

# *No lasting Peace and Prosperity without Democracy & Human Rights*

*Harnessing debates on the EU's future  
Financial Instruments*

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## **Preface**

This policy paper is the result of a study into the financial instruments available to the European Union for its Democracy and Human Rights activities in third countries and in particular the European Initiative for Democracy and Human Rights (EIDHR). The study was commissioned by the Subcommittee on Human Rights of the European Parliament, working on a mandate of the Foreign Affairs Committee. An independent research team undertook the study under the guidance of the The Hague-based Netherlands Institute for Multiparty Democracy (IMD).

Recognising the profoundly changed international context and the lessons learned from more than a decade of human rights and democracy assistance, the study advocates a more ‘upfront’ and strategic approach to democracy and human rights support by the European Union in third countries. In addition, it is recommended that the efforts of the EU institutions become more systematically aligned with the expertise available in European civil society. The study presents a number of concrete options for improving the quality of the EU’s democracy and human rights assistance. Taken together these suggestions would constitute a new and more comprehensive architecture for democracy and human rights promotion.

The historic momentum to advance and consolidate democracy in the world calls on the European Parliament to once again provide the leadership to ensure that such reforms are implemented in a timely fashion and that the connection is made between the norms Europe values internally and the policies it supports externally. By presenting this broader picture, the research team hopes to stimulate debate in the European Parliament over the strategic direction and purpose that is required prior to agreement on more specific procedural changes.

The research team is grateful for having been able to bring the options expressed in this report together at the request of the European Parliament and in cooperation with the European Commission. The report draws from over fifty interviews with MEPs, and with diplomats serving in relevant departments of the European Commission; EU delegations in third country partners; the Council Secretariat; member state governments; NGOs; and international organisations. The team appreciates the time granted by and self-critical spirit of these officials.

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## **1. Introduction: A Changing Context for EU Democracy and Human Rights Policies**

In 1994 the European Parliament was instrumental in creating the European Initiative for Democracy and Human Rights (EIDHR) in response to the peaceful and successful transitions to democracy in Eastern and Central Europe and in South Africa. This has become one of the most visible instruments through which EU democracy and human rights activities have since been funded. However, the international context has changed substantially since the EIDHR's inception and valuable lessons have been learned over how democracy and human rights can best be supported. At the same time, debates over reforms to the EU's post-2006 budget have obliged a reconsideration of how European democracy and human rights policies are structured.

At the international level, three sets of issues present new opportunities and challenges. First, as the five year review of progress towards the Millennium Development Goals takes place, debates on the link between economic development and more transparent governance are at the top of the international agenda. The UN Secretary General's recent paper, *In Larger Freedom: Towards Development, Security and Human Rights for all*, has been written in preparation for the September 2005 summit of world leaders called to review progress since the Millennium Declaration; the paper is notable for reiterating the importance of these linkages between development, security and democracy and human rights.

Second, in the wake of the terrorist attacks of September 11, 2001, debates have also intensified over the need to link together policies on security with those relating to democracy and human rights. The terrorist attacks of 9/11, as well as those subsequently carried out on European soil, suggest that Western support for autocratic regimes has not produced a stable strategic environment. There now exists general agreement among analysts that anti-Western radicalism cannot be attributed to unchanging religious beliefs, so much as to economic injustices and political repression that the West is often perceived as having contributed to. This is not to suggest that improvements in human rights and democratic norms offer an immediate panacea to terrorism, but it does invite the conclusion that approaches to democracy and human rights, security and development can and should be conceived as an interdependent and seamless whole.

Third, new opportunities are presented by democratic advances in different parts of the world. New possibilities, and imperatives, for cooperation on democracy and human rights have been opened up by breakthroughs in Ukraine, Georgia and Kyrgyzstan. Post-conflict stabilization in the Balkans increasingly facilitates engagement on the detailed challenges of democratic reform. And, of course, discussion of democracy and human rights issues in the Middle East has become increasingly vibrant. After years of political atrophy, the Middle East has become a hothouse of debate on the prospects for political modernisation. A number of developments suggest the need for a clear response from the international community: a series of high profile regional conferences on democracy and human rights across the Middle East during the last two years; municipal elections in Saudi Arabia; constitutional change to allow for multi-party elections in Egypt; incremental reforms in Morocco, Jordan and Algeria; elections in Palestine and Iraq; the dramatic events in Lebanon since February 2005 – to name but a few.

If these positive trends open up the feasibility of cooperation in some states, they should also be harnessed to encourage progress in countries currently resistant to reform - Russia, Belarus, Moldova, Armenia – or suffering quite explicit and dramatic political repression and instability - Zimbabwe, Nepal, Burma, Cuba, Venezuela, Ivory Coast and Haiti, for example.

Alongside these international trends, developments within the European Union itself oblige reconsideration of democracy and human rights policies. The evolution of key debates within the EU offers new potential for an enhancement of democracy and human rights policies, while also rendering political choices in these areas increasingly urgent. The rejection of the constitutional treaty in France and the Netherlands would appear to increase the importance in the EU's own internal development of democratic quality and the involvement of civil society actors. Arguably, vitality might be given to these values internally if they were pursued more explicitly and vigorously in the EU's external policies.

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It is this background of change both within and beyond the EU that motivates and conditions this report. The overarching argument developed here is that the changed international context and the lessons learned from more than a decade of democracy and human rights assistance merit a more 'upfront' and strategic approach to democracy and human rights support. A new comprehensive framework for managing EU resources committed to this key objective is required if the EU is fully to harness the opportunity accorded by this juncture.

The EU has a stronger record in promoting human rights than democracy. Human rights and democracy should be understood as integrally related concepts but not coterminous. The standard conception posited by leading academics is that democracy represents the broader set of pluralistic institutional structures that underpin the effective guarantee of human rights. Accepting this definition, the report argues that the EU should not seek to make a choice between human rights and democracy, but rather seek to give greater vitality to its focus on core human rights precisely by situating this within a policy aimed at encouraging broader political-institutional change.<sup>1</sup>

The report outlines the broad evolution of the EIDHR; assesses the strengths and weaknesses of EU approaches to democracy and human rights promotion; and offers an overview of the changes that other donors are in the process of making in their democracy and human rights programmes.

Recommendations are offered that relate both to the broad design and implementation of EU democracy and human rights policies; and also more specifically to the role that the European Parliament could play in injecting greater dynamism into these policies. Crucially, the report focuses not primarily on the micro-management of EU initiatives, but rather on the reforms that could invest European democracy and human rights policies with clear strategic direction and purpose. As this report is written, debates over the EU budget find themselves, of course, in a state of unparalleled flux and uncertainty. We outline the current discussions but our purpose is to step back from these fast-moving debates and offer policy options that would serve to enhance the profile, quality and coherence of the EU's approach to human rights and democracy over the longer term and beyond the current, highly-charged political agenda.

## **2. Democracy and Human Rights Assistance in the Context of the 2007-2013 Financial Perspectives**

The most specific and immediate reference point for this study is the debate over the new financial perspectives due for 2007-2013. These offer an opportunity to restructure funding mechanisms and revise funding levels in a way that invests democracy and human rights policies with greater vigour. They also, however, require more explicit political support to back democracy and human rights promotion as a priority issue for EU external relations, in order to prevent changes to budget instruments downgrading these areas of policy.

Debates on the financial perspectives are on-going and have evolved during the undertaking of this report. The Commission's proposed restructuring of financial instruments for 2007-13 would see the EIDHR cease to exist on the foundation of a separate legal basis. External assistance would be concentrated into six instruments, three pertaining to particular thematic imperatives (a humanitarian aid instrument, a stability instrument and an instrument for macro-financial assistance) and three with a defined geographical coverage (an instrument for pre-accession assistance, a European neighbourhood and partnership instrument and a development and economic cooperation instrument). Democracy and human rights funding would be forthcoming from two of the geographical instruments, and two of the thematic instruments by extension.

The logic behind the Commission's proposals is that partners in third countries, as well as officials from within the Commission and Council, have vigorously pressed for a simplification of EU instruments. There are differences of opinion over what the implications would be of the new financing structure and over the question how democracy and human rights funding would be operated. The Commission argues that the proposals would be compatible with the continuation of current, centralised priority-setting from within External Relations.

Thematic programmes will be defined that cut across two geographically-focused instruments and contain multi-annual indicative financial allocations. Democracy and human rights would constitute one such theme. The indicative amount proposed by the Commission for democracy and human rights is currently €170 million per year from 2007. Crucially, the Commission has recently clarified that funding under the democracy and human rights thematic programme would be independent of approval by the authorities of the beneficiary's country.

Many are sceptical, fearing that any kind of coherent approach to democracy will be lost, and that in practice democracy and human rights aid will find itself submerged into mainstream aid and possibly diluted. Such fears are compounded by the restructuring taking place within Europe Aid, which is reducing the role of the EIDHR unit to one of basic guidance and consultancy, with operational functions decentralised into AidCo's geographical sections.

At the time of this writing, four of the proposed instruments have been submitted to the EP and Council. Three are under consideration in the Foreign Affairs Committee. The development and economic cooperation instrument has been rejected by the Development Committee, and awaits consideration in plenary session. Parliament has

called for a separate Democracy and Human Rights regulation, through the Boege report adopted on 8 June 2005.

