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signed by Mr Jordi AYET PUIGARNAU, Director

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**JOINT PAPER**

**Commission/Council General Secretariat**

**on Democracy Building in EU External Relations**

## **Table of contents**

### **A. First Section: Introduction**

1. Purpose and context of the exercise

### **B. Second Section: Description and assessment of instruments**

- 2.1 Overview
- 2.2 Geographic/regional policies and instruments
  - Enlargement/SAP/Pre-accession
  - European Neighbourhood Policy
  - Africa, Caribbean, Pacific
  - Global (DCI)
  - Cooperation with third countries and regional/international organisations
- 2.3 Cross-cutting (and thematic) policies and instruments
  - Human Rights and democracy clauses
  - Political dialogue and Human Rights dialogues
  - JLS Subcommittees
  - EU Guidelines on Human Rights
  - EIDHR, including EU EOMs
  - Non-State actors
  - Council conclusions, declarations and demarches
  - Restrictive measures (sanctions)
  - EUSRs
  - Situations of fragility
- 2.4 Crisis management policies and instruments
  - ESS

- ESDP missions/operations
- Instrument for Stability
- African Peace Facility

### **C. Third Section: Examples of the EU's approach to democracy building**

3.1 Enlargement

3.2 Electoral processes

### **D. Fourth Section: Recommendations**

Recommendations

**Annex:** detailed description of instruments and policies

## **A. Introduction**

This paper is the joint Commission/General Secretariat of the Council contribution to a cross-pillar initiative on democracy building in EU external action, launched by the Czech and Swedish Presidencies in 2009. A SE/CZ non-paper outlines the main ideas behind this initiative, whose stated purpose is to increase the coherence, effectiveness and credibility of EU support to democracy building.

This paper takes stock of the tools and instruments the EU has at its disposal to build democracy and makes recommendations on how they could be used more effectively. It should feed, together with other inputs, into discussions in the relevant Council bodies leading to a more coherent and overarching EU policy framework for supporting democratic reform processes in third countries.

It aims to complement the work on common elements of democracy carried out by the Member States' human rights, democracy and development experts.<sup>1</sup>

This initiative is not about renegotiating existing norms or agreed language as to what constitutes democracy. Nor is the aim to set out new EU policies, or introduce new conditionality for EU development aid. Democracy and human rights are closely linked, and are based on existing universal norms and values.

Democracy cannot be exported or imposed from the outside, but locally-driven processes can be supported by an appropriate mix of financial and political instruments tailored to the specific situation of each country. In some cases, this will require a sustained effort over many years; in others, it may mean strengthening specific aspects such as electoral systems, over the short and medium term.

Yet only democracies that deliver have appeal to their citizens. The EU's democracy building efforts should therefore aim at strengthening the capacity of governments and administrations, political actors, civil society organisations and other drivers of change to meet people's expectations of economic and social well-being and their aspirations for political participation and enjoyment of fundamental freedoms.

It should be noted that a comprehensive assessment of EU democracy support would require an in-depth analysis of the effectiveness and coherence of EU action at the (sub-) regional and country level. Such an analysis would, however, go beyond the scope of this paper.

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<sup>1</sup> The rolling report of these discussions was presented to the Council Working Party on Human Rights, meeting on 24 June 2009 in the presence of development experts .

## **B. Description and assessment of instruments**

### **2.1 Overview**

This section briefly describes and assesses the main EU instruments and tools for democracy building in third countries. A more detailed description of the instruments can be found in the annex.

Although the Treaties do not define the concept of democracy, they provide the legal basis for the EU to pursue the objective of ‘developing and consolidating democracy’ in third countries across the various strands of EU external relations.

The EU uses a whole range of approaches, from political dialogue and diplomatic initiatives to specific instruments of financial and technical cooperation to support democracy worldwide. **Country-driven reform programmes**, in a context of legitimacy and accountability, are at the core of Commission and Member State support strategies. **Regular dialogue** with governments, parliaments, representatives of political, social and economic interests, and with municipal and other decentralised authorities, is the basis for the programming and implementation of these strategies. The final aim is to **engage with a variety of actors in long-term processes**, leading to a progressive consolidation of accountable, effective and democratic institutions and the internalisation of democratic principles and practices.

EU support for democracy takes both a **top-down and bottom-up approach** and addresses a range of actors in different sectors. It includes democratic institution building, helping to develop the capacity of parliaments, local government and electoral processes. It also covers civil society programmes, including projects supporting non-state actors in their advocacy, information and education activities in the areas of human rights and democracy, and in monitoring the actions of public institutions.

In EU development policy, support for democracy is seen in a **wider democratic governance perspective** that includes exploring the possible links between democratisation and citizen involvement in the political process and a broad range of issues such as human rights and fundamental freedoms, rule of law, addressing corruption, human security decentralisation and access to information. This also entails access to capable, transparent, responsive and accountable basic public services and state institutions as well as the promotion of sustainable economic growth and social cohesion. The approach should be long-term and based on local ownership engaging national and local governments and all leading local stakeholders, including national parliaments. The EU strategy in this field is also moving towards a more systemic approach, creating better synergies between direct support to democracy and support to other critical components of State building, such as the rule of law and independence of the judiciary, public administration reform, decentralisation and local governance and civil society empowerment.

The instruments and tools at the EU’s disposal are very diverse. They are scattered over the first, second and even third pillar. Some are strategic policy documents, setting our policy framework for and the aims pursued by the EU in its relations with

a specific country or region (e.g. the Joint Africa-EU Partnership) or even at a global level (e.g. the European Security Strategy). Some instruments and key strategic relationships are of contractual nature (e.g. the Cotonou Partnership Agreement, political clauses), while others are unilateral or bilateral.

Other instruments are more of an operational nature and have been specifically designed to implement EU policy in a particular region or policy area. They fix objectives as well as ways and financial means to achieve them. Here a distinction can be made between *geographical* (e.g. the European Neighbourhood and Partnership Policy Instrument) and *thematic* financing instruments (e.g. the European Instrument for Democracy and Human Rights). Some of the ‘operational’ instruments have a *limited (regional) geographical scope*, while others have *global reach*. In the area of the Common Foreign and Security Policy (CFSP), both classic diplomatic instruments, such as demarches or political dialogue, and specific CFSP instruments are used. Under the umbrella of the rapidly evolving European Security and Defence Policy, the EU deploys crisis management operations (military) and missions (civilian).

In this paper, no attempt is made to establish a typology of instruments and tools. The headings in this section aim to guide the reader through the catalogue of EU instruments in a more structured way.

## **2.2 Geographic/regional policies and instruments**

### **Enlargement (Stabilisation and Association Process)**

The Treaty of the European Union indicates that any European country which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, may apply to become a member of the Union. Furthermore, the ‘[Copenhagen criteria](#)’ require a candidate country to have stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities. Therefore, compliance with the political criteria features prominently in the Accession and European Partnerships and the situation is detailed in the European Commission’s annual Progress reports. Accession also requires the candidate country to adapt its administrative and judicial structures so that legislation can be implemented and enforced effectively.

Via the Instrument for Pre-Accession (IPA) the EU provides focused pre-accession technical assistance to the candidate countries and to the potential candidates. This financial assistance is intended to help beneficiaries to introduce the necessary political, economic and institutional reforms in line with EU standards. A key focus of assistance is to support political reform, in particular institution building, strengthening the rule of law, human rights, protection of minorities and the development of civil society.

## **European Neighbourhood Policy (ENP)**

The ENP is a foreign policy priority for the EU, with the main strategic objectives of achieving a prosperous, stable and secure neighbourhood. The policy offers our neighbours a privileged relationship, building upon a mutual commitment to common values, and granting a deeper political relationship and economic integration.

**European Neighbourhood Action Plans:** The centrepiece of the European Neighbourhood Policy is the bilateral ENP Action Plan. These **Action Plans** are negotiated with and tailor-made for each country, and define an agenda of political and economic reforms based on short and medium-term (3-5 years) priorities. An important part of the political section, but also the other sections, is linked to democracy building and support. The incentives on offer, in return for progress on relevant reforms, are greater integration with the EU and increased assistance. Twelve such ENP Action Plans are being implemented. The political reform agendas of the ENP partners are very different, reflecting the varying commitments made and their willingness and capacity. In addition, in the east, all ENP partners with Action Plans are members of the OSCE and the Council of Europe, making for a particular reform agenda linked to the fundamental standards in the EU. In the south, the reform agenda is based on the agreed values enshrined in the Barcelona Declaration and takes these and UN commitments as benchmarks. Civil society is involved in the preparation of progress reports.

**Eastern Partnership (EaP)** is a complement to the ENP, but goes further in deepening EU engagement with Eastern European neighbours (Armenia, Azerbaijan, Georgia, Belarus, Moldova and Ukraine). The overall objectives of the EaP are to forge closer relations between the EU and its neighbours, bringing a political message of EU solidarity alongside additional, tangible support for their democratic and market-oriented reforms and the consolidation of their statehood and territorial integrity, and to advance their reform agenda. The expected results include progress in implementing agreed reforms; a legislation more in line with the EU *acquis*; reduction of internal economic disparities and increased internal stability. Dedicated meetings, called ‘platforms’, will contribute to a structured approximation process, supported by comprehensive institution-building programmes. One of these is devoted to Democracy, good governance and stability. While their individual stages of reform differ, partner countries face similar challenges in developing stable democratic institutions and effective state structures at the service of their citizens and in complying with commitments stemming from their Council of Europe and OSCE memberships.

**Euro-Mediterranean Partnership/Union for the Mediterranean (EMP/UfM)** is the EU’s multilateral forum for dialogue and cooperation with Mediterranean Partner countries. It is an inclusive Partnership aimed at fostering the creation of an area of peace, democracy and shared prosperity in the Mediterranean through partnership-building measures, joint regional projects, sustainable development and strengthened rule of law, democracy and respect for human rights. The multilateral setting of the UfM can help address regional challenges in the field of human rights and democracy such as the empowerment of civil society, gender equality, freedom of expression, deepening regional dialogue and cooperation in elections or identifying areas of common ground in legislative and regulatory reform in the field of political pluralism.

While there are many positive achievements, much remains to be done to realise the full potential of the Barcelona and Paris Declarations, and progress has been uneven, especially in the area of political reform.

