

## **PLATFORMA Working Group on European Development Policy**

### **Observations on the European Commission's proposal for a regulation establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR)**

*Since its creation in 2008, PLATFORMA, the European platform of local and regional authorities for development, has acted as the voice of these actors and their representative associations vis-à-vis the European Institutions<sup>1</sup>.*

*PLATFORMA's activities are cofinanced by the European Commission under the thematic programme Non-State Actors and Local Authorities (NSA-LA).*

*Engaged in an ongoing dialogue with the European Commission, PLATFORMA has contributed to numerous consultations on European development policy and was fully associated in the structured Dialogue which took place in 2010 and 2011.*

*Today, PLATFORMA is focusing its efforts on the preparation of the post-2013 European financial framework by disseminating the proposals of local and regional authorities active in the area of development cooperation. This document presents our various observations on the Instrument for the promotion of democracy and human rights worldwide (EIDHR).*

### **General Principles**

- i. **The Communication "Human rights and democracy at the heart of EU external action – towards a more effective approach"** of 12 December 2012 provides a strategic perspective for the EIDHR instrument. **PLATFORMA underlines two challenges which are highlighted in this communication and which serve as the basis for our observations and proposals on the EIDHR regulation under examination here:**
  - "Elections alone cannot sustain democracy. The EU's approach to democracy, should create synergies between direct support to electoral process, political society (parliaments and political parties, civil society and media) and support to other critical components of state building, such as the rule of law, the judiciary, public administration reform and decentralisation." (page 10)
  - "Linking human rights, democracy and development, is essential to achieve success in fields from access to water and sanitation to food security." (page 11).

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<sup>1</sup> For more information, please visit: <http://www.platforma-dev.eu/>

- ii. PLATFORMA supports in particular the following recommendations of the Parliament in its resolution of 18 April 2012 on the Annual Report on Human rights in the world and the European Union's policy on the matter including implications for the EU's strategic human rights policy:

"The Parliament:

- 70. Strongly recommends that within the future development instruments a special focus be put on thematic programmes, as they especially address human rights issues in order to promote mutually reinforcing bridges between development and human rights;
- 72. Welcomes the Commission's proposals on the instruments for external action post-2014, in particular the focus on the need to introduce simplified and flexible decision-making procedures that will allow for a swifter adoption of implementing annual action programmes and thus of delivery of assistance; [...]
- 73. Welcomes the clearer definition of the objectives of the EIDHR and its updated scope which reflects the stronger focus on economic, social and cultural rights, on freedom of thought, conscience and religion or belief and on democracy support; [...]"

- iii. **We appreciate and endorse the explanatory statement for the regulation proposal, which recalls that "*The response strategy under the EIDHR builds on working predominantly with and through civil society organizations, aimed at defending the fundamental freedoms which form the basis for all democratic processes and helping civil society to become an effective force for political reform and defence of human rights*" (page 3).**

- iv. In parallel, PLATFORMA considers that local and regional authorities, because of their areas of responsibility, do in fact participate in **establishing economic, social and cultural rights**. Being in charge of giving life to the democratic domain at local level, and occupying a key role in **connecting and coordinating actors at different levels** to promote local and regional development, they have a paramount role to play in **promoting democracy, civil and political rights and participative governance**, and possess unquestionable expertise in terms of providing support for decentralisation, building a rule of law at local level and, by extension, creating the conditions conducive to better establishing civil and political rights.

Any benefits for populations resulting from the implementation of development projects will only be temporary in their effect unless work is also carried out in parallel on governance, the rule of law and procedures which allow for effective access to fundamental rights.

**Through decentralised cooperation, local and regional authorities can provide support for their partner in the key areas under the rule of law (civil status, land, local taxation, etc.) and democratic governance (transparency, information on civil rights, integration of disadvantaged groups, etc.)** and thus promote the development or the strengthening of conditions conducive to the long-term sustainability of projects implemented.

