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HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT COOPERATION POLICY

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I. INTRODUCTION

The aim of this communication is to establish general lines of conduct for the Community and the Member States concerning the relationship between development cooperation policy on the one hand and the promotion and defence of human rights and support for the democratic process in all developing countries on the other.

The need for this stems from the high profile these issues have been given by the significant developments which have taken place on the international scene and in many developing countries, and from the sensitivity of public opinion to them.

It has therefore become vital that human rights and democracy figure more prominently in the guidelines for cooperation policy than has hitherto been the case, and that political reactions to developments in both these areas take due account of the aims and specific concerns of cooperation policy.

This paper draws on the ideas and experiences presented during preliminary discussions with the representatives of the Member States, notably at the seminar held on 19 November, where there was a remarkable consensus of opinion, and in Parliament's Committee on Development and Cooperation and Subcommittee on Human Rights. The various EPC bodies have also discussed this matter on a number of occasions.

Relevant documents

In addition to the basic international human rights documents (chiefly the 1945 United Nations Charter, 1948 Universal Declaration of Human Rights, and Covenants of 1966 on civil and political rights and economic, social and cultural rights), the following should be considered.

1. At Community and Member State level

Particularly since 1973, the Community institutions have produced a number of declarations committing the Community to human rights and democratic values.

The preamble of the Single Act and the declarations of 21 July 1986 and 10 December 1988 also specifically provide for human rights to be taken into account in relations with non-member countries.

The conclusions of the Dublin European Council (June 1990) on human rights and good governance in Africa and of the Rome European Council (December 1990) on the promotion of democracy and human rights in external relations should also be mentioned.

The conclusions of the Council meeting of 19 December 1990 on a restructured Mediterranean policy, containing a declaration on observance of human rights and the fostering of democratic values.

The conclusions of the same Council meeting on cooperation with the developing countries of Latin America and Asia, containing a substantial addition on human rights and democracy.

2. The Community's cooperation agreements

Worthy of note are:

- Annex I to the third Lomé Convention (1984) and Article 5 (and relevant Annexes) to the fourth Lomé Convention (1989)
- Preamble to the cooperation Agreement with the parties to the General Treaty on Central American Economic Integration, and the accompanying joint political communiqué (1985)
- Agreements with Argentina (April 1990) and Chile (December 1990)
- Rome declaration with the countries of South America and Mexico (20 December 1990)

3. Regional acts

In addition to the European Convention for the Protection of Human Rights and Fundamental Freedoms, reference should be made to the African Charter on Human and People's Rights and the American Rights Convention in particular. These instruments signal a legal and also a political undertaking on the part of the States concerned.

II. SIGNIFICANT DEVELOPMENTS

The developments of the last few years on the international scene and in many developing countries have brought undeniable progress on human rights and democratization. These changes for the better make it

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easier to bring the issues concerned into cooperation policy.

A number of problems remain, however. Moreover, the changes referred to above must be encouraged and supported in the most positive way possible. Public opinion has become highly sensitive to these issues.

1. International upheavals

The changes in Eastern Europe and the end of East-West confrontation have provoked or hastened political and economic change in many developing countries.

They have reduced the importance of the alliance factor which had long determined relations between industrialized and developing countries and had made reactions to a given situation a function of geopolitical considerations.

Lastly, these changes have helped discredit authoritarian and centralizing regimes.

2. Internal change in the developing countries

External crises would not be enough to provoke far-reaching and lasting changes in the political and economic systems of the developing countries without powerful internal pressure for change. This seems to be happening in many cases, but the process is nevertheless fragile and reversible.

The people of these countries are seeing the shortcomings of authoritarian government and the one-party model more and more clearly.

Whatever the original reason for their existence, these systems have shown their limitations and have often been given to excesses: authoritarianism rather than participation by the people and observance of human rights, excessive bureaucracy, the stifling of private initiative, inadequate administration of public funds and economic and social decline.

Democracy has thus found an opening, particularly in Latin America and sub-Saharan Africa, but also in parts of North Africa and Asia. Account should also be taken in this context of the development of the situation in South Africa during 1990.

In the Mediterranean region progress has been observed recently in several countries towards multi-party democracy and the holding of free elections.

Democracy has gained a great deal of ground in Latin America; for the first time, all governments there have come to power by democratic means. However, the new governments could still be toppled, particularly under the effect of economic crisis, and they therefore need support.

In Africa, where there has hitherto been an almost total lack of any structure between the State and the individual, there has been a blossoming of spontaneous collective and individual initiatives.

In particular, there has been strong pressure for the right to act thus, outside the control of a centralized authoritarian State.

The new generation of civil servants, where they are able to escape the influence of the state, are encouraging such action and giving backing to previously unexploited and clumsily organized local initiatives. They are openly raising the issues of human rights and democracy in order to act freely.

Moreover, a recent OAU declaration (July 1990 summit) encourages democratization in society and grassroots participation in development, recognizing the link between the latter and democracy.

3. Cooperation policy guidelines

The concepts and practice of cooperation have been continually developing, in the Community as elsewhere, under the influence of new ideas and objectives and successes and failures. Cooperation under the Lomé Convention is a typical example of this.

There has been a particular need for more in-depth dialogue (conducted in an atmosphere of trust) with partner countries on the subject of development policy. The most recent papers on the subject and recent practice have, moreover, given prominence to some important considerations including the following:

- the central position of man as a protagonist and beneficiary of development;
- the satisfaction of the basic needs of the population and the development of human resources;
- new participants in and approaches to cooperation: microprojects, grassroots participation, the role of NGOs, decentralized cooperation;
- human rights.