**Governance Facility (GF):** On the basis of the ENP progress reports, funds under the Governance Facility are awarded to provide additional financial assistance for the countries that advance most with domestic reforms. GF does not measure absolute levels of governance but makes a relative measure, assessing the level of ambition and progress against agreed commitments. Ambition and commitments vary from country to country, so a fully consistent approach with quantifiable indicators cannot be developed. It should be noted that the baseline country allocations already take account of governance-related indicators. If future allocations are more closely tied to the governance and democracy building of a given country, the GF could be included.

**Cross-border cooperation (CBC)** operates for the benefit of the populations on both sides of the EU's external border. The core policy objectives of CBC are to support sustainable development, to help improve living standards, and to address the challenges and opportunities that are common to regions on both sides of our land and sea borders. In particular, CBC is intended to promote economic and social development; address common challenges in fields such as environment, public health and the prevention of and fight against organised crime; ensure efficient and secure borders; and to promote local cross-border 'people-to-people' actions. CBC programmes can stimulate local democracy and promote good governance at local level. The programming process is participatory and bottom-up and thus promotes democracy at 'grassroots level'. Joint projects encourage sharing of best practices between local actors and ultimately improve local governance. The CBC programmes are still in their initial implementation phase. It is premature to assess the relevance of CBC for democracy building.

### **Africa, Caribbean, Pacific (ACP)**

The **Cotonou Agreement** is the basis for political dialogue and technical and financial cooperation through the European Development Fund (EDF) for ACP countries. . Democracy, human rights and the rule of law, constitute the essential, contractual, elements of the Cotonou Agreement which are enshrined in article 9 of Cotonou.

Article 8 provides for a regular, comprehensive and in-depth **political dialogue** with all ACP countries and defines its objectives and scope. This dialogue promotes, among other aims of a broader agenda, a stable and democratic political environment via the exchange of information, by fostering mutual understanding and by defining common priorities and shared agendas in these domains. Assessment is difficult, as there is too little factual information available at this stage on how Article 8 deals with democracy building issues. In general, political dialogue with ACP countries under Article 8 helps to improve consistency and regularity. Efforts are currently being made to strengthen political dialogue. It has proved successful around electoral periods in certain countries (Ghana, Malawi) with a positive influence on process

The **European Development Fund (EDF)** is the main financial instrument for geographical cooperation with ACP countries. Out of the €22 billion of 10th EDF

(2009-2013), €13.5 billion are allocated to countries according to criteria of population, income per capita, other needs and performance criteria and governance-related criteria. Country allocations form the financial envelope for implementing the CSP/NIP, which is negotiated, agreed and signed by the partner government and the EC. Consultations with non-state actors and local authorities in the country are provided for in the Cotonou Agreement. In 2009-2010 the mid-term review of 10th EDF CSP/NIP will take place. Country performance will be assessed regarding governance, the economic situation, poverty reduction / social situation and implementation of EC cooperation. An overall assessment may lead to changes in the strategy and a decision to increase, maintain or decrease the country allocation.

There are a number of elements of the 10th EDF financial support which are directed at democracy building, including support for development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms and civil society organisations (CSOs). The EDF financial and technical assistance programmes in support of democratic governance and more specifically in support of democracy have focused on five areas (i) promoting fair, free and transparent electoral processes; (ii) strengthening the institutions and organisational capacities of parliaments; (iii) promoting independent and professional media (iv) encouraging genuinely pluralistic political systems (v) capacity development for in-country non-state actors (NSA). Reviews have indicated a substantial impact in terms of institutional capacity building over the medium-term period, thanks to enhanced accountability, capability and responsiveness.

Governance-related criteria for aid allocation to ACP countries are encapsulated in the **Governance Initiative**. This is the main incentive-based instrument for enhancing dialogue and progress on issues of democratic governance in ACP states. The Governance Initiative is first of all a new and dynamic incentive mechanism that has given ACP partner countries access to additional funding on the basis of their commitments to achieve concrete results in their democratic governance reform programmes. It is therefore based on a contractual approach. The analysis of the situation is supported by a country-level Governance Profile that provides international and national indicators on nine areas of democratic governance. The Governance Initiative is innovative in terms of the process, the instruments and the tools and suits the EU policy approach to supporting democratic governance. It is an initiative that has good potential to promote reforms owned by partner countries and to facilitate dialogue between partners. The outcome of the respective national Governance Action Plans (GAPs) will be assessed in the upcoming mid-term review, which will provide more information about the effective implementation of the GAPs and about changes in the governance situation in the countries concerned. Implementation of GAPs and evolution of the governance situation are indeed the two criteria to assess country performance in the area of governance in the 10th EDF mid-term review.

## **Global**

### **Development Cooperation Instrument (DCI)**

The DCI was conceived as an enabling Instrument to provide development assistance, planning and delivery to all OECD/DAC ODA recipient countries, aiming to alleviate poverty and achieve the Millennium Development Goals (MDG), delivering sustainable economic and social development and gradually integrating developing countries into the world economy. Consolidation of and support for democracy are stated objectives of the DCI, amongst other cross-cutting issues such as good governance, the rule of law, human rights, gender equality, children's rights, indigenous peoples, environment and sustainable management of global resources, combating HIV/AIDS.

There are five geographic programmes (Asia, Latin America, Central Asia, Middle East and South Africa), with varying degrees of emphasis on democracy building according to the regional programme. They fund a great number of projects directly relevant for democracy building. There are also five thematic programmes, including the one on 'Non-state actors and local authorities in development' (see below). The forthcoming mid-term review of DCI will provide a clearer picture of its impact on democracy building.

### **Cooperation with regional/international organisations**

Cooperation with regional organisations, the UN and other partners is an important vehicle for the EU's democracy building activities and can enhance the effectiveness, geographical reach and credibility of EU action. Many regional organisations are working to consolidate democracy amongst their members and some have adopted normative instruments to that effect (e.g. Inter-American Democratic Charter and the African Charter on Democracy, Elections and Governance)

The EU cooperates closely with the **Council of Europe** and the **OSCE/Office for Democratic Institutions and Human Rights (ODIHR)** in areas related to promoting and protecting pluralistic democracy, respect for human rights and fundamental freedoms and the rule of law.

The EC is full party to the unique global instrument against corruption, United Nations Convention against Corruption. The instrument requires development and implementation of policies reflecting among others the principles of rule of law, proper management of public funds, integrity, accountability and transparency. Therefore, the EU cooperates with the UN in promoting worldwide accession to it and its effective implementation.

The **African Union** has become a key international partner of the EU, including on democracy and human rights. Following the adoption of the Joint Africa/EU Strategy in December 2007, eight thematic partnerships were created, including an Africa-EU Partnership on Democratic Governance and Human Rights to enhance dialogue between Africa and the EU and to consolidate the Pan-African Governance and Human Rights Architecture. In this framework, enhanced cooperation with the AU is anticipated in the area of electoral observation (exchange of good practice,

observation of European elections by AU). In addition, the dedicated EU-AU Troika dialogue on human rights provides a platform to discuss democracy-related issues. The appointment of a ‘double-hatted’ EU Special Representative/Commission Head of Delegation to the African Union reflects the shared wish of the Council and Commission to combine all the instruments of the EU and thereby ensure a joined-up approach to Africa at all levels.

Another important dimension of EU policy has been to strengthen **international instruments of human rights** and **international justice**. In multilateral fora, the EU coordinates its members’ positions so it can speak with one voice in UN human rights fora such as the Human Rights Council and the UN General Assembly’s Third Committee.

This is not the case for intergovernmental or international fora on democracy, such as the Community of Democracies, the Forum for the Future of Democracy (Council of Europe) or the International Conference on New and Restored Democracies.

The EU cooperates with other regional partners which share the values of democracy and the rule of law, for instance with ASEAN and some of its members (e.g. Indonesia, Philippines) in promoting democracy in Burma/Myanmar.

### **2.3 Cross-cutting and thematic policies and instruments**

**Human rights and democracy (HRD) clauses.** Since 1995, the European Community has systematically included a standard ‘human rights and democracy clause’ as an essential element of non-sectoral/mixed agreements concluded with third countries<sup>2</sup>. Consultations in case of breach of essential elements can be an efficient instrument, by linking EU cooperation to progress on respect for the essential elements, democracy in particular, and EU cooperation. This efficiency may also explain why it has not been necessary to resort to the suspension mechanism in the case of other third countries or as a basis to suspend trade concessions.

**Political dialogue and human rights dialogues.** The Union has developed a substantial network of political dialogue commitments ranging from expert to ministerial level. In addition, there are currently more than 30 dialogues, consultations and Agreement-based subcommittees dedicated solely to human rights. The confidential setting of these dialogues enables frank and constructive discussions and exchanges of views on a regular basis, even when more visible means and channels are not viable. Human rights dialogues systematically address specific human rights issues relevant to building sustainable democratic societies, though democracy building as such is rarely addressed. There is also scope to better coordinate dialogues conducted under different pillars in addressing human rights and democracy issues.

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<sup>2</sup> Doc. 7255/95 ‘Human rights clauses in Community agreements with non-member countries’.

**Justice, Liberty and Security (JLS) Subcommittees** are established in the framework of Stabilisation and Association Agreements and Partnership and Cooperation Agreements with third countries (ENP, pre-accession and other countries). They represent a key instrument for the promotion of the rule of law and the protection of human rights since they cover issues including the judiciary and justice reform, anti-corruption, fight against terrorism and organised crime, visa and borders policies, migration, and law enforcement cooperation. The differences between the countries concerned do not permit a comprehensive assessment of performances. However, the format remains a key feature for addressing general justice and home affairs issues (rule of law, separation of powers, independence of the judiciary) as well as policies with a direct and strong impact on citizens' liberties and daily problems (such as freedom of movement, visa policies).

**EU Guidelines on human rights**<sup>3</sup> cover issues of particular importance to the EU and offer practical guidance on implementation. The Guideline dealing with human rights defenders is of particular relevance to democracy building, since it aims at supporting and protecting groups and individuals who can be important local democracy actors. The Guidelines are most effective when local strategies have been established and are duly implemented by Commission Delegations and diplomatic missions of EU Member States in third countries. Efforts to make the Guidelines known to human rights defenders in third countries should also be intensified.