In short, with the new geographical and thematic instruments currently being finalised in inter-institutional negotiations, it is hoped that the outcome will make more strategic, coherent and clearer programming possible. While the instruments will be the result of a compromise, they are widely seen to offer the potential of a step towards improvement, and possibly towards effective implementation of EU democracy assistance.

### **3. Evolution of the European Initiative on Democracy and Human Rights (EIDHR)**

The future development of EU democracy and human rights funding can build on a rich, incremental evolution of the EIDHR during the last ten years.<sup>2</sup> While it is beyond the remit of this study to provide an exhaustive assessment of the EIDHR, debates on future policy options might usefully be informed by an appreciation of the principal developments that have taken place in relation to the Initiative. In telegraphic form, these include:

- In 1994 the EP regrouped nine budget lines under the heading, European Initiative on Democracy and Human Rights. Originally chapter B7-7 of the EU budget, since 2004 this has fallen under chapter 19.04.
- An Advisory Group on Phare and Tacis Democracy Programmes brought together EP, Commission, Council of Europe and G24 representation. Tendering and management in Phare and Tacis countries was undertaken by the European Human Rights Foundation, under contract from the Commission. The Advisory Group was dissolved in 1997.
- In 1999 Council Regulations 975 and 976 entered into force, providing a legal base for human rights expenditure – the former covering developing countries, and relating in the EP to the Development Committee, and the latter to other states, covered by the Foreign Affairs Committee.
- By 2000, the EIDHR budget was running at just over €100 million a year; for 2005, approximately €130 million has been made available. The disbursement of funds has been routinely delayed; decisions on applications under the 2004 budget are currently due to be made towards the end of 2005, and funds disbursed only after this.
- In May 2001 a policy framework was defined by the Commission's Communication on *The EU's Role in Promoting Human Rights and Democratisation in Third Countries*. This called *inter alia* for a more strategic and long term approach under the EIDHR; a higher priority for human rights and democracy promotion, and stronger links between the EIDHR and other instruments. This was subsequently supplemented by EIDHR Programming Documents for 2002-04 and 2005-6.
- Overall, ACP states have been the largest recipients of EIDHR funding. Shares of overall funding going to Latin America have fallen gradually since the mid-1990s, while Central and Eastern European applicants were taken out of the Initiative from 2002. North Africa and the Middle East, and Asia are the regions that have received the most limited amounts of funds.
- The EIDHR funded 1200 projects in 1997, just 116 in 2003. By mid-2005 just over 800 projects were in different stages of operation.
- Funds have gradually shifted away from a priority focus on elections. Between the mid 1990s and 2002 the share of EIDHR funds allocated to electoral assistance fell from over 50 per cent to 15 per cent. See *Annex 1* for a break down of 2002-2004 funding.

- EIDHR has consequently developed as a programme focused on supporting civil society organisations, sometimes in relatively difficult political contexts. Issues on which the EIDHR has gained a particular expertise and profile include: core human rights priorities, such as torture, the death penalty and xenophobia; training in human rights standards for public administrators, army and police officers and judges; media projects, especially those funding freedom of expression NGOs; and support for women's rights NGOs. A distinctive element of the EIDHR in recent years has been its convening of regional human rights workshops, covering West Africa, Southern Africa, Latin America, Central Asia and the EU's Arab partners, respectively.
- A distinctive emphasis has been on supporting adherence to international standards and covenants, seen as manifesting a strong EU commitment to multilateralism more generally. This has been manifest in sustained support for projects related *inter alia* to the International Criminal Court and the Office of the High Commissioner for Human Rights. One success story was support for an NGO that took the Russian authorities to the European Court for Human Rights in relation to abuses committed in Chechnya and won its case in early 2005.
- The Initiative has also funded a broader range of human rights projects, including on issues such as the trafficking of children; prison conditions; community service schemes; street children; psychological support for victims of torture and conflict; social rights; vocational training; improving the situation of disabled citizens; cultural activities; issues related to migration; and 'civic education', with support provided for community leaders, youth councils, parents' associations, and links between citizens and local councils.
- Rule of law projects have centred on support for ombudsmen and truth commissions; assistance in the drafting of human rights legislation; the provision of legal aid to broaden access to the judicial system; and the mainstreaming of the rule of law into development policies.
- A conflict resolution dimension of the Initiative has prioritised work on the social and economic reintegration of combatants; vocational training for disbanded fighters; and the creation of local mediation and power-sharing forums.
- From 2001-2004 80 per cent of funds went to NGOs, the rest to international and regional organisations. The EIDHR's main achievement is generally felt, as one assessment of the Phare/Tacis Democracy Programme observed, to have been in helping 'raise the visibility of recipient NGOs'.<sup>3</sup>
- Between 2002 and 2004 70 per cent of the main implementing recipients were northern NGOs (who use funding to support southern NGOs).
- Micro-projects, available only to southern NGOs, accounted for 12 per cent of total funds for 2002-04; amounting to €7.8m in 2002, €14.6m in 2003 and €16.8m in 2004. They have been allocated €30m for each of 2005 and 2006, representing 32 per cent of the 2005-6 EIDHR budget.
- In 2001 32 target countries were identified. The Commission lamented, however, that in nearly half of these it had encountered problems in identifying projects that met required standards.<sup>4</sup>

- While the Initiative's distinctive feature is that clearance is not needed from target country governments, this has been difficult to operationalise in practice. While theoretically able to fund projects in the face of governmental opposition, in practice consultations with governments have nearly always taken place. Moreover, only officially registered civil society organisations have been eligible for EIDHR money. Governments have routinely found ways – such as the withholding of visas – to disrupt projects they have felt uncomfortable with. As a result, the distinctiveness of the EIDHR in relation to other EU funding has not been as great as many had hoped.<sup>5</sup> Recent attention has focused on introducing greater flexibility to circumvent the restrictions on supporting unregistered NGOs. A small number of derogations have been granted to allow civil society organisations outside the country in question to receive micro-project funding; although the aim here is not so much to fund unregistered NGOs per se but to commence funding where it has been difficult to identify partners within the country concerned.

- The Initiative has become increasingly over-subscribed. A recent illustrative example related to Russia, where a €0,5 million call attracted proposals valuing nearly €20 million.

- From early 2005 the restructuring of AidCo around country envelopes has left the EIDHR unit with fewer personnel and restricted to playing a guiding, advisory role on human rights and democratisation questions.

- Building on its 2002-2004 predecessor, the EIDHR programming document for 2005-6 includes a number of commitments that purport to deepen existing trends, relating in particular to the development of more proactive approaches, better linkages between different levels of EU policies.<sup>6</sup> Annex 2 provides a more detailed summary of the 2005-6 programme.

- Outside the EIDHR: Other budget lines relevant to political support have remained separate from the EIDHR. This includes, for example the NGO co-financing budget line, reserved for European NGOs, that has been supporting civil society initiatives since 1976, mostly for developmental NGOs but also including a small amount in the field of democratic capacity-building. In 2004, a total of €1.27 billion went to NGOs under heading 4 of the EU budget. Additional funding for democracy and human rights was also increasingly made available through different geographic programmes - the Lomé/Cotonou Conventions, MEDA, ALA – accounting for by far the largest share of EC assistance. Due to the lack of classification codes, it has been almost impossible to gain a clear picture of the volumes and allocations of Community support for democracy and human rights under these budgets. A recent review of country and regional strategy papers conducted by DG DEV suggested that €2 billion out of a global programmable envelope of €10 billion was allocated to 'governance-related' activities – although many of these have little direct bearing on democracy and human rights, in practice.

## 4. Strengths and Weaknesses of EU Policies

### 4.1. Strengths

As the EIDHR and other areas of funding have evolved, Commission initiatives have been refined and European policies have come to possess a number of **strengths**, adapting themselves in a positive manner. These include factors that have facilitated many successful elements of EU democracy and human rights during the last fifteen years. They are attributes that could allow the EU to enhance the effectiveness of its policies in the future:

- The EU's unique range of **contractual partnership agreements** have permitted a formal commitment to human rights and democratic norms to become firmly enshrined priorities – both within the EU's own stated aims and as a basis of the partnerships it has developed with third countries. The inclusion of commitments to human rights and democratic values as essential clauses in EU partnership agreements with third countries provides within international law a unique instrument for democracy and human rights support. This formal commitment to the shared objectives of democracy and human rights has given the EU's a strong partnership-based foundation for its pursuit of these objectives.

- As part of this network of partnership agreements, **political dialogue** with partner countries and regions has incorporated a focus on democracy and human rights (although the EU has encountered resistance from third countries to the creation of formal sub-committees for human rights and democracy). This has succeeded in prompting growing recognition, and often acceptance, on the part of the EU's third country partners of the importance attached to these issues, and a structured means of addressing specific human rights concerns. Efforts to enhance the effectiveness of EU democracy and human rights policies can, in most parts of the world, count on a bedrock of dialogue aimed at fashioning consensus around normative political values.

- The EU now possesses a unique **range of policy instruments**, encompassing trade, diplomatic, development assistance and increasingly security policy tools. This gives the EU unparalleled potential for coordinating and integrating different policy instruments, as well as member state efforts. And there are signs that the EU has slowly moved towards trying to realize this potential comparative advantage, even if not systematically (as argued below). Mainstream aid programmes, such as the European Development Fund, MEDA and TACIS have increasingly funded relatively controversial political projects, albeit requiring agreement from the recipient country government. This has offered valuable back-up to the complementary instrument of the EIDHR. The potential influence provided by building more forward-leaning democracy and human rights projects into development work gives the EU a particularly strong basis from which to deepen a critical edge to its policies.