4. Conclusions

Internal developments in the societies of the developing countries occupy a prominent place among the factors to be considered. The new approaches to cooperation provide the necessary support for these developments.

III. HUMAN RIGHTS

The basic reference in law is in the United Nations texts mentioned on page 1, all these rights being considered interdependent and indivisible.

Article 5(2) of the fourth Lomé Convention refers to all human rights, i.e. the fundamental rights of the individual, civil and political rights, and economic, social and cultural rights.

All of these rights deserve to be encouraged and respected, along with the principle of non-discrimination, which applies to all of them.

Where relations with developing countries are concerned, the Community will give priority to fundamental human rights, since these are universal and obviously completely independent of any particular type of society.

The rule of law, which requires that governments guarantee the enjoyment of human rights, primarily through an independent judiciary, is a particularly significant indicator. Great importance will therefore be attached to the main civil liberties and political freedoms, in keeping with the desire for democracy and efficient economic machinery.

Although economic and social rights cannot be monitored by the courts in the same way as the other rights, there is no doubt that promoting them will encourage the promotion of other human rights.

There is broad consensus on the need to eliminate discrimination on the basis of race, sex, religion, etc. This concerns in particular legal and *de facto* discrimination against women, the place in society and rights of minorities, and racial discrimination.

In line with the interinstitutional declaration against racism and xenophobia signed on 11 June 1986, the Member States should pursue their efforts concerning the nationals of third countries residing in the Community by taking the necessary measures to prevent racist and xenophobic acts and to ensure respect for their rights.

Depending on the case, the Community can choose active promotion of human rights or a negative response to serious and systematic violations. The various means of encouragement and dissuasion may be combined, depending on the situation or needs.

The Community will wherever possible give preference to the positive approach of support and encouragement.

The Community will also seek to promote frank and trusting dialogue on human rights with developing countries, and to keep the channels for that dialogue open as far as possible, even in difficult situations, notably where the aim is to protect specific rights.

Irrespective of the existence or lack of a contractual framework for cooperation between the Community and a non-member country, it is recognized in international law that serious human rights violations justify action that cannot be considered to constitute interference in a State's internal affairs. The existence of a contractual framework for cooperation containing explicit provisions on human rights will facilitate action by the Community.

Although the fourth Lomé Convention contains no express sanctions clause in the case of human rights violations, the spirit of the Convention allows certain consequences to be drawn as regards the management of cooperation if Article 5 is breached.

The EEC-Argentina and EEC-Chile trade and cooperation Agreements pay particular attention to this aspect by placing conditionality linked to respect for human rights at the very heart of the agreement.

A system which automatically triggers a particular reaction to human rights violations would not be able to deal with all the various situations that might arise.

Reactions will be determined by the case in question and graduated according to its seriousness, the circumstances involved and the effectiveness of the forms of pressure available in a particular situation.

In the most extreme case, where cooperation activities are suspended, humanitarian aid will be maintained. Certain other forms of development operation, of most direct use to the local population, notably programmes aimed particularly at basic needs, could be continued via unofficial channels.

For these reactions to be politically credible, they should not be determined by particular political and economic preferences or interests, particularly where they concern a number of countries covered by a single contractual framework for cooperation.

Care should also be taken to ensure that the attitudes of the Community and the Member States are consistent. Consultations must therefore be held in an appropriate framework to provide this essential consistency. In accordance with Article 30(5) of the Single Act it is for the Presidency and the Commission, each within its own sphere of competence, to ensure that the Community's external policies and those agreed in European Political Cooperation are and remain consistent.

IV. SUPPORT FOR DEMOCRATIZATION

Recent changes in Eastern Europe, the developments taking place in Latin America and the domestic situation in certain Asian and African countries have thrust the issues of democracy and the market economy to the forefront.

The Community could not set as an objective the active promotion, through its cooperation policies, of a European "model" of democracy for its development partners. Rather, it should offer those countries the benefit of its own experience.

What is needed is a distinctly positive attitude, but a distinction should be drawn between the process of democratizing a society and the formal and institutional aspects of that process.

The establishment of democratic governments in the developing countries must be the fruit above all of domestic initiatives. Democracy cannot be imposed from outside nor can it take root without domestic structures.

Democratization thus depends on respect for fundamental rights, the opening of political dialogue and free elections, thus guaranteeing a pluralist society, while leaving developing countries to choose the forms of political democracy best suited to their social and cultural structures.

It also depends on the emancipation of social and economic

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associations. The formation of intermediate associations that can become development protagonists, enter into dialogue with political structures and act as intermediaries between the state and the individual provide the social and political anchorage for democracy. Such structures mobilize human potential more fully and more successfully than can the centralizing power of the state.

Finally it should be pointed out that the transparency of official acts and the accountability of governments to their citizens are important guarantees of human rights and the start of democratization.

The essential thing now is to lay the foundations of a deep-rooted lasting democracy that springs from initiatives of the local population itself.

The Community's priority at present is to help the developing countries accede to a form of economic democracy appropriate to the society in question and giving all sections of the population a greater role in development.

Community aid must be used in a way that is transparent and of benefit to the whole population.

The Community can make a positive contribution to democratization in the development cooperation context.

Lastly, as we have seen in Eastern Europe, the transition from an authoritarian system to one that is less centralized politically and economically is bound to be difficult and may justify special financial assistance.

Reforms of this type in the economic sphere already receive support, notably through structural adjustment aid. It can be argued that we should go further and provide support for "democratic adjustment".

The issues outlined in this paper must be seen in the perspective of including development cooperation in the scope of a Community common external and security policy.

The guidelines adopted in this respect will provide the basis for establishing the procedures for decision-making on human rights and democracy in the development cooperation context with a view to making them more efficient and consistent.