**European Instrument for Democracy and Human Rights (EIDHR)**<sup>4</sup>: The general objectives of the EIDHR are to contribute to the development and consolidation of democracy and the rule of law and respect for all human rights and fundamental freedoms within the framework of relevant EU policies. EIDHR is global in scope and aims to enhance democratic development through the strengthening of civil society actors and strategic cooperation with international organisations, by addressing issues such as rule of law and international justice, and by its focus on promoting fundamental freedoms.

Building on its key strength, which is the ability in principle to operate without the need for host government consent, EIDHR is able to focus on sensitive political issues and innovative approaches and to cooperate directly with local civil society organisations which need to preserve independence from public authorities. EIDHR can also be active in countries that may be described as 'difficult partnerships', in countries and regions where fundamental freedoms are most at risk, where geographic programmes may meet obstacles. In this respect, EIDHR complements other Instruments, though its strategic use needs to be further articulated and developed. EIDHR has made considerable provisions for country-specific small-scale projects (Country Based Support Schemes — CBSS) in order to further enhance local ownership and improve access by civil society organisations from the countries and regions concerned. **Election Observation Missions (EU EOM)** are also funded under EIDHR. EU EOMs involve assessing the strengths and weaknesses of an electoral process and presenting recommendations that will help to decide on further

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<sup>3</sup> <http://www.consilium.europa.eu/showPage.aspx?id=822&lang=EN>.

<sup>4</sup> Regulation (EC) No 1889/2006 of the European Parliament and of the Council, 20.12.2006, OJ L 386, 29.12.2006, p.1 ([http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents\\_en.htm](http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm)).

assistance after the elections. EU Election Observation Missions (EU EOM) are deployed worldwide (except OSCE area).

**Non-state actors and local authorities in development:** This is an ‘actor-oriented’ thematic programme under DCI, aiming to help build capacity by supporting ‘own’ initiatives from non-state actors (NSA) and local authorities in the EU and partner countries. Priorities include promoting an inclusive and empowered society in partner countries to facilitate non-state actors’ and local authorities’ participation in strategies for poverty reduction and sustainable development.

This programme is a useful instrument to enhance democracy building in partner countries in that it aims to support civil society actors and local authority institutions and should allow them to interact better with states. However, given its limited budget (around 200 million per year) it might be seen as a complementary instrument to support actions undertaken under geographic programmes. During the mid-term review that will take place in the coming months, ways of improving subsidiarity/complementarity with geographical programmes will be explored in order to reinforce the impact of the programme.

**Council conclusions and CFSP statements/declarations and demarches.** While not legally binding, Council conclusions and ‘CFSP Declarations by the Presidency on behalf of the European Union’<sup>5</sup> are important instruments for defining and implementing the CFSP. They often address issues of democracy and elections. The impact of conclusions/declarations depends to a large extent on the receptivity of the target country/audience. They have a high degree of visibility and contribute to the gradual shaping of EU external policy. Demarches provide an opportunity to deliver politically sensitive messages directly to third country authorities behind closed doors, thus avoiding the ‘loss of face’ often associated with public declarations.

**Restrictive measures (sanctions).** The European Union may apply sanctions or restrictive measures<sup>6</sup> against third countries, entities or individuals in pursuit of the specific CFSP objectives set out in Article 11(1) TEU, including the development and consolidation of ‘*democracy and the rule of law, and respect for human rights and fundamental freedoms*’. They are normally used as part of an integrated, comprehensive policy approach combining pressure (‘sticks’) with incentives (‘carrots’) and regularly reviewed in order to assess if they are still justified with regard to the objectives stated. Concrete examples of EU autonomous sanctions applied in recent years as levers for democratic change and the improvement of human rights and fundamental freedoms include those imposed on Belarus, Zimbabwe, Uzbekistan, and Burma/Myanmar. Any assessment needs to be carried out on a case-by-case basis, in accordance with the specific objectives of the sanctions regime as laid down in the relevant legal act and in line with the Guidelines.

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<sup>5</sup> ‘Presidency statements’ are sometimes used in situations of particular urgency but they do not reflect the position of the Union as a whole.

<sup>6</sup> Sanctions or restrictive measures (the two terms are used interchangeably) can be imposed by the EU either on an autonomous EU basis or implementing binding Resolutions of the Security Council of the United Nations.

**EU Special Representatives (EUSRs)** are appointed by the Council and entrusted ‘with a mandate in relation to particular policy issues’. They provide the EU with an active political presence in troubled or post-conflict countries and regions, promoting peace, stability and the rule of law<sup>7</sup>. Many EUSRs *de facto* contribute to democracy building objectives even though this is not always made explicit in their mandates. The model of ‘double-hatted’ EUSRs<sup>8</sup> in the Western Balkans is interesting in ensuring better coordination and coherence between various EU instruments deployed in the region and has also been applied to the newly created post of EUSR/Head of Delegation to the African Union (AU) in Addis Ababa.

**Situations of Fragility:** The EU response to situations of fragility is not specifically geared towards democracy building. Current thinking focuses rather on the notion of state building, which is understood as an endogenous process to enhance the capacity, institutions and legitimacy of the state, driven by state-society relations. Democracy as such is promoted in this framework by means of political dialogue and peace building activities, and by supporting state institutions that observe the requirements of democratic governance.

## 2.4 Crisis management policies and instruments

The 2003 **European Security Strategy (ESS)**<sup>9</sup> recognises that ‘*The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.*’

Most if not all the instruments available to implement the objectives of the Common Foreign and Security Policy (CFSP) can be used for the purposes of democracy building. Any meaningful assessment of the effectiveness of CFSP/ESDP instruments for democracy building should be done on a case-by-case basis, taking into account that: (i) the development and consolidation of democracy is but one of several CFSP objectives and (ii) instruments are seldom used in isolation but deployed as part of a wider strategy towards a country or region.

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<sup>7</sup> Article 18(5) of the Treaty on European Union (TEU) provides for the appointment by the Council of Special Representatives. According to this provision, a special representative is entrusted ‘with a mandate in relation to particular policy issues’ and thus acts, within the limits of the mandate, as a representative of the European Union (EU), notwithstanding the role of the Presidency as representative of the Union on all CFSP matters under Article 18(1) TEU.1.

<sup>9</sup> ‘A secure Europe in a better world: The European Security Strategy’ (approved by the European Council on 12/13 December 2003) ) and Report on the Implementation of the European Security Strategy – Providing Security in a Changing World (approved by the European Council on 11/12 December 2008).

**EU crisis management.** The European Security and Defence Policy (ESDP) has expanded rapidly as regards the diversity of its actions, their geographic scope and the number of missions and operations. While democracy building is not a stated aim of ESDP missions as such, many EU crisis management operations/missions contribute to building democratic states, democratic governance and the rule of law. Democracy building and security are mutually reinforcing: a certain degree of stability is necessary for democratic institutions and processes to develop. EU crisis management missions and operations can contribute to providing a safe and secure environment for democracy to take root. On the other hand, democracy is a tool for conflict prevention and resolution. Stability over the long term can only be ensured through legitimate, representative government, the rule of law and respect for human rights. EU crisis management is never a stand-alone operation but is embedded in wider efforts to bring about political change. Efforts to mainstream human rights and gender into ESDP from the first missions in 2003 to today have also started to bear fruit: for instance, there is now a compilation of relevant texts for mission planners and it is established practice that new missions have a human rights and/or gender advisor as part of their staff.

**Instrument for Stability — Crisis Response (IfS).**<sup>10</sup> The IfS is a new Instrument and its crisis response component builds on its predecessor, the Rapid Reaction Mechanism. It is global in scope with the main objective to contribute to stability by providing an effective initial response to help preserve, establish or re-establish the conditions essential to the proper implementation in the long run of the Community's development and cooperation policies. This in complementarity with other EC and EU instruments in the framework of broader stabilisation strategies. Typically, the IfS can be mobilised in the event of a major new political crisis or natural disaster, a window of opportunity to pre-empt a crisis or advance on conflict resolution or alongside CFSP / ESDP actions.

The IfS operates from a crisis response and conflict mitigation perspective, but is also designed to support democracy building, especially in fragile and/or post-conflict settings, as an integral part of conflict resolution and stabilisation. The IfS has been mobilised at short notice mainly in support of urgent needs to contribute to meaningful and credible electoral processes in post-conflict and fragile crisis settings. This includes direct support to electoral bodies and civil society actors in the run-up to elections in Lebanon, Haiti, Chad, Moldova, Fiji, Nepal, Zambia, Georgia and Zimbabwe.

**African Peace Facility (APF):** The APF is based on the recognition that peace and security are preconditions for sustainable development. The general objective of the APF is to contribute to peace, stability and security in Africa through targeted support to African efforts at continental and regional level in the areas of peace building and conflict prevention, management and resolution.

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<sup>10</sup> Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006, OJ L 327, 24.11.2006, p. 1. (see: [http://ec.europa.eu/external\\_relations/ifs/index\\_en.htm](http://ec.europa.eu/external_relations/ifs/index_en.htm) and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0001:0011:EN:PDF>).

The APF can also support democracy building, especially in fragile and/or post-conflict settings, as an integral part of conflict resolution and stabilisation, as in the Comoros and in support of mediation efforts related to electoral crises.

### **C. Examples of the EU's approach to democracy building**

The following examples illustrate how different EU instruments can work together.

#### **3.1. Enlargement**

Clearly, **enlargement** has been the EU's most successful democracy promotion strategy, combining strong incentives with conditionality. In 2005, eight countries of Central and Eastern Europe became EU members having undergone a transition from authoritarian rule to consolidated democracies in less than 15 years. These countries also bring with them a remarkable democratisation experience which could be put at the service of third countries on the road to democracy. Enlargement is, of course, where the principles and values upon which the EU is founded, most closely intersect with its external policies. The EU has a vital interest in ensuring that future members apply and internalise these principles and values and it therefore deploys the full array of instruments to assist future members on their path to democracy.