- While the EIDHR itself represents only one source of complementary funding, it has given the EU a visible democracy and human rights instrument, which has occasionally been able to take greater **political risks**. Examples cited by diplomats of where the EIDHR has enabled the EU to develop civil society support to some (albeit modest) degree in opposition to governments include Turkey, Belarus, Ukraine, Central Asia, Russia, Rwanda and the Democratic Republic of Congo. Symbolically this has often been important in conveying a general commitment to democracy and human rights,

sometimes in difficult political contexts. It is felt by some policy-makers that the EIDHR has enabled the EU to experiment with innovative projects, which where and when successful can then be incorporated into mainstream programmes. For example, EIDHR officials argue that the existence of a specialised democracy and human rights initiative has on occasions allowed a degree of flexibility, for example in the funding of politically oriented civil society organisations taking on various forms of ‘company’ status in China, or in accessing difficult political environments through NGOs in more amenable neighbouring states.

- It is widely acknowledged that **greater coherence** has been provided by the combination of the 1999 Regulations (975 and 976) and the 2001 Commission Communication on democracy and human rights. The two Regulations corrected the situation where democracy and human rights budgets were appended in an unsatisfactorily ad hoc manner to different mainstream regional aid programmes. The 2001 Communication gave policy coherence and life to the legal bases provided by these Regulations. This has given the EU a firmer foundation and especially strongly embedded set of formal provisions from which to enhance its democracy and human rights profile.

- The Commission has at least formally recognised the importance of embracing a more **strategic approach** to democracy and human rights assistance. Political objectives underpinning relations with partner countries have increasingly been integrated into Country and Regional Strategy Papers. The May 2001 Communication committed the Commission to ensuring that human rights and democratic principles ‘permeate all Community policies, programmes and projects’. EU guidelines in the field of human rights now cover issues such as torture, the death penalty, children in armed conflicts, and human rights dialogues. As argued below, this commitment serves as a useful foundation, even if it has not been implemented to any meaningful degree.

- The EU’s process of ‘**deconcentrating**’ responsibility for the implementation of smaller programmes to delegations has been almost universally welcomed as a positive move, increasing adaptability and responsiveness and providing the EU with potential for far more locally attuned funding decisions. The ongoing development of deconcentration is seen as offering a means of circumventing some of the rigidities associated with the Commission’s calls for proposals – although some officials express concerns over the time and resources involved in managing micro-projects.

- At the same time, a perception persists amongst some third countries that aid projects and diplomatic efforts emanating from the European Commission, and indeed the European Parliament, come **less encumbered by the political baggage** often associated with the policies of national governments – and in particular those of the larger EU member states with colonial histories, as well as of the United States. While this element of perceived ‘neutrality’ should not be over-stated, it does offer some advantage that could be harnessed to greater effect in the future.

- A final EU strength lies in its record in **helping successive waves of states to democratise** on the way to EU accession. Strength here lies both in the credibility the EU can enjoy by virtue of its role in helping these – southern and eastern European - states democratise, and in the EU now including countries able to share experience on the technical aspects of implementing reform programmes.

## 4.2. Weaknesses

In sum, advances have been made and the EU has come to possess undoubted strong points as a promoter of democracy and human rights. Overall, however, EU policies are widely judged to have fallen short of fulfilling their potential. The implementation of democracy and human rights policies since the early 1990s reveal a number of **weaknesses**, that in some cases have become increasingly debilitating. It is beyond the scope of this study to chronicle in any detail the precise problems associated with EU programmes in different specific areas of the world. But what can inform future policy options is an outline of the principal general clusters of weaknesses that cut across different areas of EU activity:

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- The EU has developed initiatives that purport to contribute to human rights and what is often termed ‘democratic capacity-building’ that are funded from a wide range of instruments other than the EIDHR. This has resulted in an increasing number of isolated instruments focusing on a very specific range of projects; and in projectised and non-programmable interventions, most commonly (and despite improvements) disconnected from each other. EIDHR input into mainstream institution building assistance has itself remained negligible. This **scattered and ad-hoc approach** has furthermore resulted in a lack of information on EU activities, in the absence of a comprehensive overview of funding levels of democracy related assistance. Correspondingly, and despite the existence of the EIDHR, the EU still suffers from low visibility in this area. The challenge is to tie together the EU’s varied funding sources into a coherent and holistic whole. EU officials and civil society organisations refer to the disjointed nature of different parcels of EU democracy and human rights activity as a major concern. As one member of the Brussels-based NGO Human Rights Network laments: ‘human rights have been mainstreamed in policy but not in instruments’.

- A common and well documented area of concern in all Commission programmes is the **weak link between programming and political analysis**. Programming cycles have generally not been underpinned by a solid country-specific knowledge base or robust political analysis. Despite the expertise that exists, in-country presence, profile and capacity in the Commission delegations - to steer and guide dialogue with local actors and identify the most promising interventions – requires strengthening. It has proven difficult to select strategic initiatives that could potentially contribute to transformational change in third countries, and to avoid assistance to projects which could actually harm locally driven reform processes and simply shore up non-reformist elites. As a result, democracy and human rights funding profiles have often suffered from a generalised and scatter-gun approach, doing a little bit of every type of reform-oriented work simultaneously, without a logical sequence between reform priorities that would generate a progressive momentum of democratisation in each specific national context.

- The problem of weak implementation capacities is coupled with the **rigidity and inflexibility of funding procedures**. The Commission’s complex application processes, with long lead times and onerous financial management and reporting requirements, do not reflect the capacity and resource base of local organisations. As a result, large international NGOs that are often not well rooted in local communities remain the main beneficiaries of EC resources. The introduction of the micro-finance facility and the deconcentration of Commission budget lines appear slowly but gradually to have improved responsiveness. However, with the calls for proposals and

selection procedures still decided from Brussels, delegations complain that they have struggled to respond flexibly and proactively to newly arising, strategic reform opportunities. Feedback from local actors and Commission delegations highlights how initiatives have suffered from the lack of locally managed public information and application processes; technical assistance facilities to stimulate the diversity of local actors applying for funds; and any kind of locally managed flexible funding window to respond to strategic reform opportunities.

- While EU funding has flowed into ‘post-transition’ states, it has struggled to gain any foothold in more sensitive and restricted political contexts. Policy-makers acknowledge that the EIDHR’s apparent niche – its ability to fund projects without government assent – has been used extremely sparingly. While other aid programmes have sometimes been able to use their greater ‘weight’ to push through controversial democracy and/or human rights projects, the need to gain official agreement in these cases has curtailed such efforts. In a large number of countries at least some funding has been withdrawn or ‘softened’ at governments’ behest. Non-democratic regimes have often created low level hindrances to obstruct the work of organisations receiving Commission (and indeed member state) funds. A common example is that expensive IT equipment is provided, only for government authorities to restrict internet usage and impose other controls. In all such cases, political backing to push through controversial democracy and human rights projects has been weak, and EU officials have judged it counter-productive to ‘push too hard’. As one key NGO recipient of EIDHR funding for work on the International Criminal Court complained: funding from the Initiative has been aimed at general advocacy work but remains **weak in taking a political step further** ‘to ensure that justice is actually done on the ground’.

- **Donor coordination** in the area of democracy and governance assistance is weak. Democracy assistance is relatively unique amongst different categories of aid in lacking even basic information-sharing tools or agreement on basic definitions. The picture is less bleak in-country, where ‘like minded donors’ increasingly cooperate at a technical level and informally agree to focus on different areas of reform work. This type of coordination largely takes place on an ad hoc basis and is driven by committed personalities rather than being backed by institutional policies or structured dialogue at the level of overall strategic direction in Brussels. Proposals have existed for some time to establish structured coordination between member states and the Commission, at least so as to ensure fuller transparency in the information on democracy funding that member states are willing to share with each other. However, national sensitivities, and an absence of firm plans of how to push through such a mechanism in practice, have ensured that progress has been limited.

- Since the mid-nineties, the Commission has successfully opened up its programmes to include a wide range of new actors. An increasing amount of both human and financial resources have been dedicated to support non-state actors, with a view to enhancing their voice and accountability. This shift responds to criticisms that donors had previously focused too narrowly on the formal institutional features of democratic governance, and in particular elections. However, in recent years a reassessment of the **linkages between state and non-state actors** suggests that EU initiatives have arguably underplayed the importance of creating strong and democratic state agencies. Practitioners have come to acknowledge that the EU has struggled to develop a more holistic approach to democracy assistance that balances bottom-up and top-down support. In addition, the notable absence of support to political society, including

political parties required for a pluriform political system, is a crucial missing link in the EU democracy support programmes.

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**Summary of EIDHR Strengths and weaknesses**

**Strengths:** the instrument can be used without host government consent; it is complementary to other EU programmes; in principle it has strong EU political backing; and it is perceived by recipients to be an impartial instrument, particularly in relation to other national donors. Furthermore, it has been argued that a separate, centrally managed instrument could tackle ‘thorny’ issues, which might sit uncomfortably in mainstream development programmes and would keep delegations out of the immediate line of fire, in case of conflicts over resources, legitimacy of organizations or thematic priorities.

