COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 546 final

Brussels, 12 December 1991

Proposal for a

COUNCIL REGULATION (EEC)

prohibiting trade between the Community and the Republic of Haïti

(presented by the Commission)

Explanatory memorandum

On 30th September 1991, President Aristide, who had been democratically elected by a large majority of his fellow citizens, was removed from office by an Army-led coup d'état and expelled from his country.

In the hours following the coup d'état, the international community vehemently condemned this action, and the Commission was in the front line of those who supported President Aristide from the beginning.

Also from the beginning, the international community demanded the reinstatement of President Aristide. This demand was accompanied by the adoption in international quarters of a series of resolutions and by the adoption of retaliatory economic measures against the new regime.

After the suspension of development aid adopted by Haïti's principal financial backers, and following a request from President Aristide, the Organisation of American States decided to recommend an embargo on trade with Haïti. The United Nations General Assembly called upon its Member States to support the efforts of the O.A.S.

On 31.10.1991, the Committee of Ambassadors of the ACP countries adopted a resolution recommending that those countries signatory to the Lomé Convention suspend their commercial relations with Haïti.

It should be underlined that article 5 of the Lomé Convention IV foresees a type of cooperation axed on the development of man, who carries out and is the main beneficiary of this development, and therefore postulates the respect and the furtherance of all aspects of human rights. It has to be said that the current situation in Haïti comprises a diminished respect of these fundamental principles which is incompatible with the above-mentioned article 5 of the Lomé Convention IV.

On 2nd December 1991, the Ministers of Foreign Affairs, meeting within the framework of European political cooperation, decided to impose a commercial embargo on Haïti in order to contribute to restoring democracy and legal rights in that country. They also invited the Commission to make proposals to this effect.

The present draft decision represents the implementation of this decision, on a Community level.

Proposal for a
Council Regulation (EEC)No. ...../91
of 1991
prohibiting trade between the Community and the Republic of HaTti

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

WHEREAS the illegal overthrow of the first democratically elected President of the Republic of HaTti by means of a military coup d'état on 30th Septemer 1991 has resulted in a serious situation;

WHEREAS this situation has given rise to a declaration, made by the Community and its Member States and adopted on 3rd October 1991 in the framework of European political cooperation, vehemently condemning the military coup, firmly supporting the legitimate authorities and the democratic forces in that country and calling for an immediate return to legal rights and the reinstatement of these legitimate authorities, and supporting also the decision to suspend all economic assistance;

WHEREAS, on 3rd October 1991, the Organisation of American States (O.A.S.) decided to recommend to its Member States the suspension of their economic, financial and commercial relations with HaTti, as well as all technical aid and cooperation with the exception of that strictly devoted to humanitarian purposes;

WHEREAS, on 11th October 1991, the United Nations General Assembly called upon its Member States to support the efforts of the O.A.S.;

WHEREAS, on 31st October 1991, the Committee of ACP Ambassadors adopted a resolution recommending that all signatories of the Lomé Convention suspend all commercial relations with HaTti;

WHEREAS article 5 of the Lomé Convention IV foresees cooperation axed on the development of man, who carries out and is the main beneficiary of this development, and therefore postulates the respect and furtherance of all aspects of human rights;

WHEREAS the current situation in HaTti comprises a diminished respect of these fundamental principles which is incompatible with the above-mentioned article 5 of the Lomé Convention IV.

WHEREAS, on 2nd December 1991, the Ministers of Foreign Affairs, meeting within the framework of European political cooperation, decided to impose a commercial embargo on HaTti in order to contribute to restoring democracy and legal rights in that country; whereas, in order to achieve this, the Commission was invited to make appropriate proposals;

WHEREAS the Community and its Member States agreed to resort to a Community-wide instrument in order to ensure a uniform implementation within the Community of measures concerning trade with the Republic of HaTti;

WHEREAS it is necessary to avoid that this regulation affects exports, for humanitarian purposes, of essential foodstuffs and medication to be distributed

free of charge to the civilian population, or the non-financial services linked to these exports;

WITH REGARD TO the Treaty establishing the European Economic Community, and in particular article 113 thereof,

WITH REGARD TO the Commission's proposal,

HAS DECIDED

Article 1

1) The introduction onto Community territory of any product originating in or coming from the Republic of HaTti;

2) The export to the Republic of HaTti of any product originating in or coming from the Community;

3) All activity, other than financial services, having as objective or effect the furtherance of trade between the Community and the Republic of HaTti of any product falling under the ECSC Treaty

are prohibited.

Article 2

1. Article 1, alinea 2 and 3 does not apply to exports, for humanitarian purposes, of essential foodstuffs and medication destined for distribution free of charge to the civil population, nor to non-financial services directly linked to such exports.

2. The exports referred to in paragraph 1) are subject to prior authorization to e granted by the competent authorities of the Member States.

3. Article 1, alinea 3 does not apply to postal and telecommunications services, nor to medical services essential to the running of existing hospitals and the like.

Article 3

This regulation will take effect on the eighth day following its publication in the Official Journal of the European Communities.

This regulation is obligatory in all respects and directly applicable in all Member States.

Done at Brussels, the For the Council

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