The main objective of current EU engagement in the **Western Balkans** is the building of stable, democratic states with a view to their possible integration into the EU. Helping these countries comply with the Copenhagen criteria through the Stabilisation and Association process is one of the key policy objectives of both first and second pillar instruments in the region. Pre-accession technical assistance is intended to help (potential) candidate countries to introduce the necessary political, economic and institutional reforms in line with EU standards. A key focus of assistance is to support political reform, in particular institution building, strengthening the rule of law, human rights, protection of minorities and the development of civil society. 'Second pillar instruments', notably ESDP missions/operations and EU Special Representatives (EUSRs) have an important role to play both by contributing to the development of a secure and stable environment for democracy to develop and by intervening directly in areas linked to democratic development, such as the rule of law and police reform. The EU Police mission (**EUPM**) in **Bosnia and Herzegovina (BiH)** aims to establish a sustainable, professional and multiethnic police service in BiH through mentoring, monitoring, and inspecting. It also increasingly focuses on fighting organised crime and corruption as key spoilers of state-building efforts. **EULEX KOSOVO**, with some 1700 international staff the largest civilian ESDP mission to date, aims to support the Kosovo<sup>11</sup> authorities by monitoring, mentoring and advising in all areas related to the rule of law, covering in particular the judiciary, police, customs and correctional services. EULEX also disposes of an executive mandate. The 'double-hatted' role of EUSRs<sup>12</sup> in the Western Balkans helps to ensure

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<sup>11</sup> Under UN Security Council Resolution 1244/99

<sup>12</sup> The EUSR for the former Yugoslav Republic of Macedonia also heads the European Commission Delegation; the EUSR for BiH has been appointed High Representative for BiH by the Steering Board of the Peace Implementation Council, and the EUSR for Kosovo (under UNSCR 1244) is International Civilian Representative with the task of promoting overall EU political coordination.

better coordination and coherence between various EU instruments deployed in the region.

However, despite this success story, there are still important challenges in the Western Balkans, where post-conflict stabilisation and democratisation are work in progress. In line with the renewed consensus on enlargement established in the European Council in December 2006, the current enlargement agenda cover the western Balkans and Turkey. Beyond these countries, enlargement has geographical and other limits (integration capacity). Different strategies to encourage democracy building have to be found and the newly launched Eastern Partnership, which includes a strong democracy dimension, is an attempt to ‘beef up’ the European Neighbourhood Policy (ENP). Progress with regard to political reform and democratisation in the Southern Neighbourhood has been uneven so far.

### **3.2 EU support to electoral processes**

Elections are a key step in the democratic process, representing a crucial opportunity for political participation and representation as well as the full enjoyment of a wide range of human rights. EU support to electoral processes combines EU Election Observation missions, electoral assistance projects, political instruments and, in some cases, ESDP missions. EU election observation is an integral part of the EU’s external action and perhaps the most visible part of EU democracy building efforts around the world.

Past experience has shown that free and fair elections are not sufficient to set in motion a democratic virtuous cycle: short-term interventions covering a specific election have limited effectiveness and sustainability compared to long-term investments in the whole electoral process. EU electoral assistance is more likely to have a durable impact when EU observation missions and electoral assistance are based on a long-term electoral cycle approach<sup>13</sup> and embedded in an overall strategy promoting democracy, peace and security before, during and after an election.

More strategic planning is desirable, in order to effectively combine instruments that aim at strengthening elections and democratisation processes. Electoral assistance and election observation by the EU are independent but complementary activities. They are implemented by different services within the Commission, in close coordination with the Council, the European Parliament and the Member States. Various financial instruments (mainly geographic instruments) are used for funding electoral assistance, which is the legal, technical and logistic support provided to enhance democratic electoral processes and EU EOMs (the latter being centrally managed, and funded under EIDHR). Electoral assistance support covers a broad range of actions aiming at improving the legal framework for the administration of elections, strengthening the institutions (Electoral management bodies), supporting public outreach and media

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<sup>13</sup> The electoral cycle approach is outlined in the Methodological Guide on electoral assistance [http://ec.europa.eu/europeaid/projects/eidhr/EC\\_Methodological\\_Guide\\_on\\_Electoral\\_Assistance.pdf](http://ec.europa.eu/europeaid/projects/eidhr/EC_Methodological_Guide_on_Electoral_Assistance.pdf).

communications activities as well civil society organisations engaged in civic and voter education, domestic election observation and media monitoring. Election observation and the recommendations formulated by EU EOMs provide useful guidance to technical assistance beyond Election Day, in order to prepare for the next electoral cycle and inform EU foreign policy. Efforts are currently under way to bring EU assistance more into line with the recommendations and other lessons learned from election observation, for example in the mid-term reviews of Country Strategy Papers.

Effective EU support for elections requires a coherent approach through:

- the mutually reinforcing use of both Community and CFSP instruments,
- thorough assessment of the political situation in the country,
- the potential effect of EU electoral observation on both the future democratic situation in the country and the EU's relationship with it.

Early planning and consultation with the competent Council bodies, also involving EU HoMs and experts, will enhance the ability of the EU to develop a more coherent and comprehensive approach.

There is a clear division of roles between EU institutions as regards election observation by the EU<sup>14</sup>. The role and the political repercussions of the elections, and hence the role of the EU in relation to election observation, has been steadily growing.

**Case study: the 2006 elections in the DRC** illustrate how different EU instruments can work together to support an electoral process.<sup>15</sup> Diplomatic support helped pave the way for the holding of the elections, support for key institutions provided a basis for electoral success, Community support for the election process was the largest Community contribution ever to an election process (around €165 million for electoral assistance and €8 million for EUEOM referendum and elections) in addition to €100 million of bilateral support provided by EU member states. An ESDP military operation (**EUFOR RD Congo**) was launched in support of the UN Mission in order to contribute to a secure environment during the election process. In addition, the EU already had two civilian missions on the ground, an EU police mission in Kinshasa (**EUPOL KINSHASA**) and an advisory and assistance mission for DRC security sector reform.

#### **D. Recommendations**

The overview and examples of the use of instruments above clearly show that the 'EU toolbox' for democracy building is both large and diverse. The EU is already engaged in a multitude of activities that contribute, directly or indirectly and with varying degrees of success, to democracy building in third countries. The issue, therefore, seems to be not about inventing new tools, but about 'sharpening' existing instruments and using them in a more coordinated fashion.

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<sup>14</sup> cf. Council Conclusions on Election assistance and observation of 31 May 2001.

<sup>15</sup> [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/esdp/90508.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/esdp/90508.pdf).

## 1. Country-specific approach

Democracy building takes place in a variety of contexts. Some countries are already on the path towards democracy. In others, there is a little or no political will by the political leadership to effectively move towards democratic change. In countries emerging from or threatened by conflict or in situation of fragility, the international community may find itself engaged in democracy building as part of ‘state-building’ and stabilisation efforts. These factors, together with the individual characteristics of each country, will determine the type and level of EU engagement as well as the best mix of instruments to be used.

### *Analysis*

Democracy building is a complex, long-term process touching the very heart of a country’s sovereignty. Any outside support to this process should therefore take as its **starting point an in-depth analysis of a country’s situation** with regard to democracy.

- Any EU action should be based on a deep understanding of the local context, preferably produced by relying on local information sources to the extent possible, and be specifically tailored to it (not a ‘one size fits all’ approach).
- The country analysis should draw on existing analytical tools developed by various EU actors. These include governance profiles (for ACP countries), HoMs reports, EUSR reports and human rights factsheets. The various tools should be used to complement each other better. Where necessary, they should address the issue of democracy in a more systematic way, taking account of the recommendations of EU EOMs when appropriate. Analytical tools developed by external actors should also be considered when relevant.
- Regarding the governance profile, efforts are under way to involve Member States at all stages of the process in a timely manner, in order to have the profile used more intensively as an EU tool and, where appropriate, in bilateral programming<sup>16</sup>.
- **Country Strategy papers (CSP)** should address the issue of democracy more systematically and draw on the analytical tools mentioned above. Wherever appropriate, an analysis of the state of democracy should be built into other existing CSP chapters such as the political chapter or the human rights chapter.

### *Level of engagement*

The EU’s strategy towards a country or region, and the specific situation of each country, will determine to what extent the EU can or wants to become engaged in democracy building. The willingness and commitment of a country’s political leadership to advance along the path of democracy also need to be taken into account.

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<sup>16</sup> May 2009 Council conclusions.

- **Democracy vs. other policy objectives.** The development and consolidation of democracy is just one of several objectives of the EU's external policies, so it cannot be the sole and overriding consideration in the use of EU instruments. However, it is necessary to ensure that democracy building does not lose out to short-term considerations in cases where it is a long-term objective of the EU.
- Even in situations where democracy building is not the first priority, the EU should avoid any actions that harm or undermine long-term prospects for democracy in a country or region. Democracy should be integrated firmly into a policy framework where it is a recognised and confirmed objective, together with the other objectives listed in Art 11 TEU, and where short-term concerns do not systematically override or harm the long-term objective of democracy building.
- If the EU decides to engage in democracy building in a given country, it needs to be prepared to follow through and be committed for the long term.

### *Appropriate mix of instruments*

The **best mix of instruments** for democracy building should be determined based on the EU Strategy towards a country, the aforementioned analytical tools and of course the country-specific situation. Both short-term measures and long-term development approaches have their place in the toolbox.

- **Integrating cross-cutting issues ('mainstreaming').** While democracy is 'mainstreamed' into most EU policies and instruments, this has not necessarily translated into impact or progress on the ground. Democracy building tends to get lost amongst a plethora of other cross-cutting issues. More 'mainstreaming' is not necessarily the answer to achieving more effectiveness or even coherence. What is needed is a tailor-made, country-specific approach which uses the most appropriate mix of instruments to further democracy-building objectives and principles such as transparency, accountability, participation and inclusion.
- **In countries already on the path to democracy,** the EU should continue to engage in electoral support, dialogue, support to civil society and media as well as paying due attention to supporting relevant institutions such as parliaments and other representative bodies, political party fora, ombudsperson's offices and press councils.
- In countries whose government resists democratic change and where fundamental rights and freedoms do not exist or are severely restricted, it may still be possible to discuss certain issues related to democracy with the government, such as the rule of law and respect for human rights. In cases where the suspension clause of an agreement is invoked (such as Article 96 of Cotonou), democracy-related issues feature prominently in the political dialogue. In parallel, or in cases where such discussions are not possible, the EU works with alternative actors, mostly non-state actors, as part of the more innovative approaches needed to support 'democracy actors' in the country, promote access to information and free media, and foster people-to-people contacts.