**Weaknesses:** Critics have argued that the EIDHR has failed to have real impact, given its support to ad-hoc and projectised (invariably, training) initiatives; its inflexible and rigid procedures and in particular the centralized calls for proposal system with long lead times (commonly two years). Resources have not been applied strategically and the momentum to support locally driven change processes has often been absent. Limited resources have also been spread thinly, given the large number of beneficiary countries and the expanding list of thematic priorities. The instrument has remained insufficiently known to both Commission staff and the broader spectrum of civil and political society in third countries; nor has it been easily accessible to local non-state actors, given the complexity of the application and reporting requirements, requiring expert knowledge of EC systems. As a result, European NGOs and capital based local donor ‘darlings’ have been the main beneficiaries.

## **5. Current (Re)thinking on Democracy and Human Rights Promotion**

Analysis of democratic and human rights improvements over the last two decades has generated a number of widely accepted ‘lessons learned’ that are reflected in some of the core revisions that national donors and international organisations have sought – and are seeking - to make to their human rights programmes.

Building on the accumulation of their experience in human rights and democracy support, donors have moved to fine tune their programming activities. It is impossible in the context of this report to provide a detailed overview of donors’ human rights projects; but outlining some of the current thinking guiding the policies of other organisations involved in democracy and human rights assistance are pertinent to debate in the European Parliament.

The principal aims that donors themselves now define as being at the forefront of their new thinking, include:<sup>7</sup>

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### **5.1. Widening the concept of civil society and including political society**

All donors and international organizations involved in democracy and human rights support now acknowledge that funding has unduly favoured a relatively select set of human rights organisations. All donors express an intention to explore ways of broadening the range of civil society recipients and incorporating political society actors into their programmes - while admitting that they have so far found it difficult to do this in practice. Talk abounds of targeting funding at the deepening of civil society networks in developing states, capable of breaching the much-referred gap between the urban, internationally-aware umbrella NGOs, on the one hand, and more local-level organisations, on the other hand. The Council of Europe has, for example, increasingly insisted – not always with the backing of the recipient government in question - on the involvement of a broad range of partners in its ‘cascade training’ programmes on the European Human Rights Convention. In the US, a new provision will allow USAID to direct democracy aid in Egypt to the most appropriate recipients in consultation with an independent board of Egyptian political activists.

### **5.2. A Manageable Number of Priorities**

Most donors have moved towards funding a smaller number of countries and/or civil society partners. A common reference amongst donors is to the need to develop ‘critical mass’ in their human rights support programmes. The Council of Europe lists as its main lesson learned the desirability of focusing on a smaller number of themes and partners, to build local capacity within particular settings as opposed to more instrumentally ‘getting as many cases [under the European Human Rights Convention] as possible to Strasbourg’.

### **5.3. Generating Spill-over from the Grass Roots**

Most donors and international organizations have sought to strengthen human rights protection through a focus on enhancing local, grass roots level capacity-building and participation. There has been a strong conviction that human rights can often most productively be strengthened through an indirect approach – that is, through support for organisations whose activities can help develop a general capacity for human rights

advocacy without necessarily adopting an overtly political and confrontational stance. Even the more forward leaning European donors, such as Sweden, have preferred to support highly politicised groups for their educational or humanitarian work and not simply for their being anti-regime. But, most donors now express disappointment that the degree of spill-over from support for relatively apolitical NGOs to broader human rights and democratic reform has in many cases been more limited than hoped. A common line among donors is now that there is a need to demonstrate that projects predicated on developmentally oriented concepts can relate to identifiable political change. The declared aim has increasingly been to build into socially relevant projects more concrete initiatives for building organisational capacity and improving access to representative institutions.

#### 5.4. Assessing Underlying Structures of Power

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Most donors acknowledge that the most serious shortcoming in their democracy and human rights assistance strategies has been the failure to adequately address the underlying politics of democracy-building. Donors have come to acknowledge the need for a more political analysis of the structures of power. In response to the criticism that they had been guilty of too easily assuming that democratic change would emerge smoothly from support for initial pockets of political liberalisation, many donors have begun to compile assessments of underlying power relationships that in practice block such ‘transmission belts’ of progressive democratic-deepening in recipient countries. DfID’s ‘drivers of change’ tool of analysis incorporates a country specific learning exercise, with the aim of adopting a historically-informed, less technocratic approach to aid policy, focusing on the way change happens, how various factors interact over time, and relationships between agents, institutions and deep rooted or structural features. Some NGOs involved in implementing EIDHR initiatives advocate greater focus on the necessary complementarity between specific human rights campaigns and broader democratic change; they argue that often a lack of reform to underlying power structures hinders the effectiveness of human rights projects.

#### 5.5. Linkages

These different concerns roll together into a primary, cross-cutting focus on linkages. The need better to engineer linkages between different parcels of human rights and democracy support is identified by donors as the most urgent priority within future programming activities. Asked to identify the most important current changes to their thinking on human rights assistance, the more engaged donors refer to a recognition that different categories of support cannot be neatly ring-fenced from each other and projects placed into boxes that simply serve donors’ convenience. This expresses itself in different sectors of support:

- It is widely accepted among donors that more focus is needed on systemic level institutional reform that can help better underpin the **human rights** work of individual organisations. One recent assessment of human rights aid in Sierra Leone captures this problem, likening donors’ work to ‘administering first aid to an injured person and then abandoning him in a hospital without doctors, nurses or medicine’.<sup>8</sup>
- Most donors list as one of their main lessons learned the need to marry top-down **governance capacity-building** to bottom-up accountability measures in mutually reinforcing fashion. Official talk has emerged of the need to draw out the

‘complementarity’ and ‘interconnections’ between democracy aid and those mainstream aid budgets covering areas such as public administration reform. As part of a declared importance of paying more attention to state-building challenges, donors stress a commitment to fostering linkages between government-to-government institution-building aid and civil society human rights projects. Germany’s incorporation of democracy indicators into its governance aid reflects a stated priority of encouraging a ‘citizen-orientation of the state’, and boosting participation of the poor in monitoring local government performance<sup>9</sup>; this is now being extended to a broader mainstreaming of human rights. The Swedish government’s annual democracy mainstreaming reports are a related example. The US’s most senior democracy aid official argues that USAID resources have shifted into state building projects in response to a recognition that civil society support has invariably failed to generate smooth momentum to democratic transition.<sup>10</sup>

- The need for stronger linkages is identified as being particularly important in relation to **economic reform assistance**, where it is widely agreed that the separation of the latter from human rights work must be overcome. Experts from one noted Stiftung argue that this is one of the most urgent reforms needed, in order to target the ‘material basis’ for political reform and human rights improvements.<sup>11</sup> It is widely acknowledged that the linkage between economic reform and human rights is complex, yet little or no assessment is made of the political impact of the large amount of EU economic assistance going to civil society actors such as chambers of commerce.

- The need to link together national and **regionally-focused programmes**. Support for more effective links between regional and national public institutions now represents the largest slice of Germany’s political aid, drawing on what is seen as a particular, domestically derived German expertise. Germany’s concern here is that governance programmes focused on new regional-provincial level institutions are actually increasing opportunities for corruption and clientelism where not linked to changes in national frameworks; Latin America is one example of this problem. French programmes seek to effect these, and other, linkages through ‘national consultative committees’.<sup>12</sup>

- Donors and party foundations stress the centrality of fostering stronger connections between **political parties** and grass roots constituencies. There is a gradual move away from self-standing party initiatives towards a more holistic incorporation of party support into state reform and civil society work – that is, rather than the erstwhile approach of backing one preferred party.<sup>13</sup> An important change cited by most donors is the recognition that party support cannot be marginalized as much as hitherto within core human rights support.<sup>14</sup> Sweden has recently begun to initiate such approaches to party-building in Central America and East Africa. US officials talk of a move towards a ‘middle out’ approach, linking party work to other thematic areas of democracy assistance.

- In **parliamentary projects**, there is a move away from one-off parliamentary exchanges, and a diversion of funds away from support for formal committee structures, equipping parliamentary libraries and the transposition of new rules and procedures in parliaments, towards increasing parliaments’ responsiveness to citizens.

- There is an acknowledged need to link **security sector reform** programmes to bottom-up civil society and political reform initiatives. The impact of police reform work undertaken by the EU in Bosnia was limited precisely because of its failure to incorporate considerations of the underlying need to strengthen democratic control of security forces.<sup>15</sup> As part of their post-conflict initiatives, the UN and other international organizations have placed more stress on supporting community outreach programmes to help make local police forces more responsive, and helping to establish local watchdog organisations to monitor police performance.<sup>16</sup>

In all these areas, donors and international organizations acknowledge that they stand at an early stage in revising their approaches and that in practice they often revert to standard methods. But these headline trends give some indication of the way that funders themselves perceive it necessary to develop their democracy building and human rights strategies.

## 6. Crossing the Rubicon: The Political Choices Ahead

The message from the preceding analysis is clear: the climate is ripe for a bold move forward in the overall EU approach to human rights and democracy assistance in partner countries. There is a huge demand for democracy in many parts of the world and Europe has much to offer. Moreover, valuable lessons have been learned on how to support political reform processes. The EU policy framework for democracy promotion has been refined and adapted to new challenges, including the link with the security agenda. Yet can the EU deliver on these expectations and provide effective responses to the new opportunities and challenges? Can it cross the Rubicon? Can it make the leap that is required to overcome existing weaknesses and enhance its overall impact in the field of democracy and human rights?

