup> OJ L 96, 13.04.2002, p. 23.

<sup>2</sup> OJ L 220, 03.09.2003, p. 3.

<sup>3</sup> OJ L 8, 12.01.2005, p. 12.

Proposal for a

## COUNCIL DECISION

### **amending Decision 2003/631/EC adopting measures concerning Liberia under Article 96 of the ACP-EC Partnership Agreement in a case of special urgency**

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 ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000<sup>4</sup>, and the revised Agreement that was signed in Luxembourg on 25 June 2005<sup>5</sup> (hereinafter referred to as “the ACP-EC Agreement”),

Having regard to the internal agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement,<sup>6</sup> 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<sup>7</sup> concluding consultations with Liberia under Articles 96 and 97 of ACP-EU Partnership Agreement provides for the adoption of appropriate measures within the meaning of Article 96(2) (c) and Article 97(3) of the ACP-EC Partnership Agreement
- (2) Council Decision 2003/631/EC of 25 August 2003<sup>8</sup> adopting measures concerning Liberia under Article 96 of ACP-EU Partnership Agreement in a case of special urgency provides for the adoption of further appropriate measures within the meaning of Article 96(2)(b)(c) of the ACP-EC Partnership Agreement
- (3) Council Decision 2005/16/EC of 22 December 2004<sup>9</sup> amending Decision 2003/631/CE adopting measures concerning Liberia under Article 96 of the ACP-EC Partnership Agreement in a case of special urgency extends the validity of these measures to 30 June 2006

---

<sup>4</sup> OJ L 317, 15.12.2000, p.3.

<sup>5</sup> OJ L 287, 28.10.2005, p.4.

<sup>1</sup> OJ L 317, 15.12.2000, p. 376.

<sup>7</sup> OJ L 96, 13.04.2002, p. 23.

<sup>8</sup> OJ L 220, 03.09.2003, p. 3.

<sup>9</sup> OJ L 8, 12.01.2005, p. 12.

- (4) The measures undertaken by the Liberian government in a very difficult budgetary situation attest to its determination to make headway in line with the principles of good governance, respect for human rights and the rule of law
- (5) It is therefore convenient to lift the appropriate measures concerning adopted under Article 96 of the ACP-EC Partnership Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The appropriate measures adopted under Article 96 of the ACP-EC Partnership Agreement are lifted.

*Article 2*

An intensive political dialogue will continue on the basis of Article 8 of the ACP-EC Partnership Agreement. The content of this political dialogue is set out in the annexed draft letter to Liberia's Minister for Foreign Affairs.

*Article 3*

This Decision shall take effect 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**

Brussels,

HE Mr George Wallace

Minister for Foreign Affairs

Liberia

Sir,

By letter No .... of ....., the European Union notified the government of Liberia of its intention to extend to 30 June 2006 the validity of the appropriate measures adopted by the Council on 25 August 2003. This letter stipulated that the measures would be cancelled once a democratically elected and accountable president and government had been installed.

The European Union is pleased to see that the new government elected in October 2005 appears determined to introduce democratic change and reform the working of the public sector. The European Union is particularly pleased that:

- the parliamentary and presidential elections of October 2005 were free, transparent and fair,
- freedom of expression and press freedom are respected,
- the government is backing, and actively taking part in, the implementation of the Governance and Economic Management Assistance Programme (GEMAP),
- the results of external audits of parastatal agencies and government financial institutions are being suitably followed up.

A number of difficulties are nevertheless delaying performance of the government's commitments in the area of human rights and the rule of law:

- The Commission on Human Rights is in the process of being reorganised following the appointment of new commissioners by the government.
- few prosecutions have been brought against members of the security forces guilty of serious human rights violations.
- the new security forces are not yet fully operational.
- the overhaul of the justice system is still under way.
- the Truth and Reconciliation Commission should be operational in June 2006, but the budget allocated to it is not sufficient to enable it to perform all its tasks.

Further progress is therefore needed in the area of human rights and the rule of law.

In view of the above, the European Union believes that the Liberian government is showing the right attitude and a satisfactory determination to improve the situation in the country. The European Union would like to encourage the Liberian government to continue down this road.

It is therefore convenient to lift the appropriate measures adopted under Article 96 of the ACP-EC Partnership Agreement.

An enhanced, structured political dialogue based on Article 8 of the ACP-EC Partnership Agreement will be conducted in order to continue strengthening respect for human rights, democracy, the rule of law and good governance. The political dialogue will concern:

- follow-up of action against corruption and implementation of the GEMAP,
- the progress made by the Commission on Human Rights and the Truth and Reconciliation Commission,
- the reforms of the justice and security sectors,
- the prosecution of those involved in violations of human rights.

At their first meeting, the parties will establish the commitments to be given by the Liberian government.

Yours faithfully,

For the Commission

.....

For the Council

.....