- In **fragile or post-conflict situations**, ESDP crisis management missions and operations, together with more long-term instruments, can play a role in stabilisation. The provision of political advice to government authorities, for instance in the areas of security sector reform or the rule of law, is a strategic lever for democratic change. Community ‘flanking measures’ can complement ESDP actions and continue the work once the crisis management mission or operation has completed its task.
- In all cases, the EU is committed to the equal participation of men and women in democratic life. Some ways of achieving this are specific civic education campaigns for women and gender-specific quotas. Youth, making up a considerable share of the population in many countries, is a potential force for change and should be addressed through specific action, for example in the education sector.

## 2. Dialogue and partnership

Building true partnerships based on dialogue and consultation ensures ownership of democratic processes.

- Democracy building should, wherever possible, be treated as an item in its own right in EU dialogues with partner countries.
- A number of **dialogues** are often ongoing at country level dealing, in a more or less coordinated manner, with aspects pertaining to democracy and democracy building<sup>17</sup>. Efforts should be made to use these different dialogues in a more consistent and coordinated manner.
- The EU should continue its established practice of looking for innovative ways to involve civil society, political parties and other non-governmental political players in the dialogues (e.g. the organisation of CSO events prior to human rights dialogues, Article 8 dialogues, etc.).

## 3. EU Coherence and coordination

**Policy coherence and coordinated use of instruments**, both within and across ‘pillars’ are challenges which are not specific to democracy building. They derive from institutional structures and the division of competences, and have been addressed in previous EU policy documents aiming to increase the coherence, effectiveness and visibility of EU external action within the present Treaty context. Many of the proposals contained in these documents are designed to increase consistency and coherence between different policy areas and instruments, but are also relevant for democracy building.

- Enhancing **coherence and coordination** between different actors and instruments calls for closer coordination at the decision-making level and at country level.

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<sup>17</sup> e.g. political dialogues, local troika dialogues, human rights dialogues, human rights sub-committees, JLS sub-committees, Cotonou Art. 8 dialogues, PCA dialogues, Strategic Partnership Action Plan dialogues, programming dialogues, etc.

This should start from the country analysis stage and continue from the planning to the implementation phase.

- At the decision-making level, early and regular exchange of information between the Commission, Member States and/or the relevant Council bodies according to established procedures in prioritising, planning, preparation and implementation of initiatives contributing to democracy promotion (in particular measures under Instrument for Stability and EU EOMs) are essential to ensure consistency with the EU's foreign policy objectives and complementarity with other EU activities. The relevant Council bodies should be fully involved and closely follow and discuss strategic orientations for enhancing democracy-building efforts in specific countries, including by receiving Commission and/or EOM Chief Observer debriefs on the progress and outcome of EU EOMs
- Systematic and timely follow-up to recommendations by the EU EOMs could be ensured through more coherent use of Community and CFSP instruments through better implementation of the 2001 Council conclusions on Election assistance and observation. EU EOM recommendations could be used as a reference to identify areas where assistance can be provided to the authorities and non-governmental stakeholders.
- At the country level, improved information sharing and better coordination of planned and ongoing activities in the area of democracy building among the EC Delegations, ESDP missions or operations, EUSRs and the Embassies of the EU Member States would bring synergies with tangible effects on the ground.
- An EU policy framework for democracy support can only achieve its full potential if the Member States' policies and activities contribute to and support such a framework.

#### **4. Cooperation with other actors**

- Cooperation with regional organisations, the UN and other partners should be recognised and promoted as an important vector for the EU's democracy building activities and a way to enhance the effectiveness, geographical reach and credibility of EU action.
- The EU should encourage the exchange of best practices, particularly at regional level, and support relevant mechanisms (such as the African Peer Review Mechanism), wherever available, to lay the ground for improved cooperation with other international and regional stakeholders.
- EU EOM recommendations to improve electoral processes should be systematically used as a key input for dialogue with other donors at country level.

#### **5. Visibility**

Lack of coordination and dispersion of efforts by multiple EU actors and initiatives can lead to poor visibility of EU action.

- Visibility should not be considered an end in itself but should be consistent with the purposes of EU democracy-building efforts. In some countries, keeping a low profile may be more effective.
- More visibility could be given to democracy issues in various **EU annual reports**, including development cooperation, country reports and the EU Report on Human Rights, for instance by including a separate section on EU support to democracy building.

## **Annex**

### **Geographic/regional policies and instruments**

- Enlargement/SAP/Pre-accession
- European Neighbourhood Policy
- Africa, Caribbean, Pacific
  - Cooperation with third countries and regional/international organisations

### **Horizontal/cross-cutting (and thematic) policies and instruments**

- Human Rights and democracy clauses
- Political dialogue and Human rights dialogues
- JLS Subcommittees
- EU Guidelines on Human Rights
- EIDHR, incl. EU EOMs
- Non State Actors
- Council conclusions, declarations and demarches
- Restrictive measures (sanctions)
- EUSRs
- Situations of fragility

### **Crisis management policies and instruments**

- ESS
- ESDP missions/operations
- Instrument for Stability

## **Geographic/regional instruments and policies**

### **Enlargement (Stabilisation and Association Process)**

The Treaty of the European Union indicates that any European country which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, may apply to become a member of the Union. Furthermore, the '[Copenhagen criteria](#)' require a candidate country to have stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities.

Therefore, compliance with the political criteria features prominently in the Accession and European Partnerships and the situation is detailed in the European Commission's annual Progress report.

Accession also requires the candidate country to have created the conditions for its integration by adapting its administrative structures and that the legislation is implemented and enforced effectively through the appropriate administrative and judicial structures. The candidate countries and potential candidates' institutions and decision-making processes need therefore to be effective and to be in a position to continue financing its policies in a sustainable manner. Most importantly, they need to be accountable as well.

Furthermore, while democratic principles and values are mainly realised through political institutions and practices they are also often shaped by national history, culture, social and economic factors. It is therefore a multi-faceted, multi-disciplinary process which needs to be addressed holistically both top down e.g. development of legislation, and bottom up e.g. by grass root initiatives and pilot actions.

The EU provides focused pre-accession financial aid to the candidate countries (currently: Croatia, Turkey and the former Yugoslav Republic of Macedonia) and to the potential candidates (Albania, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo under UN Security Council Resolution 1244). This financial assistance is intended to help beneficiaries to introduce the necessary political, economic and institutional reforms in line with EU standards. A key focus of assistance is to support political reform, in particular institution building, strengthening the rule of law, human rights, protection of minorities and the development of civil society.

It is on this basis that a limited number of areas have been identified for IPA support, either at national or multi beneficiary level. Assistance focuses on Democracy and the Rule of Law, including Public Administration reform, Human Rights and the Protection of Minorities, Regional Issues and International Obligations, and Civil Society Dialogue and Development.

This support to the area of Political criteria, while varying from country to country and multi-beneficiary can represent around 30% of annual budget allocations.

## European Neighbourhood Policy (ENP)

- **European Neighbourhood Action Plans:** The centre pieces of the European Neighbourhood Policy are the bilateral ENP Action Plans. The **Action Plans** are negotiated with and tailor-made for each country, and define an agenda of political and economic reforms by means of short and medium-term (3-5 years) priorities. An important part of the political section, but also the other sections, is linked to democracy building and support. The incentives on offer, in return for progress on relevant reforms, are greater integration with the EU and increased assistance. Twelve such ENP Action Plans are being implemented — with Israel, Jordan, Moldova, Morocco, Occupied Palestinian Territory, Tunisia and Ukraine, Armenia, Azerbaijan and Georgia, and Lebanon and Egypt. The political reform agenda of the ENP partners is highly differentiated, reflecting the varying commitments made and their willingness and capacity. In addition, in the east, all ENP partners with Action Plans are members of the OSCE and the Council of Europe, which contributes to a particular reform agenda linked to the fundamental standards in the EU. In the south, the reform agenda is based on the agreed values enshrined in the Barcelona Declaration and takes these and UN commitments as benchmarks. Civil society is involved in the preparation of progress reports.
- **Eastern Partnership (EaP)** is a complement to the ENP, but goes further in deepening EU engagement with Eastern European neighbours (Armenia, Azerbaijan, Georgia, Belarus, Moldova and Ukraine). The overall objectives of the EaP are to forge closer relations between the EU and its neighbours, bringing a political message of EU solidarity alongside additional, tangible support for their democratic and market-oriented reforms and the consolidation of their statehood and territorial integrity, and to advance their reform agenda by: (1) Support to partner countries reforms through a Comprehensive Institution-Building programme (CIB) addressing all relevant sectors of cooperation; (2) An EaP Multilateral dimension, including support for a restricted number of flagship initiatives; (3) Addressing economic and social disparities between regions within a partner country and increasing their internal cohesion through supporting economic and social development. The expected results include progress in implementing agreed reforms; a legislation more in line with the EU *acquis*; reduction of internal economic disparities and increased internal stability. Dedicated meetings, so called platforms, will contribute to a structured approximation process, supported by the comprehensive institution-building programmes. One of these is devoted to Democracy, good governance and stability. While their individual stages of reform differ, partner countries face similar challenges in developing stable democratic institutions and effective state structures at the service of their citizens and in complying with commitments stemming from their Council of Europe and OSCE memberships. The work under this platform will include governance peer reviews and exchanges of best practices to address issues such as electoral standards, regulation of the media or combating corruption. Panels will be established under each thematic platform, to support the latter's work in specific areas. The Commission intends to supplement the current ENPI envelope with €350M in addition to the appropriations already

programmed for the period 2010-13. In order to address the most immediate needs the ENPI Regional Programme East will be refocused with approximately €250 million to kick-start activities. As the first meeting of the platform on democracy will only take place on 5 June, it is too early to analyse the impact on democracy building in the region.