Much will depend on the willingness of the different EU institutions to look beyond their own institutional interests; to see the global picture when discussing the future of EU democracy assistance; and to achieve prior agreement on some fundamental political choices – choices that will condition decisions on more specific instruments, organisational arrangements and funding options.

The political choices revolve around a basic question: how far are the EU institutions prepared to undertake a ‘leap forward’ in order to improve relevance, effectiveness and impact?

Four different types of ‘jumps’ need to be properly considered by all relevant actors and stakeholders in advancing democracy and human rights around the world:

- **Political profile.** Is the EU prepared to make an effective leap giving a higher and more forward leaning profile to democracy and human rights support? How far is the EU prepared to go in systematically linking democracy and human right policies with security, development and governance strategies? Is there a willingness to push harder to extend EU efforts into the more controversial areas of democracy and human rights promotion?
- **Quality.** Is the determination strong enough to enhance the quality of EU assistance? Is this a prominent enough consideration in the choice between, on the one hand, mainstreaming democracy and human rights into the broader range of EU development aid, and, on the other hand, prioritising a high visibility and self-standing democracy and human rights instrument? Is there a willingness to improve quality through applying the principle of subsidiarity and engaging in a much more strategic partnership with European civil society in the joint and complementary delivery of effective democracy and human rights assistance? A choice must be made on whether the EU believes a more precise and systematic evaluation of its democracy and human rights policies is warranted; or whether it wishes to retain the approach that measuring impact beyond the individual project level is not desirable?
- **Institutional set-up.** Is it feasible to overcome current institutional rivalries and disputes and work out a more productive role division between the EU institutions, based on the legitimate role and added-value of each player? Is the EP both willing to invest in upgrading its own responsibilities and play its role in tempering the EU’s debilitating institutional rivalries?

- **Procedures.** Flowing unavoidably from the above analysis is the implication that a more effective and strategic democracy and human rights policy requires a fundamental change to procedures, in particular the financial regulation and the current structure of calls for proposals. Is there a clear political will to do this?

## 7. Options for Enhancing EU Democracy and Human Rights Policies

A decade ago, the European Parliament took a significant and bold initiative that was highly instrumental in galvanising the EU's human rights and democracy profile. In the wake of eastern enlargement and the attacks of 9/11 the EU's foreign policy challenges today look very different. But they also suggest that a similarly influential role could be played by the European Parliament to help move the EU onto its next phase of democracy and human rights efforts.

As custodians of European democracy, the recently elected and expanded European Parliament is in a unique position to contribute to strengthening EU democracy and human rights initiatives. The new international context calls for the EP to take renewed initiatives to assure that democracy and human rights become a central pillar of EU external actions, in close relationship with the existing focus on development cooperation and conflict prevention.

A number of options are presented here for consideration by the European Parliament. These options constitute the building blocks of a more comprehensive framework, incorporating the important lessons learned in the promotion of democracy and human rights.

It should be borne in mind that much of the overall design of EU policy, as expressed in EU Communications, Partnership Agreements, Regulations and policy documents, is relatively strong. Future reforms must crucially ensure that the implementation of such policy frameworks occurs in a more rigorous, effective and coherent manner. Effort is also required to apply the principle of subsidiarity in order to connect EU democracy building and human rights objectives with the available expertise and implementing capacity within European civil society.

For these reasons it is suggested that the European Parliament:

- A) intensifies its efforts to advocate a new institutional architecture and influence the broad design of EU instruments for democracy and human rights promotion; and,
- B) strengthens its own capacity for furthering democracy and human rights in the EU's partner countries.

The strategic questions posed above, suggest a number of different options that could in this light be considered:

### **A) Influencing a new institutional architecture and the design of EU instruments for assisting democracy and human rights**

#### **1. Options for enhancing the European Union's profile**

1.1. Consistent with the EU's core values, support for democracy building and human rights should be at the heart of EU's external policies. As an important condition for stability and poverty reduction, democracy support and human rights should be elevated to become the **'third pillar'** of the EU's foreign policy, alongside development and security cooperation. This third pillar should incorporate all the necessary dimensions of sustainable democratisation – including amongst others core human rights, the rule of law, governance, political and civil society support, election administration.

1.2. Europe has much to offer as a Union of 25 different democratic political systems and as a regional entity in which states have voluntarily entered into legally binding rules that ensure peace and provide the conditions for the prosperity of its people. To advance democracy and human rights and respond to the yearning of people around the globe for democratic governance, the EU should become **more explicit and visible** in pursuing this objective, in a straightforward manner making the vast resources available within European civil society at its disposal.

1.3. Responsibility for human rights and democracy building does not rest with governments alone but also with opposition parties, civil society and the private sector. Additional instruments will need to be introduced to encourage all stakeholders in EU partner countries to engage in inclusive dialogue on peaceful democratic transition and consolidation processes. Countries in transition or in the consolidation phase of democratic development could be encouraged to produce **human rights and democratic transition/consolidation strategy papers** producing locally owned reform agendas that can inform future EU Country Strategy Papers. An effective democracy building strategy starts with an informed analysis of the local dynamics at work. This will help to move beyond the implementation of relatively standardised templates across very different contexts. For non-democratic countries and/or failed states, special instruments are required to respond with the necessary flexibility in support of potential democratic openings and in defence of democracy activists.

1.4. The need to **decentralise** democracy assistance should be accepted. Policies, priority needs and implementation modalities should not be decided upon solely at the level of European institutions. Sustainable impact can only be achieved if human rights and democracy assistance builds on local agendas and is driven in the first place by local institutions. Hence the importance of shifting the centre of gravity of decision-making over resource allocation – with safeguards to ensure that delegations, subject to local political exposure, do not tend towards opting for ‘safe’ projects.

1.5. Democratising governments generally perform better on a range of human development parameters included in the Millennium Development Goals (MDGs).<sup>17</sup> The EU should use its range of foreign policy instruments to **reward good performers** on the basis of benchmarks emanating from human rights and democracy transition/consolidation papers; compliance with the MDGs; and partners’ regional obligations in consolidating democracy and security. For non-democratic states, procedures could be introduced to ensure that intransigence in the field of democracy and human rights triggers the holding back of the forms of economic assistance and trade privileges that regimes see as most desirable (while avoiding penalising populations for the poor governance of their leaders).

## **2. Options for enhancing the quality of EU democracy and human rights assistance**

2.1. The Commission’s financial perspectives proposals offer the potential for a qualitative jump forward in giving much higher attention and increased financial resources to human rights and democracy. The linkages with the other priority areas of development and security cooperation can, in principle, be better achieved within this approach. However, it remains unclear exactly how the government-to-government nature of much mainstream aid can be squared with genuine support for human rights improvements and democratic reform processes. Officials acknowledge that much

work remains to be done to ensure a genuine ‘**mainstreaming**’ of democracy and human rights within mainstream aid.

Establishing a **separate instrument** for democracy and human rights assistance, would provide high visibility and clarity while making it possible to merge the previous EIDHR budget lines with the democracy support facilities currently run under geographic agreements. The EP’s support for this option offers clear advantages in terms of visibility, consistency, flexibility and greater parliamentary scrutiny (through new comitology procedures). The challenge associated with this option would be to combine these advantages with ensuring greater synergy with the other main instruments of external policy.

An interim option may be considered that recognises that the ‘mainstreaming versus separate instrument’ debate should not be seen as presenting an entirely ‘either/or’ choice. Rather, **elements of both options** could be developed, enhancing the actual functioning of mainstreaming while maintaining EIDHR for a more specific set of purposes and circumstances. Such a division could hold until such a time that a more thorough assessment were possible on the respective effectiveness of the two options. Democracy and human rights support could be channelled to reforming states through mainstreamed aid, while a separate initiative focused on a narrower range of more difficult and strategically important states. The provisions relating to democracy and human rights under the currently proposed financial instruments could also be strengthened – including through explicit provision for funding without governmental assent. The separate committees responsible for each respective financial instrument could then be complemented by an overarching committee, charged with ensuring coherence and consistency in human rights policies across regions. More precise stipulation would then be possible of the types of action permitted under a smaller, separate human rights and democracy budget line – which would pertain to more political forms of engagement, not easily susceptible to mainstreaming. This option would contribute to the basic objective of rationalising budgetary instruments; but also avoid throwing away the EIDHR child with the budgetary-fragmentation bathwater.

2.2. The quality of EU support for democracy building and human rights support in third countries would stand to benefit if the dysfunctional dividing line between the EU institutions and **European civil society organisations** in this field was removed. These two sets of actors stand to gain greatly by establishing a mutual reinforcing partnership, in which the role of civil society is fully recognised without being forced into the role of sub-contractors for the EU institutions. Advancing democracy and human rights around the world is an area where complementarity between all European stakeholders should and can be developed. The principle of subsidiarity practised within EU member states should also become the norm at the European level. This objective could be pursued through the proposed new European Partnership Forum for Democracy and Human Rights and through the proposed High Level Advisory Committee (see 3.1, below).

2.3. EU **member states could be formally enjoined to support the Commission** where the latter does engage in supporting controversial initiatives or activities. Means of enhancing transparency could be considered as a way of addressing the familiar problem of some member states undercutting the efforts of other donors. The implementation of more decentralised and locally-attuned procedures could be facilitated by locating within Commission delegations some kind of Clearing House or Information Sharing Unit. With no single team of diplomats or administrators currently

tasked specifically with improving coordination, it is acknowledged that this rather general aspiration ends up taking lower priority to more pressing day-to-day decision-making imperatives. Such a unit could be charged with putting informal like-minded local donor cooperation on a more structured basis.

