Cooperation, third countries: democracy, rule of law, respect of human rights and fundamental freedoms

1997/0191B(CNS) - 29/04/1999 - Final act

PURPOSE: to lay down the requirements for the implemention of Community operations promoting human rights in third countries, other than those in the framework of development cooperation. COMMUNITY MEASURE: Council regulation 976/1999/EC laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, 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 in third countries. CONTENT: this regulation is the counterpart to the regulation laying down the requirements for the implementation of development cooperation operations in the field of human rights and democratisation (SYN97191A). Apart from the technical implementation requirements for the actions, the regulation lays down a financial reference amount for the regulation's implementation period (1999-2004) of EURO 150 million. On the technical front, the actions to be carried out are to be implemented within the framework of existing programmes relating to the cooperation with third countries (including TACIS, PHARE, MEDA) and the regulations relating to Bosnia and Herzegovina) as well as to any future operations of Community cooperation relating to third countries in these fields, implemented on the basis of Article 235 of the Treaty establishing the European Community. More particularly, the actions covered by the regulation relate to: 1) promoting and defending human rights and fundamental freedoms (promotion and protection of civil and political rights, economic, social and cultural rights...); 2) supporting the processes of democratisation (strengthening the rule of law strengthening the judiciary and upholding its independence, promoting the separation of powers and pluralism, good governance, 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 the respect of human rights by preventing conflict and dealing with its consequences (support for the establishment of local early warning systems, the peaceful conciliation of group interests, promotion of international humanitarian law, support for NGOs involved in preventing, resolving and dealing with the consequences of conflict, including the establishment of ad hoc international criminal tribunals and setting up a permanent international criminal court and support for the victims of human rights violations). Community support will take the form of both technical and financial aid. The regulation details what forms Community-supported actions may take (awareness-raising campaigns...). The actions will be implemented by the Commission at the partners' request or on its own initiative, consistent with and complementary to Member States' actions. Provision is made for laying down eligibility criteria for the Community's partners (NGOs and other organisations having their main headquarters in a third country eligible for Community aid under this regulation, in a Member State, or exceptionally in another third country). Among the particular considerations tobe given in theis respect are organisations' commitment to defending, respecting znd promoting human rights and democratic principles in a non-discriminatory manner. The Commission will be responsible for programming, management, monitoring and evaluation of the actions undertaken. It will be assisted by a committee composed of representatives of the Member States (human rights and democracy committee set up by regulation 975/1999/EC). 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 of improving the coherence of the human rights and democratisation actions of the EU towards third countries. Once a year it will examine the planning for the following financial year. Emergency provisions are also made allowing the Commission to respond to cases of urgent and unforeseeable need arising from the sudden suspension of the democratic processor the emergence of a state of crisis. In such cases, the Commission may finance emergency measures up to a maximum of EURO 2 million. Five working days whall be allowed to the Member States in which to put forward any

objections. Coordination measures are proposed in order to strengthen the consistency and complementarity of actions undertaken by the Community and by Member States. A regular assessment of the actions 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's entry into force, the Commission will submit 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.