- **Governance Facility (GF):** On the basis of the ENP progress reports, funds under the Governance Facility are awarded in order to provide additional financial assistance for the countries that advance most with domestic reforms. A specific feature of the GF is that it is not measuring absolute levels of governance but makes a relative measure, assessing the level of ambition and progress against agreed commitments. Ambition and commitments vary from country to country. Therefore, a fully consistent approach with quantifiable indicators cannot be developed. It should be noted that the baseline country allocations already take into account governance-related indicators. If future allocations are in even higher degree based upon the governance and the democracy building of a given country, the GF could be subsumed herein
- **Cross-border cooperation (CBC)** operates for the benefit of the populations on both sides of the EU's external border. The core policy objectives of CBC are to support sustainable development, to help improve living standards, and to address the challenges and opportunities that are common to regions on both sides of our land and sea borders. In particular, CBC is intended to promote economic and social development; address common challenges in fields such as environment, public health and the prevention of and fight against organised crime; ensure efficient and secure borders; and to promote local cross-border 'people-to-people' actions. CBC programmes can stimulate local democracy and promote good governance at local level. The programming process is participatory and bottom up and thus promotes democracy at 'grassroots level'. The implementation of joint projects fosters the exchange of best practices between local actors and ultimately leads to improving local governance. Measures financed, in particular under the last objective 'people-to-people' actions have a direct impact on democracy building. The CBC programmes are still in their initial implementation phase. It is premature to assess the relevance of CBC for democracy building.

### **Africa, Caribbean, Pacific (ACP)**

In the ACP region The Commission employs three main instruments to support the democratization process in third countries: political dialogue, mainstreaming of democratic values and dedicated financial and technical assistance programmes. This includes (i) Political dialogue measures encourage partner governments to integrate democracy and human rights as part of their development plans and identifies opportunities for EC assistance to contribute to those objectives; (ii) Support to development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms are reflected in the association and partnership agreements that the EU concludes with third countries.; and (iii) The Commission's financial and technical assistance programmes at supporting democratic governance and more specifically with a democracy building focus on five key areas: promoting fair, free and transparent electoral processes; strengthening the institutional and organisational capacities of parliaments; promoting an independent

and professional media; encouraging genuinely pluralistic political systems; and capacity development for Non State Actors (NSA)

- **Cotonou Agreement:** The Agreement is the basis for political dimension/political dialogue (article 8), as well as, the European Development Fund (EDF), which provides the financial envelopes to support the fulfilment of the regular Country Strategy Papers for the ACP states. The political dimension of the Cotonou Agreement relevant for democracy primarily relates to articles 8 (political dialogue), 9<sup>18</sup> (essential elements and their link to articles 96/97) and annex VII. Article 8 foresees a regular, comprehensive and in depth political dialogue with all ACP countries and defines its objectives and scope. The objectives of the dialogue are to exchange information, foster mutual understanding and define common priorities and shared agendas. It should promote a stable and democratic political environment.
- **European Development Fund:** Co-operation with the ACP countries is governed by the Cotonou agreement<sup>19</sup> which is in provisional application since September 2000. The resources for development co-operation with the ACP countries are channelled through the European Development Fund (EDF). The implementation of the EDF is subject to rules laid down in the Implementing Regulation n. 617/2007. The Cotonou Agreement entered into force on 1<sup>st</sup> July 2008. Comprehensive guidelines for programming of the 10th EDF (2008-2013) guide the process of allocation of resources in partnership with the partner government on the basis of an agreed and ratified Country Strategy Paper (CSP). There are a number of elements of the 10th EDF financial support which are directed at democracy building including support to development and consolidation of democracy and the rule of law and of respect for human rights and fundamental freedoms are reflected in the association and partnership agreements that the EU concludes with third countries.
- **Governance Initiative** is the main incentive-based instrument for enhancing dialogue and progress on issues of democratic governance in ACP states.. €2.7 billion from the 10<sup>th</sup> European Development Fund were set aside for such incentives: the so-called "governance incentive tranche". It is supported by a country-level Governance Profile that provides international and national indicators on key elements of democratic government including accountability, responsiveness and capability. The partner country is encouraged to undertake relevant, ambitious and credible commitments for reform and put forward a Governance Action Plan. For Africa in particular, this approach has furthermore

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<sup>18</sup> Annex VII foresees that in framework of an intensified political dialogue on essential elements, joint agendas and priorities may be agreed, specific benchmarks or targets be developed.

<sup>19</sup> The Cotonou Agreement (CA) states<sup>1</sup> that "financial cooperation between the ACP State and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the ACP State concerned".

led to an enhanced Africa/EU dialogue on governance issues in the framework of the Joint Strategy and Action Plan for 2008-2010<sup>20</sup>.

### **Cooperation with third countries and regional/international organisations**

Cooperation with like-minded partners and international or regional organisations is an important vector for the EU's democracy building activities which can enhance the effectiveness, geographical reach and credibility of EU action.

In May 2007, the European Union signed a Memorandum of Understanding with the **Council of Europe**. It foresees that the two organisations will continue to develop and deepen their relations in all areas of common interest, in particular the promotion and protection of pluralistic democracy, the respect for human rights and fundamental freedoms, the rule of law, political and legal cooperation, social cohesion and cultural interchange. The **OSCE/ODHIR** is another important partner in Europe, especially on election monitoring.

The **African Union** has become a key international partner of the EU on issues such as crisis management and the promotion of peace, stability, democracy and development. Following the adoption of the Joint Africa/EU Strategy in December 2007, EU support focused on work towards Africa-led and Africa-owned approaches. In addition to the partnership on 'Democratic Governance and Human Rights' (see above), the dedicated EU-AU Troika dialogue on human rights provides a platform to discuss democracy-related issues. The appointment of a 'double-hatted' EU Special Representative/Commission Head of Delegation to the African Union reflects the common will of the Council and Commission to combine all the instruments of the EU and thereby ensure a coherent approach towards Africa at all levels.

Another important dimension of EU policy has been to strengthen **international instruments of human rights and international justice**. The EU has been a major supporter and advocate of the International Criminal Court. But while the EU coordinates its positions with a view to speaking with one voice in UN human rights fora such as the Human Rights Council and the UNGA Third Committee, this is not the case for international fora on democracy, such as the Community of Democracies, the Forum for the Future of Democracy (Council of Europe) or the International Conference on New and Restored Democracies.

The US has been a principle partner for the EU on democracy building, although there has been a marked difference of approach especially under the last US administration. During the last annual **EU-US Summit** (June 2008) 'promoting peace, human rights and democracy worldwide' was among the three main areas identified for

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<sup>20</sup> An assessment was recently carried out by the Commission and Council Conclusions SEC(2009) 58 Final. The Governance Initiative (the process, the instruments and the tools) is innovative and well adapted to the EU policy approach to supporting democratic governance. It seems to be an initiative that has good potential to promote reforms owned by partner countries and to facilitate dialogue between partners. The main shortcomings of this Governance Initiative process lie in the uncertainties and changes in the method in the months immediately after the process was launched.

cooperation. Nevertheless, there was close coordination with regard to certain countries, for instance on Belarus.

The EU cooperates with other regional partners who share the values of democracy and the rule of law, for instance with ASEAN and some of its members (e.g. Indonesia, Philippines) in promoting democracy in Burma/Myanmar.

### **Horizontal/cross-cutting (and thematic) policies and instruments**

- **Human rights and democracy (HRD) clauses<sup>21</sup>**. Since 1995, the EU has systematically included a standardised ‘human rights and democracy clause’ as an essential element of non-sectoral/mixed agreements concluded with non-industrialised third countries<sup>22</sup>. The clause now features in agreements covering more than 120 countries, including the Cotonou Agreement which has been signed with 78 African, Caribbean and Pacific (ACP) states. The clause has been generally complemented by a suspension mechanism providing for the possibility of suspending the agreement or parts thereof, including without prior consultation in the case of ‘special urgency’. A review of past practice regarding the application of the suspension mechanism shows that the EU has invoked the clause only on occasions of significant and dramatic regression from the status quo — notably flawed elections or a coup d’état — by ACP countries only<sup>23</sup>. The suspension mechanism has never been used in the case of other third countries or as a basis to suspend trade concessions. In more recent agreements, HRD clauses have been complemented by provisions on human rights cooperation, which has led to the establishment of Commission-led Joint Committee Sub-groups on human rights in a number of countries (e.g. Vietnam, Bangladesh, Cambodia, and Laos).
- **Political dialogue and Human Rights dialogues<sup>24</sup>**. The Union has developed a substantial network of political dialogue commitments ranging from expert to ministerial level. Political dialogue provides an opportunity to raise issues relating to democracy with the authorities of third states in a confidential setting. In addition, there are currently some 37 dialogues and consultations dedicated only to human rights which come in various formats, including structured human rights dialogues (e.g. China), agreement-based dialogues stemming from human rights clauses in various agreements (e.g. ENP Association Agreements), troika consultations with like-minded countries (e.g. US, Canada, Japan) and ad-hoc dialogues including local Troika dialogues. In some countries, Troika HR dialogues operate in parallel with agreement-based dialogues stemming from human rights clauses in a Cooperation agreement (e.g. Vietnam). EU Guidelines on Human Rights dialogues with third countries<sup>25</sup> list the ‘promotion of the processes of democratisation and good governance’ among the issues to be discussed. Human rights dialogues systematically address specific human rights issues relevant to building sustainable democratic societies including respect for freedom of expression and information, including media, the right to peaceful

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<sup>21</sup> Human rights and democracy clauses feature both in Community and mixed agreements.

<sup>22</sup> Doc. 7255/95 ‘Human rights clauses in Community agreements with non-member countries’.

<sup>23</sup> Article 96 of the Cotonou Agreement has been invoked in at least 20 cases since 1995.

<sup>24</sup> these instruments are not specific to the CFSP but can be employed under all 3 pillars of the Union.

<sup>25</sup> Doc. 16526/08 (revised Guideline adopted by AGRI Council on 19 January 2009).

assembly, the situation of human rights defenders, the functioning of civil society as well as economic, social and cultural rights such as health or education. Democracy is seldom addressed as such, even though rule of law issues including the reform and independence of the judicial system, as well as the electoral law are addressed in a number of human rights dialogues. There is scope to better integrate the recommendations of EU Election Observation missions in human rights dialogues.