2.4. EU democracy and human rights support programmes could be guided by a series of **political indicators** designed to determine the broad political impact of EU projects. The current aforementioned EU human rights guidelines are unduly narrow in scope; moreover, most EU missions remain unaware that these even exist. Political indicators need not be unduly quantitative criteria, which experience has shown to be largely unsatisfactory in the field of democracy and human rights. They could, rather, seek to provide interpretive benchmarks against which the political value of EU projects can be demonstrated and justified. This would ensure that EU democracy and human rights projects would be subject to far more political evaluation, that goes beyond simply assessing whether individual projects have fulfilled their internal objectives. Across different thematic areas it is vital that independent assessment is made of the extent to which projects do in fact enhance democratic dynamics in the way they are presented as doing. The role of local actors and stakeholders should be key in producing these assessments.

2.5. Recognising the political dimensions of development cooperation is one side of the coin; recognising the developmental dimension of political cooperation in democracy building represents the other side. Democracy and human rights support has generally been directed at elections, at strengthening the rule of law, at public sector reform and at civil society. **Political society** has by and large been neglected in EU human rights and democracy assistance policies. Political parties in particular have been the missing link. Yet, they are essential institutions in parliamentary democracies. Stability in third countries is well served by less polarised, less fragmented and more institutionalised pluralist political systems. This missing link must be addressed in future human rights and democracy assistance policy.

### 3. Options to strengthen the institutional set-up

3.1. An **EU Forum for Partnership in Democracy and Human Rights** could become a repository of human rights and democracy expertise within the EU and be mandated to encourage complementarity between public and private sector democracy support programmes. It could be charged with facilitating permanent dialogue platforms with a full spectrum of public and private stakeholders in partner countries or (sub)regions on how best to advance human rights and democratic reform processes, and to resource these processes and strategic actions where existing EU instruments cannot respond.

The EU Forum for Partnership in Democracy and Human Rights would not replicate the grant-making function of the US's National Endowment for Democracy (NED) – the NED being an institution funded by the US State Department with budget approval by the US Congress, with core funding of US\$ 60 million for 2005 and additional supplementary funds for countries and regions deemed a priority by Congress. Rather, it is suggested that the EU Forum for Partnership in Democracy and Human Rights would express a specific **European identity** by prioritising the need for dialogue to facilitate peaceful transitions to and consolidation of democracy and emphasising the sharing of knowledge and experience. Work has already begun on

developing such a ‘European profile’ in democracy assistance, with the issuing in July 2004 of The Hague Statement by a large number of civil society organisations (see Annex 3).

The EU Forum would be a joint undertaking of the major European civil society actors in the field of democracy building and human rights, would be publicly funded, operate independently from the EU and establish open channels of communication and two-way advice with the EU institutions. The dialogues of the EU Forum for Partnership would inform the analysis of participating stakeholders and would be shared with the different EU institutions, including the European Parliament, to provide advice on strategic interventions in support of democracy building and human rights.

3.2. The implementation of a new institutional architecture could be facilitated by a **High Level Democracy and Human Rights Advisory Committee** with a mandate to advise and provide recommendations to the European Commission, the Council and the European Parliament on the implementation of human rights and democracy policies, including on key questions such as:

- ways and means to ensure that genuine ownership of democracy processes lies with local actors and stakeholders;
- the overall EU response strategy for democracy and human rights assistance in countries and regions in different stages of non-democratic or democratic development;
- the overall strategy for achieving synergies within the multilateral system for promoting democracy and human rights, in particular the United Nations and its agencies;
- the functioning of EU instruments and procedures in relation to stated objectives;
- the translation of lessons learned in the field of democracy and human rights support into concrete EU policies and practices.

The members of the High Level Democracy and Human Rights Advisory Committee could be nominated by the Council, Commission, EP and EU civil society in equal numbers. Each institution could select three members, with an independent chair elected by the members of the Advisory Committee. The members of the Advisory Committee would be eminent Europeans with outstanding credentials in the practice of democracy and democracy support and could be appointed for fixed terms, renewable once. For the discharge of its functions, the Advisory Committee could be assisted by a small independent secretariat in Brussels. The precise modalities would need to be elaborated in further consultations.

3.3. In considering ways and means to establish such a Forum and an Advisory Committee at EU level, it will be critical to respect the principle of **subsidiarity**. Human rights and democracy agendas have to be home-grown if impact is to be achieved. New institutional arrangements at EU level should not substitute established political dialogue with partner countries and regions.

#### 4. Options to adjust the procedures for assisting democracy and human rights

4.1. Improved procedures for democracy and human rights could be made a priority. As has been repeatedly argued in a large number of reports, current procedures –and in particular the ‘calls for proposals’ structure, the time-line of decision-making procedures and the transaction costs involved – represent one of the most serious obstacles to the EU responding pro-actively to emerging opportunities and the diversity of potential recipients. If the EU wants to be a global player and effectively to promote democracy, poverty reduction and security abroad then changes must be made to existing procedures. The ongoing **revision of the Financial Regulations** applicable to the EU budget and the Implementing Rules provide this opportunity which EU institutions, civil society and interested parties cannot afford to forego. A rather limited proposal to revise a few procedures has been tabled and will be discussed in the European Parliament and Council from September 2005. It is crucial that the EP push to ensure that this proposal be extended to ensure that implementing procedures relating to democracy and human rights assistance are more fundamentally reformed, and the opportunity maximised to correct this long-standing Achille’s heel of external assistance.

4.2. Even if adaptation of the Financial Regulations to the requirements of effective democracy and human rights proves impossible, room for improvement remains. Procedures could range from smaller and locally managed ‘calls for proposals’ with short time-lines; flexible funding windows managed in-country; providing targeted financing for a few strategic organisations through **Partnership Frameworks**; and the introduction of rapid response mechanisms for human rights and democracy building.

4.3. A decision to seek ways of funding **more independent civil society organisations** would involve reassessing the requirement that only officially registered NGOs are eligible for funding. Aid practitioners most commonly identify this as the procedural factor most responsible for diluting the critical thrust of EU funding, and which has often led to the withdrawal of European support just when it is most needed. The contrast is striking on this question between Commission procedures and the more proactive and flexible approaches adopted by some of the more experienced EU member states to get funding to opposition groups in restrictive political contexts. The Commission could at least accept projects co-submitted by one registered and one non-registered NGOs; the former would provide a legal guarantee in relation to accounting requirements, the latter a more independent spirit.

#### **B) Strengthening the European Parliament’s own capacity and engagement for furthering democracy and human rights.**

##### **1. Options for enhancing the European Parliament’s profile**

1.1. Significant benefit could be gained from the European Parliament requesting the European Commission/Council to submit an **annual report** on the extent of EU support for human rights and democracy in different third countries. The current annual report is widely seen as focusing in too general a fashion on national human rights situations, rather than a systematic and comprehensive assessment of EU (Commission plus member states) policies. Because of the intrinsic link between democracy, development and security, the debate on this report should be prepared by the Foreign Affairs Committee in close cooperation with the Development Committee and the sub-Committee on Human Rights. Through this annual debate, there could

also be a systematic overview of which European donors are working in which countries on which thematic areas. A detailed map of different priorities could gradually be elaborated, and used to inform decision-making with a view to reducing duplication and/or generating more effective critical mass of overall European Union effort.

1.2 As an important instrument to contribute to the advancement of democracy, to learn first hand about the challenges of democratisation processes and to share relevant parliamentary experiences with counterparts, the organisation of and participation in **election observation** missions is and shall remain of eminent importance. But the impact of MEPs' participation in election observation missions could be enhanced by increasing the EP's capacity for institutional learning of the experiences obtained and by improved preparation of the participating MEPs. Participation in election observation missions could be widened by also allowing former MEPs with interest and relevant expertise to participate in such missions.

1.3 Regional parliaments are a relatively new feature of democratising regions. The Pan-African Parliament is an example of a young institution that is struggling to implement its important mandate in relation to the African Union. The EP could potentially play a very important role by **fostering relations with (sub)regional parliaments** and making much needed technical assistance available to strengthen these young parliamentary institutions, in particular through EP delegations. This assistance could also include the hosting of delegations from (sub)regional parliaments or the offer of extended internships to the staff of these parliaments.

1.4 Parliamentary democracy does not function without political parties or groupings. Political parties are the building blocks of parliamentary democracy. The **political groupings in the European Parliament** can, therefore, play a distinctive role within agreed parameters to assist sister parties in young and emerging democracies. The EP should consider providing these political groups with facilities for this purpose.

## **2. Options for enhancing the quality of European Parliament democracy and human rights assistance**

2.1 The Sub-Committee on Human Rights – which should be upgraded to a full committee - could be supported in deepening its current incipient efforts to **enhance coordination** on the linkage between democracy, development and security cooperation with the Development and Foreign Affairs committees, which members of all three committees agree is currently insufficient. Consensus between the committees might be possible around the notion of setting up a coordination and monitoring mechanism for scrutinising the effectiveness of EU human rights and democracy funding under the future budget structure and including initiatives pursued under, for example, the EDF. This could help to allay fears expressed by members of the Development Committee over funding being oriented to strategically important states where conditions are not ripe for effective funding; while assuaging concerns expressed by some members of the Foreign Affairs Committee over apolitical development work being funded out of the EIDHR and mainstream governance programmes. Such an effort by the Sub-Committee on Human Rights might also make an additional contribution towards helping correct what is recognised by members of the EU development community – in the EP, Commission, Council and NGOs – to be the low level of awareness amongst ACP parliamentarians of the EIDHR mandate.

