Development cooperation: democracy and the rule of law, respect for human rights and fundamental freedoms

1997/0191A(SYN) - 29/04/1999 - Final act

PURPOSE: to lay down the requirements for the implementation of Community development cooperation operations with a view to promoting human rights. COMMUNITY MEASURE: regulation 975/1999/EC laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms. CONTENT: this regulation lays down the kind of support offered by the Community in the field of human rights and democratisation in developing countries. It is the counterpart to the regulation laying down the requirements for the implementation of human rights and democratisation operations within the framework of Community cooperation policy other than those of development cooperation, carried out in third countries (CNS97191B). Apart from the technical requirements for the implementation of actions, the regulation lays down a financial reference amount for the regulation's implementation period (1999-2004) of 260 million EUROs. On the technical front, the regulation lays down the general Community support framework. The actions will have 3 main objectives: 1) promoting and defending human rights and fundamental freedoms: promotion and protection of civil and political rights, economic social and cultural rights, the human rights of those discriminated against, or suffering from poverty or disadvantage and support for minorities and ethnic groups; support for NGOs involved in the protection, promotion and defence of human rights, rehabilitation centres for torture victims; support for education, monitoring of human rights, promotion of equal opportunities as well as measures to combat racism, support for the protection of fundamental freedoms such as freedom of opinion and the right to use one's own language; 2) supporting the process of democratisation: strengthening the rule of law and the judiciary, promoting the separation of powers, promotion of pluralism, good governance and the participation of the people in the decision-making process, support for electoral processes and national efforts to separate civilian and military functions; 3) support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences: establishing local early warning systems, supporting measures to facilitate the peaceful conciliation of group interests, promoting international humanitarian law; support for NGOs involved in preventing, reolving and dealing with the consquences of conflict (including support for establishing ad hoc criminal tribunals and setting up a permanent international criminal court), as well as support and assistance for the victims of human rights violations. Community support will be both technical and financial. The regulation details the forms which Community measures may take (awareness-raising measures...). Measures will be implemented by the Commission at the request of te partners or on its own initiative, consistent with and complementary to the Member States' own actions. The eligibility criteria for the Community partners are also laiddown (NGOs and other organisations which have their headquarters in a third country eligible for Community aid under the regulation, in a Member State, or exceptionally in another third country). Among these are included commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner. The Commission will be responsible for planning, appraising, deciding upon, administering, monitoring and evaluating operations under the regulation. It will be assisted by a committee composed of representatives of the Member States (human rights and democracy committee). This committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year. Provision is also made for emergency measures in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis. Where such operations are deemed necessary (up to a maximum of EURO 2 million), the Commission shall act after consulting the

Member States, who are allowed 5 working days in which to put forward any objections. Coordination measures are also envisaged with a view to strengthening consistency and complementarity of Community actions with thos of the Member States. A regular assessment of the actions carried out is also provided for as well as the presentation of an annual report on the operations financed. This report will be submitted to the European Parliament and the Council. Three years after the regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed by the Community under the regulation, which may be accompanied by appropriate proposals concerning its future. ENTRY INTO FORCE: 11/05/1999. The regulation shall apply until 31/12 /2004.