- **JLS Subcommittees:** JLS Subcommittees are established in the framework of Stabilization and Association Agreements and Partnership and Cooperation Agreements with third countries. Currently they are in place (sometimes with a different name and format) with Russia, Ukraine, Moldova, Kazakhstan, Uzbekistan, Georgia, Croatia, Turkey, FYROM, Albania, Serbia, Bosnia and Herzegovina, Montenegro, Kosovo, Morocco, Jordan, Israel, Tunisia, Algeria, Egypt, Lebanon. As they cover issues as judiciary and justice reform, fundamental rights, anti-corruption and fight against organized crime, visa and borders policies, migration, and law enforcement cooperation, they represent a key instrument for promotion of rule of law and protection of human rights in the dialogue with third countries, as cornerstones of democracy building. The differences between the countries concerned do not permit a comprehensive assessment of performances. However, the format remains a key feature for addressing general justice and home affairs issues (rule of law, separation of powers, independence of the judiciary) as well as policies with a direct and strong impact to citizens' liberties and daily problems (such as freedom of movement, visa policies), both at a political/senior officials level and at working operational level.
- **EU Guidelines on human rights** cover issues of particular importance to the EU and offer practical guidance on implementation. Since 1998, the Council has adopted eight sets of Guidelines<sup>26</sup> of which the one dealing with Human Rights Defenders is perhaps of particular relevance to democracy building. It is aimed at supporting and protecting individuals, groups and organs in society that seek the promotion and protection of universally recognised human rights and fundamental freedoms. Such groups and individuals are often vocal advocates for democracy or democratic principles and can play a prominent role in locally-driven processes towards establishing or consolidating democracy. Commission Delegations and diplomatic missions of EU Member States in third countries have a crucial role in the concrete implementation of the EU guidelines. Local strategies have been established in around 60 countries, but there is scope to step up efforts to implement the strategies in certain countries or to extend the number of countries having a local implementation strategy. Reflections are ongoing on whether the strategies should be made public to enhance their visibility and facilitate the participation of local civil society actors.
- **European Instrument for Democracy and Human Rights (EIDHR)**<sup>27</sup>: EIDHR was adopted by the European Parliament and the Council in December 2006 replacing the European *Initiative* for Democracy and Human Rights, which was created at the initiative of the European Parliament in 1994. EIDHR is global in

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<sup>26</sup> <http://www.consilium.europa.eu/showPage.aspx?id=822&lang=EN>.

<sup>27</sup> Regulation (EC) No 1889/2006 of the European Parliament and of the Council, 20.12.2006, OJ L 386, 29.12.2006, p.1 ([http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents\\_en.htm](http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm)).

scope and operates at national, regional and international levels, supporting actions carried out in third countries throughout the world, and also in Member States if relevant to needs in third countries. The general objectives of EIDHR are to contribute to the development and consolidation of democracy and the rule of law and respect for all human rights and fundamental freedoms within the framework of the Community's policy on development cooperation and economic, financial and technical cooperation with third countries, consistent with the European Union's foreign policy as a whole. The 2007-2010 Strategy paper sets out five specific EIDHR objectives: 1) Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk; 2) Strengthening the role of civil society in promoting human rights and democratic reform, supporting the peaceful conciliation of group interests and consolidating political participation and representation; 3) Supporting actions on human-rights and democracy issues in areas covered by EU guidelines, including dialogues on human rights, human-rights defenders, the death penalty, torture, and children and armed conflict; 4) Supporting and strengthening the international and regional frameworks for the protection of human rights, justice, the rule of law and the promotion of democracy; and 5) Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation. EIDHR aims to enhance democracy promotion through strengthening civil society organisations, through addressing issues such as rule of law, international justice, through its focus on fundamental freedoms among others, and also through the inclusion of political foundations and parliamentary bodies among its applicants. This instrument is designed to help civil society to become an effective force for political, democratic reform and defence of human rights. In doing this, it clearly complements the new generation of geographical programmes, which focus on public institution-building. Flexibility and increased capacity to respond to changing circumstances or to support innovation, plus independence of action, since it does not need the consent of the governments of the countries concerned for the financing activities, are among the features that gives EIDHR a clear added value in its work on democracy building. This added value could however be even further articulated. According to its regulation "Democracy and human rights are inextricably linked". This means that most EIDHR actions aim both at protection and promotion of human rights as well as to democracy building. In order to further strengthen democracy building, EIDHR has, since 2002, made a considerable increase of its in country specific small scale projects (Country Based Support Schemes - CBSS) in order to further enhance local ownership and improve access by civil society organisations from the countries and regions concerned. There is an increasing number of projects at country level being selected by Delegations, which targets NGOs that do monitoring of elections and awareness-raising campaigns in relation to electoral processes in their countries.

- **EU Election Observation Missions (EU EOMs)** are financed under the Community budget, through EIDHR, within a budgetary limit of 25% of annual expenses. Since 2000 over 60 EU EOMs were conducted in Sub-Saharan Africa, Latin America and the Caribbean, Asia, the Pacific and the Middle East.

EU EOMs are characterised by long-term presence in the host country and country-wide deployment of observers. The EU methodology also implies a

rigorous, comprehensive and independent assessment of the main features of an election process, such as the legal framework, electoral campaign or media situation, as well as public statements on the election process and its compliance with international standards as set out in major international and regional Human Rights instruments. EU EOMs vary in size according to the specific conditions (geography, demography and electoral system) of the country observed (usually missions are of a size of 80 - 150 observers).

There is a well established division of roles between EU Institutions that reflects good inter-institutional cooperation and complementarities. The EU EOM Chief Observer is, in nearly all cases, a sitting MEP, and EP observer delegations integrate into the EU EOMs. Individual long-term and short-term observers are selected through an established system of co-operation between EU Member States and Commission. Planning, prioritisation and execution of EU EOMs is coordinated with the Council in order to ensure consistency with the EU's foreign policy objectives, by consulting the competent Council bodies on EU EOM priorities, keeping them fully informed along the electoral process. Commission services supervise the implementation and look after the follow up of EU EOM recommendations; follow-up to the findings and recommendations of an EU EOM can also be, as appropriate, followed up in the political dialogue. Local Member States embassies and EC Delegations as well are closely involved in the preparation and follow-up of an EU EOM, to draw on their local expertise and with a view to achieving a consistent EU approach towards democracy building.

Past experience has shown the limitations in terms of effectiveness and sustainability of short term interventions covering only a specific electoral event. Such limited support, often through temporary or “ad hoc” institutions and massive deployment of international expertise, yields little effective knowledge transfer or capacity building to ensure the sustainability of the electoral process, the independence and transparency of the electoral management bodies (EMB) concerned and the consequent democratic development of the recipient country. To respond to these challenges, the EC has adopted a longer term strategy of support to the overall electoral cycle approach using the results of the EU independent observation missions as a basis for designing electoral assistance projects funded on the geographical instruments of cooperation.

- **Non State Actors and Local Authorities in development:** Set up by Article 14 of the DCI, the thematic programme ‘Non State Actors and Local Authorities in development’ is an ‘actor-oriented’ thematic programme aimed at capacity building through support to ‘own’ initiatives from non-state actors (NSA) and local authorities originating from the EU and partner countries. For the entire period 2007-2013, the DCI foresees a maximum indicative amount of EUR 1, 639 million of which EUR 63. 495 million has been included for ENPI countries<sup>28</sup>. For the 4 first years of the programme, 2007-2010, a maximum amount of EUR 903.

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<sup>28</sup> The programme makes a special case for ENPI countries. In article 38 of the DCI, a total indicative amount of EUR 465 million has been foreseen for thematic programmes to finance activities that benefit ENPI countries. In line with this article, funding of EUR 63.495 million has been foreseen for ENPI countries in this thematic programme. See tables in section 5.4 and 5.5 for breakdown by objective.

316 million has been foreseen of which EUR 30.6 million benefit ENPI countries.<sup>29</sup> Priorities include promotion of an inclusive and empowered society in partner countries to facilitate non-state actors and local authorities' participation in poverty reduction and sustainable development strategies. This programme seems to be a useful instrument to enhance democracy building in partner countries in so far as it aims at reinforcing civil society actors and local authorities institutions and should allow them to better interact with states. However given the limited financial amount it has been entrusted with (around 200 millions per year) it might be seen as a complementary instrument to support actions undertaken under geographical programmes. During the mid-term review that will take place in the coming months, ways of improving subsidiarity/complementarity with geographical programmes will be explored in order to reinforce the impact of the programme.

- **Council conclusions and CFSP statements/declarations and demarches.** While not legally binding, Council conclusions and 'CFSP Declarations by the Presidency on behalf of the European Union'<sup>30</sup> are important instruments in the definition and implementation of CFSP. The Council also expresses an agreed EU position through public Democracy and elections regularly feature in Council conclusions and CFSP declarations which are widely publicised and therefore highly visible for the outside world. They can convey strong messages of condemnation or encouragement for all to hear and are instrumental in clarifying and articulating the EU position. This contributes to the gradual shaping of EU external policy. The impact of conclusions/declarations will to a large extent depend on the receptivity of the target country/audience. Demarches provide an opportunity to deliver politically sensitive messages directly to third country authorities behind closed doors, thus avoiding the 'loss of face' often associated with public declarations.
- **Restrictive measures (sanctions).** The European Union may apply<sup>31</sup> sanctions or restrictive measures against third countries, entities or individuals in pursuit of the specific CFSP objectives as set out in Article 11(1) TEU, including the development and consolidation of '*democracy and the rule of law, and respect for human rights and fundamental freedoms*'. They are normally used as part of an integrated, comprehensive policy approach combining pressure ('sticks') with incentives ('carrots'). The EU seeks to garner wide international support for EU autonomous sanctions so as to enhance their effectiveness and prefers the use of targeted ('smart') sanctions, such as arms embargoes, visa bans and the freezing of funds so as to maximise impact on those whose behaviour one wants to change while reducing any adverse humanitarian effects or unintended consequences for the general population or neighbouring countries. Sanctions are regularly reviewed in order to assess if they are still justified with regard to the objectives

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<sup>29</sup> See tables in section 5.4 and 5.5 for breakdown by objective.

<sup>30</sup> 'Presidency statements' are sometimes used in situations of particular urgency but they do not reflect the position of the Union as a whole.

<sup>31</sup> Sanctions or restrictive measures (the two terms are used interchangeably) can be imposed by the EU either on an autonomous EU basis or implementing binding Resolutions of the Security Council of the United Nations.

stated. Concrete examples of EU autonomous sanctions applied in recent years as levers for democratic change and the improvement of human rights and fundamental freedoms include those imposed on Belarus, Zimbabwe, Uzbekistan, Burma/Myanmar. They have been eased/tightened in response to developments on the ground. Any assessment needs to be carried out on a case-by-case basis, in accordance with the specific objectives of the sanctions regime as laid down in the respective legal act and in line with the Guidelines. ‘Lessons’ from designing and implementing restrictive measures feed the regular policy debates in geographical Council Working Groups (and/or PSC/Coreper) on the introduction, extension, suspension or termination of sanctions regimes. A ‘sanctions formation’ of the Foreign Relations Counsellors Working Party (RELEX) develops best practice on implementation of restrictive measures.