2.2. The Sub-Committee on Human Rights would be well placed to offer an enhanced **monitoring role** of the relationship between human rights and democracy initiatives and EU security strategy. This could involve systematic scrutiny of instances where foreign policy engagement with key third countries is leading to a downgrading of human rights and democracy funding. Such a function could be complemented by the sub-committee undertaking to oversee the extent to which democracy and human rights clauses in third country agreements have been used to generate concrete policy responses and funding initiatives. This role could be facilitated through regular hearings with the EU special representative on human rights and EU country desk officers. (Nomination of a special human rights representative at the level of *Council* would give added weight to this exercise).

2.3 **Cooperation between MEPs and EU Member state parliamentarians** could be developed on a systematic basis to monitor overall EU – Commission plus national governments – democracy and human rights policies each year. This would help ensure that democratic oversight within the EU was structured around European policies in their most comprehensive sense and not in their current piecemeal fashion.

### 3. Options to strengthen the institutional set-up

3.1 A more systematic approach by the EP toward democracy support requires a review of the organisational capacity to service these functions. Because of the importance of these functions the EP may consider establishing a **Parliamentary Human Rights and Democracy Centre/Unit** within the EP, a suggestion that received support at a well-attended hearing organised by the Bureau of the EP on 26 May 2005, in Brussels. Visibility of the EP in advancing parliamentary democracy is considered an important asset for the legitimacy the parliament carries as a democratically elected institution at the forefront of strengthening democracy within the European Union. For this reason, the Parliamentary Human Rights and Democracy Centre/Unit should be tightly linked to the Bureau and the Presidency of the EP.

### 4. Options to adjust procedures for assisting democracy and human rights

4.1 As argued, the current financial regulations that govern EU expenditure are dysfunctional for promoting human rights and democracy. If it is the EU's ambition to play a more significant role in promoting democracy, the **Budget Committee** will need to take the specific requirements for human rights and democracy building into account in the reform of the EU Financial Regulation for external actions.

4.2. **Inter Committee dialogue** is important for the EP's oversight and influence. The competences and expertise of MEPs are currently isolated from one other in separate committees: Human rights, Foreign Affairs, international trade and development). More inter-committee collaboration is (despite the organic link formed by human rights being considered through a sub-committee of the Foreign Affairs committee) urgently needed on issues which are of relevance to the whole area of EU external relations. Another missing link - which also exists inside the European Commission and the Council - is the lack of formal links between these political committees (or Directorate-Generals within the Commission) and the committees deciding on what tools, instruments and procedures implementing agents must use when they access resources from the EU budget. Ensuring better use of the compartmentalised expertise and knowledge within the European Parliament would enable the Parliament to provide the political oversight and guidance that all EU

citizens expect it to have. One option would be to institutionalise more inter-committee dialogue, through regular EP committee meetings which bring together MEPs from the range of different political and technical committees, and to establish monthly meetings between the various secretariats that serve these committees.

**Summary of Options for the European Parliament for Enhancing the EU Democracy and Human Rights Policies**

	<b>A) Influencing a new institutional architecture and the design of EU instruments</b>	<b>B) Strengthening the European Parliament’s own capacity and engagement</b>
1) Enhancing the European profile	<ol style="list-style-type: none"> <li>1. democracy and HR third pillar EU External Policies;</li> <li>2. increased visibility;</li> <li>3. democratic transition &amp; consolidation country strategy papers;</li> <li>4. decentralize assistance;</li> <li>5. reward good performers;</li> </ol>	<ol style="list-style-type: none"> <li>1. annual country reports and debate on state of democratic development;</li> <li>2. institutional learning from election observation missions;</li> <li>3. fostering relations with (sub) regional Parliaments;</li> <li>4. political groupings in EP assisting sister parties;</li> </ol>
2) Enhancing the quality of EU assistance	<ol style="list-style-type: none"> <li>1. mainstreaming, horizontal democracy and HR instrument or a combination of the two;</li> <li>2. include European civil society organisations;</li> <li>3. EU member states formally enjoined to support Commission;</li> <li>4. political indicators to measure impact;</li> <li>5. include political society;</li> </ol>	<ol style="list-style-type: none"> <li>1. enhance the linkage democracy and HR, development and security cooperation;</li> <li>2. strengthen monitoring role of EP’s sub-committee on HR;</li> <li>3. systematic cooperation between MEPs and EU Member state parliamentarians on democracy and HR support policies;</li> </ol>
3) Options to strengthen the institutional set-up	<ol style="list-style-type: none"> <li>1. new EU Forum for Partnership in Democracy and Human Rights;</li> <li>2. new High Level Democracy and Human Rights Advisory Committee;</li> <li>3. subsidiarity;</li> </ol>	<ol style="list-style-type: none"> <li>1. new Parliamentary Human Rights and Democracy Centre within the EP.</li> </ol>
4) Adjust the procedures for EU assistance	<ol style="list-style-type: none"> <li>1. Revision of Financial Regulations;</li> <li>2. Use partnership Frameworks;</li> <li>3. Involve more critical civil society organisations;</li> </ol>	<ol style="list-style-type: none"> <li>1. Budget Committee to review financial regulation for democracy building;</li> <li>2. Inter Committee dialogue to enhance oversight democracy and HR support;</li> </ol>

**Annex 1 Breakdown of EIDHR Funding 2002-2004**

Racism, Minorities and Indigenous peoples	17%
Elections	15%
Torture and International Justice	13%
Civil Society	12%
Rule of Law	11%
Governance	8%
Human Rights Education	5%
Freedom of expression and media	5%
Death Penalty	4%
Conflict prevention	4%

*Source: EIDHR Programming Document 2002-2004*

## **Annex 2 Key commitments under the 2005-2006 EIDHR Programming Document**

The 2005-2006 programming Document includes a number of notable commitments that will guide funding during these two year period:-

- Commitment is made to ‘a more proactive approach’, to allow for the most promising reform opportunities to be supported.

- Commitment is made to ensuring better linkage with overall EU foreign policy objectives, the document stressing a recognition that ‘EIDHR is not just a financing instrument, but also a policy instrument which underpins and complements the EU’s Common Foreign and Security Policy’. A priority aim for the next two years will be to strengthen ‘complementarity and synergy’ with both other EU budgets and member states’ aid.

- It is argued that funding will be ‘thematically more concentrated, [...] geographically wider [...] better targeted’. Four thematic ‘campaigns’ are announced:

Justice and the rule of law, including a special focus on technical assistance to international criminal ad hoc tribunals and the ICC, and the implementation of UN conventions. (This will account for 11% of funds);

Human rights culture, focusing on torture prevention and rehabilitation, children’s rights, women’s rights, and human rights training (34%);

Democratic Process, to include elections, civil society dialogue, freedom of association, freedom of expression/media, and the political participation of women (39%);

Equality, tolerance and peace, focusing on the issues of racism, xenophobia, minorities, indigenous peoples and conflict prevention (16%);

- Cutting across these priorities, the specific issues of children’s rights, gender equality and indigenous peoples will be ‘mainstreamed’.

- An elaborate structure is proposed in which each region is to be the subject of at least 2 of the thematic campaigns, identified in advance; and a stipulated minimum number of projects will be supported at each of three levels of intervention, namely global, regional and national. It is argued that these requirements will give EIDHR funding more of a critical mass in each state, as opposed to funding one or two isolated projects, and make its activities more proactively planned.

- 68 target countries are identified, but without indicative allocations – meaning in practice that the EIDHR moves towards a more flexible, global coverage. The states included under the European Neighbourhood Policy are identified as a particular priority.

- Macro-projects will be subject to a minimum of €300,000 for EU-based applicants, but only €150,000 for those from the target state.

- A slightly increased (7%) contingency is proposed, for reacting more effectively to new opportunities.

### Annex 3 Relevant Parts of the The Hague Statement

Issued by the participating **European political foundations** to the The Hague Conference ‘*Enhancing the European Profile on Democracy Assistance*’ on 6 July 2004.

#### 1. Why enhancing Europe’s profile?

Europe has been building the normative and operational foundations for integrating democracy assistance as a key component of its external actions. This has led the EU to support a wide variety of democracy initiatives in an equally varied group of partner countries, involving a plurality of public and private actors in the process. However, there was a broad consensus among participants that the European profile in democracy assistance, including its underlying values and features, needs to be enhanced and made more explicit. **Five main reasons** were put forward for such a strategic move:

- **Democracy is needed for an effective fight against poverty and for sustainable development**

If properly managed and consolidated, democracy brings the stability that is needed for economic development and the alleviation of poverty (a central objective of EU development policy and of the UN’s Millennium Development Goals). Democracy also provides the institutional setting for the guarantee of human rights.

- **Connecting the democracy and security agenda**

With the world facing new security challenges, an ever widening gap between the rich and the poor, and global warming resulting in substantial environmental shifts, no citizens can safely hide behind national borders. The world is an interconnected space in which human security can only be obtained through democratic governance that is responsive to the needs of the population at large and through the application and enforcement of commonly accepted international law. From this perspective it is in Europe’s self-interest not only to guard and treasure the consolidation of democracy within Europe, but to also actively pursue the promotion of democracy as a means to prevent violent conflict in all its different institutional manifestations.

