

3. Democracy and development

2.3.1. Resolution of the Council and of the Member States meeting in the Council on human rights, democracy and development.

1. The Council recalls the European Council Resolution of 29 June 1991 which stated that respect for human rights, the rule of law and the existence of political institutions which are effective, accountable and enjoy democratic legitimacy are the basis for equitable development. It also recalls the 1986 Declaration of Foreign Ministers of the Community on Human Rights (21 July 1986) and reaffirms that respecting, promoting and safeguarding human rights is an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its Member States and other countries. In this regard it stresses its attachment to the principles of representative democracy, of the rule of law, of social justice and of respect for human rights.

2. The Council shares the analysis contained in the Commission's communication of 25 March 1991 and acknowledges that human rights have a universal nature and it is the duty of all States to promote them. At the same time, human rights and democracy form part of a larger set of requirements in order to achieve balanced and sustainable development. In this context, account should be taken of the issue of good governance as well as of military spending.

The Council considers it important that the Community and its Member States should have a common approach aimed at promoting human rights and democracy in developing countries. Such an approach would improve the cohesion and consistency of initiatives taken in this field. The objective of the present resolution is to formulate concrete guidelines, procedures and lines of action.

3. The Community and its Member States recognize the necessity of a consistent approach towards human rights, democracy and development in their cooperation with developing countries. Development cooperation is based on the central place of the individual and has, therefore, in essence to be designed with a view to promoting — in parallel with economic and social rights — civil and political liberties by means of representative democratic rule that is based on respect for human rights. They endorse, on the basis of these principles, the following approaches, instruments and activities.

4. The Community and its Member States will give high priority to a positive approach that stimulates respect for human rights and encourages democracy. An open and constructive dialogue

between them and the governments of developing countries can make a very important contribution to the promotion of human rights and democracy. Various initiatives can be undertaken, for example, through active support for:

- countries which are attempting to institute democracy and improve their human rights performance;
- the holding of elections, the setting-up of new democratic institutions and the strengthening of the rule of law;
- the strengthening of the judiciary, the administration of justice, crime prevention and the treatment of offenders;
- promoting the role of NGOs and other institutions which are necessary for a pluralist society;
- the adoption of a decentralized approach to cooperation;
- ensuring equal opportunities for all.

At the request of the Commission or one of the Member States, the possibility of increased assistance to developing countries in which substantive positive changes in human rights and democracy have taken place will be examined.

5. The Council stresses the importance of good governance. While sovereign States have the right to institute their own administrative structures and establish their own constitutional arrangements, equitable development can only effectively and sustainably be achieved if a number of general principles of government are adhered to: sensible economic and social policies, democratic decision-making, adequate governmental transparency and financial accountability, creation of a market-friendly environment for development, measures to combat corruption, as well as respect for the rule of law, human rights, and freedom of the press and expression. The Community and Member States will support the efforts of developing countries to advance good governance and these principles will be central in their existing or new development cooperation relationships.

6. While, in general, a positive and constructive approach should receive priority, in the event of grave and persistent human violations or the serious interruption of democratic processes, the Community and its Member States will consider appropriate responses in the light of the circumstances, guided by objective and equitable criteria. Such measures, which will be graduated according to the gravity of each case, could include confidential or public *démarches* as well as changes in the content or channels of cooperation programmes and the deferment of necessary signatures or

decisions in the cooperation process or, when necessary, the suspension of cooperation with the States concerned.

The Member States and the Commission will exchange immediate information concerning such measures and consider joint approaches in reaction to violations. They will be informed in such cases through the EPC communications network and particular cases may be further discussed within the Council framework.

7. The Community's response to violations of human rights will avoid penalizing the population for governmental actions. Rather than simply discontinuing development cooperation, the Community and the Member States may adjust cooperation activities with a view to ensuring that development aid benefits more directly the poorest sections of the population in the country, for example through non-governmental or informal networks, while at the same time establishing a certain distance *vis-à-vis* the government concerned. Such adjustment will focus on the choice of partners of projects and of the type of cooperation programmes. In all cases, however, humanitarian and emergency aid, which directly benefit vulnerable populations, will continue to be made available.

8. The Council welcomes the efforts undertaken in recent years by developing countries to move towards democracy. It is recognized that governments have to build the political, economic and social structures to support democracy and that this is a gradual process which will sometimes take a relatively long period. The Community and its Member States will support the process and hold regular informal exchanges of views on the best possible course of action in order to achieve lasting results as speedily as possible.

9. The Council attaches very great importance to the question of military spending. Excessive military expenditure not only reduces the funds available for other purposes, but violations of international law, as well as often being meant and used for purposes of internal repression and denial of universally recognized human rights.

Moreover, in a period in which donor countries are engaged in a process leading to levels of armament not exceeding sufficiency levels, development cooperation with governments which maintain much larger military structures than needed will become difficult to justify. In the dialogue with their partners in developing countries, the Community and its Member States will stress the negative effects of excessive military spending on the development process. They will consider

adopting concrete measures in their cooperation in order to encourage developing countries to reduce their military expenditure, which is often excessive in relation to their legitimate security needs, and simultaneously to implement development projects of an economic and social nature, with particular emphasis on the education and health sectors. With this in mind, they may consider increasing support for countries which achieve substantial reductions in their military expenditure, or reducing support for countries which fail to do so. The Council recognizes the need for restraint and transparency in the transfer of conventional weapons to developing countries. It will further examine the question of military spending by developing countries along these lines. The Community and its Member States will request countries with which development cooperation relationships are maintained to cooperate voluntarily with the new UN register of arms transfers.

10. The Community and its Member States will explicitly introduce the consideration of human rights as an element of their relations with developing countries; human rights clauses will be inserted in future cooperation agreements. Regular discussions on human rights and democracy will be held, within the framework of development cooperation, with the aim of seeking improvements.

In order to facilitate timely support by the Community for initiatives in developing countries aiming at the promotion of respect for human rights and the encouragement of democracy and good governance it is intended to expand resources devoted to these ends within the overall allocations available for development. Sound activities in Third World countries promoting human rights and democracy, both by governments and by non-governmental entities, will be eligible for financial support. The Community and its Member States undertake in addition to integrate the promotion of respect for human rights and the advancement of democracy in their future cooperation programmes.

The Commission will transmit an annual report to the Council on the implementation of this resolution.

In addition to the consultations and meetings which can be convened as stipulated in paragraphs 4, 5 and 6, a meeting will be held annually by representatives of the Commission and Member States to consider policies and specific lines of action to further enhance respect for human rights and establishment of representative democratic rule.'