- **EU Special Representatives (EUSRs)** are appointed by the Council and entrusted ‘with a mandate in relation to particular policy issues’. They act, within the limits of the mandate, as a representative of the European Union<sup>32</sup> under the authority and operational direction of the SG/HR. Currently, eleven EUSRs cover the following countries/regions: Afghanistan, the African Great Lakes Region, the African Union, Bosnia and Herzegovina, Central Asia, Kosovo (under UNSCR 1244), the former Yugoslav Republic of Macedonia, the Middle East, Moldova, the South Caucasus and Sudan. They provide the EU with an active political presence in troubled or post-conflict countries and regions, promoting peace, stability and the rule of law. Mainstreaming of human rights into CFSP/ESDP has resulted in a systematic inclusion of human rights issues as part of EUSR mandates and the nomination of ‘human rights focal points’ in the teams of the Special Representatives. Democracy or democratic principles, on the other hand, feature in different and sometimes implicit ways in the EUSR mandates. As an example, the EUSR for the South Caucasus is tasked with developing ‘contacts with governments, parliaments, judiciary and civil society in the region’ in order ‘to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction.’<sup>33</sup> In line with EU policy for the region, the role of EUSRs in the Balkans has a strong element of democracy building even though this is not always clearly spelt out in their mandates (the mandates for BiH and FYROM do not contain the words ‘democracy’ or ‘democratic’). The model of ‘double-hatting’ EUSRs<sup>34</sup> in the Balkans is interesting in ensuring better coordination and coherence between various EU instruments deployed in the region and has also been applied to the newly created post of EUSR/Head of Delegation to the African Union (AU) in Addis Ababa

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<sup>32</sup> Notwithstanding the role of the Presidency as representative of the Union on all CFSP matters under Article 18(1) TEU.

<sup>33</sup> Council Joint Action 2009/133/CFSP of 16 February 2009 extending the mandate of the European Union Special Representative for the South Caucasus, OJ L 46/53 of 17.2.2009.

<sup>34</sup> the EUSR for FYROM the same time heads the European Commission Delegation; the EUSR for BiH has been appointed High Representative for BiH by the Steering Board of the Peace Implementation Council, and the EUSR for Kosovo is International Civilian Representative with the task of promoting overall EU political coordination.

- **Situations of Fragility:** The EU response to situations of fragility is not specifically geared towards the building of democracy. Current thinking focuses rather on the notion of state building which is understood as an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. From the outset the focus is therefore rather on looking at what works and what are the citizen's expectations on the ground and, on this basis, look for channels to support the country's resilience by either supporting the legitimacy of the state and its institutions (where appropriate — here indeed some link to democratic legitimacy) *or* by other channels that give space for the interplay between the state and its society. Democracy building as such is addressed in this framework in particular by the means of political dialogue and peace building activities (e.g. elections), as well as in the framework of support to state institutions that adhere to the requirements of democratic governance.

### **Crisis management policies and instruments**

- The **European Security Strategy (ESS)**<sup>35</sup> recognises that *'The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.'*

Most if not all the instruments available to implement the objectives of the Common Foreign and Security Policy (CFSP) can be used for the purposes of democracy building. It difficult to assess the effectiveness of the individual CFSP/ESDP instruments in relation to democracy building. First, the development and consolidation of democracy is but one of several CFSP objectives and cannot be the sole and overriding consideration in the use of CFSP instruments. Second, CFSP/ESDP instruments are often used in conjunction with other instruments and used as part of a wider strategy towards a country or region. Any meaningful assessment of the effectiveness of CFSP/ESDP instruments towards democracy building objectives would have to be done on a case-by-case basis.

- **EU crisis management operations.** The European Security and Defence Policy (ESDP) has expanded rapidly both as regards the diversity of its actions, their geographic scope and the number of missions and operations. While democracy building is not a stated aim of ESDP missions as such, many EU crisis management operations/missions contribute to building democratic states, democratic governance and the rule of law. Since the first EU police mission in Bosnia and Herzegovina was launched in 2003, the EU has launched a total of 19 operations (military) and missions (civilian) from the Western Balkans to the

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35 'A secure Europe in a better world- The European Security Strategy' (approved by the European Council on 12/13 December 2003).

South Caucasus, Africa, the Middle East, and Asia. 12 of these are still ongoing as of June 2009. The four priority areas for ESDP civilian action identified in 2000<sup>36</sup> — police, strengthening the rule of law, civil administration and civil protection — are of particular relevance to democracy building and there has also been a growing demand for security sector reform. Examples of ESDP's contribution to democracy building include:

- **Police:** the EU Police mission (**EUPM**) in **Bosnia and Herzegovina (BiH)** aims through mentoring, monitoring, and inspecting to establish a sustainable, professional and multiethnic police service in BiH. It also increasingly focuses on fighting organised crime and corruption as key spoilers of state-building efforts.
- **Rule of Law: EULEX KOSOVO**, with some 1700 international staff the largest ever civilian ESDP mission to date, aims to support the Kosovo authorities by monitoring, mentoring and advising on all areas related to the rule of law, in particular in the police, judiciary, customs and correctional services.
- **Security Sector Reform (SSR)** helps to establish democratic oversight over the armed forces and tries to make respect for the rule of law and human rights part of the culture of security forces. **EU SSR Guinea-Bissau** provides advice and assistance in order to contribute to creating the conditions for implementation of the National Security Sector Reform Strategy.

EU crisis management operations contribute both directly and indirectly to democracy building. Stability and democracy building are mutually reinforcing: a certain degree of stability is necessary in order to develop democratic institutions and processes. EU military operations can contribute to providing a safe and secure environment for democracy to take root. On the other hand, democracy is a tool for conflict prevention and resolution and stability over the long term can only be ensured through legitimate, representative government, the rule of law and respect for human rights. Civilian ESDP missions in the areas of the rule of law, police or security sector reform help put in place key building blocks for democracy. Efforts to reinforce and if necessary restore credible local police forces can only be successful if a properly functioning judicial and penitentiary system backs up the police forces. EU crisis management is never a stand-alone operation but is embedded in wider efforts to bring about political change. Regular 'lessons learnt' exercises are conducted for crisis management operations. Efforts to mainstream human rights and gender into ESDP from the first missions in 2003 to today have also started to bear fruit: for instance, there is now a compilation of relevant texts for mission planners and it is established practice that new missions have a human rights and/or gender advisor as part of their staff.

- **Instrument for Stability — Crisis Response (IfS).**<sup>37</sup> The IfS is a completely new Instrument and was also adopted by the European Parliament and the Council in December 2006. Its crisis response component builds on the previous Rapid Reaction Mechanism, but with a considerable increase in financial allocations

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<sup>36</sup> Feira European Council, June 2000.

<sup>37</sup> Regulation (EC) No1717/2006 of the European Parliament and of the Council, 15.11.2006, OJ L 327, 24.11.2006, p. 1. (see: [http://ec.europa.eu/external\\_relations/ifs/index\\_en.htm](http://ec.europa.eu/external_relations/ifs/index_en.htm) and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0001:0011:EN:PDF>).

(€93 million in 2007, and €128 million in 2008) and in duration of programmes (18 months, with the possibility of extension, or of follow-on Interim Response Measures). It is global in scope with the main objective to *contribute to stability by providing an effective response to help preserve, establish or re-establish the conditions essential to the proper implementation of the Community's development and cooperation policies*. Crisis response measures under the IfS do address a wide range of issues, including support to mediation, confidence building, and interim administrations, strengthening democracy and the Rule of Law, transitional Justice, Disarmament / Demobilisation / Reintegration of combatants (DDR), equitable access to natural resources, disaster response and rehabilitation. Such activities can be supported in situations of crisis or emerging crisis, when support can not be provided rapidly enough under other EC financial instruments. Typically, the IfS can be mobilised in case of a major new political crisis or natural disaster, a window of opportunity to pre-empt a crisis or advance on conflict resolution, the urgent need to secure the conditions for the delivery of EC assistance, or alongside CFSP / ESDP actions. Approval procedures are designed to ensure rapid adoption of programmes.

While the IfS operates from a crisis response and conflict mitigation perspective, it is also designed to support democracy building, especially in fragile and/or post-conflict settings, as an integral part of conflict resolution and stabilisation, when programmable Instruments are not available at short notice. Thus, the IfS Regulation under Article 3.2 specifically foresees:

- support for *the development of democratic, pluralistic state institutions, including measures to enhance the role of women in such institutions, effective civilian administration and related legal frameworks at national and local level, an independent judiciary, good governance and law and order;*
- *support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments;*
- *support for measures to support the development and organisation of civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media.*

Under these provisions, the IfS was mobilised at short notice on several occasions since its inception, mainly in support of urgent needs for contributing to meaningful and credible electoral processes in post-conflict or fragile crisis settings: This includes direct support to electoral bodies and civil society actors in the run-up to elections in **Lebanon, Haiti, Chad, Moldova, Fiji, Nepal and Zambia** in 2008/2009 (with a focus on electoral bodies), and in **Georgia and Zimbabwe** 2008 (with a focus on civil society actors), for a total of **€26.5 million**.

In addition, the IfS was also deployed to address urgent needs in other fields of democracy support and consolidation in similar situations: In **Burma**, following the 2007 uprising, support was provided towards a comprehensive conflict

mapping with focus on the constitutional roadmap, and also for the mission of UN Special Envoy Ibrahim Gambari. In **Kyrgyzstan**, the IfS supports constitutional reform by providing expertise to the new Parliament, the *Jogorku Kenesh*, in support of ongoing democratic reforms, in particular for the adoption of secondary legislation in line with the new constitution. In **Armenia**, the IfS supports a high-level advisory expert team to work with the government on democratic reforms in line with the ENP action plan in response to the post-electoral conflicts between government and opposition. In **Somalia**, rapid support was mobilised for the Transitional Federal Institutions in 2008 in an effort to help re-establish democratic governance.

Overall, some 15% of the €220 million in IfS crisis response funding was mobilised towards democracy building and support since 2007.