- **Europe has much to offer**

The European Union has succeeded in bringing a diversity of nations together under a wider umbrella that assures peace and prosperity for its peoples. After centuries of violent conflict, Europe has built peace and new supranational constructs that regulate conflicts of interest peacefully and facilitate integration. It has a long and diversified tradition of civic engagement, public-private dialogue and parliamentary oversight. These processes continue to be under construction. Democracy requires permanent maintenance. It is an experience that is assumed to be valuable for sharing with partners elsewhere in the world.

- **Complexity of democracy assistance**

Experience has confirmed the complexity of providing effective democracy assistance in support of societal transformation processes that also improve the day-to-day life of citizens. If change is to be achieved, the European Union needs a much bolder, integrated and coherent approach to democracy assistance. It has to close the gap

between occasional policy dialogues at the macro policy level and administrating project funding at the micro level. It needs to upgrade partnership approaches, enhance flexibility in response to reform opportunities and be inclusive and consensus seeking in its delivery. At the same time it requires a much better connected and professionalizing community of European democracy promotion agencies with structured links between the official policy levels and the civil society agencies and actors to obtain complementarities in efforts.

- **Clarifying Europe's own identity in order to revitalize democracy at home.**

The contribution the European Union could make to democratic transformation processes is not only important for countries abroad. It can also help to clarify what the European Union stands for in a globalised world, to sharpen its identity and values, and to engage in a collective search to strengthen the democratic foundations of the European Union in a constantly evolving political and socio-economic setting.

## **2. What is the content of Europe's democracy assistance?**

The European experience includes the following seven distinct features that are valuable reference points (points of departure or guiding principles) for an emerging European Union identity in democracy assistance:

- **variety in social and political organization**

The absence of uniformity and the rich diversity in institutions and procedures is an important reference in democracy assistance. Variety in social and political organization matters in furthering democracy. A European approach can therefore be distinctive in sharing a range of experiences and by being relatively inclusive. It is uniquely placed to avoid 'one-size-fits-all' approaches or solutions.

- **democracy – social justice nexus**

The European experience in linking the evolution of democracy with social justice is relevant beyond Europe's border together with the experience obtained in addressing the new challenges that globalization pose to this linkage. Economic liberalization has to be shaped so it leads to economically, ecologically and socially sustainable development and prosperity in order to strengthen and consolidate young democracies and to make democratization of authoritarian regimes more likely.

- **democracy is work in progress**

The 'paradox' or 'enigma' of the European Union is the habit of moving forward while continuously questioning the rationale of its existence. It resulted in pursuing democracy as a concept and institutional framework that is continuously under scrutiny, its architecture remains under construction.

- **peaceful transition through dialogue**

The peaceful and successful transition in the former East and Central European countries is a further asset in European approaches, strengthened by the recent accession of the new EU member states. Democratic outcomes have been achieved partly through the application of multi-stakeholder participation and dialogue.

- **human rights and the rule of law**

The European profile in democracy assistance is significantly shaped by a strong focus on the human rights component, as well as by the importance of the rule of law in protecting these rights. Three specific features characterize the EU's profile, which should be further enhanced in designing democracy assistance policies: a) the multilateral or internationalist role conception; b) integration of economic and social rights, and c) the emphasis on gender equality; and d) the principle of non-discrimination with regard to minorities.

- **democracy assistance preferred over conditionality.**

The European approach favours positive support to countries engaging in democratic reforms, rather than the imposition of political conditionality. However, the EU is and should be prepared to apply subtle forms of conditionality when required or to suspend co-operation agreements in instances of human rights violations or interruptions in democratic practices. Dialogue, however, is the favoured mechanism for resolution of such occurrences.

- **regional context and supra-national institutions**

In pursuing and consolidating democracy the importance of the regional context is taken into account, recognizing the importance of adherence to the rule of law and the use of supra-national institutions to effectively apply the rule of law.

For more information on the agenda following from the *The Hague Statement*, please visit [www.democracyagenda.org](http://www.democracyagenda.org)

## About the Authors

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## Notes

<sup>1</sup> One of the best and most influential works pertinent to this question is Sorensen G. (1998) *Democracy and Democratization* (Boulder Colorado, Westview)

<sup>2</sup> Key documents in the presentation of EIDHR activities in this period include: Commission of the European Communities (2000) *Report on the Implementation of Measures Intended to Promote the Observance of Human Rights and Democratic Principles in External Relations 1996-99*; Commission of the European Communities (2001) *The EU's Role in Promoting Human Rights and Democratisation in Third Countries*, Communication to Council and EP, COM(2001) 252; Commission of the European Communities (2001b), *EIDHR Draft Programming Document*; Commission of the European Communities (2002b) *The European Union's Role in Promoting Human Rights and Democratisation in Third Countries*.

<sup>3</sup> Commission of the European Communities (1997) *Evaluation of the Phare and Tacis Democracy Programme 1992-7: Final Report*: 42.

<sup>4</sup> 2005-06 document

<sup>5</sup> Commission of the European Communities (1998) *Evaluation of EU aid concerning actions in the field of democracy and human rights in ACP states*, ref. 951518

<sup>6</sup> Commission of Eur. Communities (2004) *EIDHR Programming Document 2005-6*

<sup>7</sup> This section draws on interviews with the principal DAC donors. Also, for useful overviews of which, see Risse T. et al (eds) (1999) *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, Cambridge University Press); Tomasevski K. (1993) *Development Aid and Human Rights Revisited* (London, Pinter); Burnell P. (ed) (2000) *Democracy Assistance: International Cooperation for Democratization* (London, Frank Cass); Carothers T. (1999) *Aiding Democracy Abroad: The Learning Curve* (Washington, Carnegie Endowment for International Peace); Ottoway M. and Carothers T. (eds) (2000) *Funding Virtue: Civil Society Aid and Democracy Promotion* (Washington, Carnegie Endowment for International Peace)

<sup>8</sup> M. Gabriel Sesay and Hughes C. (2005) 'Go Beyond First Aid: Democracy Assistance and the Challenges of Institution Building in Post-Conflict Sierra Leone' (The Hague, Clingendael Institute): xxiv

<sup>9</sup> BMZ: *Good Governance in German Development Cooperation*, no.50, June 2002

<sup>10</sup> Hyman G., 'Tilting at Straw Men', *Journal of Democracy* 13/3, (2002): 26-32.

<sup>11</sup> Dauderstadt M. and Lerch M. (2005) *International Democracy Promotion: Patiently Redistributing Power* (Bonn, Friedrich Ebert Stiftung), p.15

<sup>12</sup> 'La cooperation pour la promotion de l'etat de droit', 'La defense et la promotion des droits de l'Homme' [www.france.diplomatie.fr/cooperation/dgcid](http://www.france.diplomatie.fr/cooperation/dgcid)

<sup>13</sup> Carothers T. (2004) 'Political Party Aid', SIDA discussion paper.

<sup>14</sup> Burnell (2005, forthcoming) Political Strategies of External Support for Democratization, *Foreign Policy Analysis* 1/3

<sup>15</sup> International Alert and Saferworld (2004) *Strengthening Global Security through Addressing the Root Causes of Conflict: Priorities for the Irish and Dutch Presidencies in 2004*: 11-12

<sup>16</sup> O'Neill W. (2003) *International Human Rights Assistance: A Review of Donor Activities and Lessons Learned* (The Hague, Clingendael Institute), 18, p. 18

<sup>17</sup> *The Democracy Advantage, How democracies promote prosperity and peace*, Halperin, Siegle, Weinstein, 2005, Routledge

## About IMD

The IMD is an institute based on inter-party cooperation in the Netherlands with the mandate to support political parties in young or emerging democracies while also helping to consolidate multiparty democracies. As such, the IMD works in principle together with all legally registered political parties (and political groupings) in partner countries, including both governing and opposition parties. The IMD favours systems of multiparty democracy but is impartial in supporting political parties.

The IMD was formally established in 2000 by almost all the political parties represented in Dutch Parliament: CDA, PvdA, VVD, Green Party, D66, Christen Union and SGP. The seven participating parties include government and opposition parties and represent the three main political ideologies in the Netherlands: Christian democracy, social democracy and liberalism. The political parties participating in the IMD decided to cooperate in implementing this mandate based on the following premises:

- Democracy does not exist without political parties
- Political parties generally perform poorly
- Democracy is often promoted without taking political parties into account
- Reproduction of our political parties abroad does not work
- Working together allows the pooling of resources, the sum of which can make a difference.
- Working together also provides the opportunity for a coherent and comprehensive country analysis about how democracy can best be supported in the respective country
- The joint responsibility for implementing the mandate implies that parties can and should work together to advance social and political cohesion and contribute to nation and state building.

The IMD is currently working in 15 countries in Africa, Latin-America and Asia: Bolivia, Georgia, Guatemala, Ghana, Indonesia, Kenya, Mali, Malawi, Mozambique, Nicaragua, Surinam, Tanzania, Zambia and Zimbabwe.

IMD receives institutional funding for renewable four-year periods from the Dutch government. In a number of countries programmes are jointly implemented with UNDP, OAS or OSCE/ODIHR with complementary programme funding from the UK's DFID and Swedish SIDA

For more information about IMD please visit our website [www.nimd.org](http://www.nimd.org)