We also draw attention to the commitment of European local and regional authorities to human rights, particularly through the **European Charter for Human Rights in the City** which was adopted by several dozen European mayors in Saint Denis on 18 May 2000 and which has since been ratified by more than 400 European cities who promote, amongst other principles, political participation, the right to form or join associations, the right of assembly and of demonstration, and the principles of transparency;

- v. We refer to the thematic divisions of the EIDHR during its 2007-2013 period, and in particular **gender equality in local life, transparency and the fight against corruption, participative governance, the promotion of political pluralism, the strengthening of the rule of law and local institutions, peaceful reconciliation, mediation, dialogue, human rights awareness campaigns and the fight against racism**, to emphasise the obvious link between these themes and the missions of local and regional authorities;

## Regulation Proposal

- vi. PLATFORMA welcomes the proposal of an EIDHR budget of 1.578 billion euros, which represents a significant increase over the 2007-2013 budget.
- vii. **PLATFORMA urges that the eligibility of local and regional authorities and their associations for the EIDHR be explicitly recognised**, and consequently calls for the amendment of Article 11 of the European Parliament's and European Council's Regulation Proposal establishing common rules and procedures for the implementation of instruments for the European Union's external actions.
- viii. Since 2007, the EIDHR covers five objectives, and we call for the strengthening of the fifth one which concerns building confidence in the exercise of democracy by way of election observations. **We encourage the European Commission to examine the feasibility of observations for local elections, pivotal level for constructing a reactive democracy close to citizens and for building confidence in the democratic electoral process, especially in the countries where these elections can act as a pillar for the construction of democracy, for example in the southern neighbouring countries where the Arab Spring took place.**
- ix. We emphasise the institutional role that local and regional authorities can play alongside national parliaments to strengthen the representation, the reactivity and the accountability of democratic systems.
- x. **PLATFORMA recommends the addition of a paragraph on the consultation of civil society and local and regional authorities** using Article 13.3 of the draft regulation of the Development Cooperation Instrument (DCI) as a model.

# **EIDHR**

COM(2011) 844 final

## ***Amendment proposals***

### **Whereas**

#### **1st Amendment**

**(9)**

##### *Regulation proposal*

The task of building and sustaining a culture of human rights and making democracy work for citizens, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned but without diminishing the commitment of the international community. It also requires a range of institutions, in particular national democratic parliaments that should ensure participation, representation, responsiveness and accountability.

##### *Amendment*

The task of building and sustaining a culture of human rights and making democracy work for citizens, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned but without diminishing the commitment of the international community. It also requires a range of institutions, in particular national democratic parliaments ***and decentralised local and regional authorities*** that should ensure participation, representation, responsiveness and accountability.

#### **2<sup>nd</sup> Amendment**

**(Article 1)**

##### *Regulation proposal*

(b) supporting and consolidating democratic reforms in third countries, by enhancing participatory and representative democracy, strengthening the overall democratic cycle, and improving the reliability of electoral processes, in particular by means of election observation missions.

##### *Amendment*

(b) supporting and consolidating democratic reforms in third countries, by enhancing ***good governance and*** participatory and representative democracy, strengthening the overall democratic cycle, and improving the reliability of electoral processes, in particular by means of election observation missions, ***including for local elections when this level represents a crucial component for strengthening the country democratic system.***

**3rd Amendment  
(Article 2)**

*Regulation proposal*

1. Union assistance shall relate to the following fields:  
(a) support to and enhancement of participatory and representative democracy, including parliamentary democracy, and the processes of democratisation, mainly through civil society organisations, inter alia in:

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(a) support to and enhancement of participatory and representative democracy, including **local democracy and** parliamentary democracy, and the processes of democratisation, mainly through civil society organisations, inter alia in:

**4th Amendment  
(Article 2)**

*Regulation proposal*

(vi) promoting the equal participation of men and women in social, economic and political life, and supporting equality of opportunity, and the participation and political representation of women;

*Amendment*

(vi) promoting the equal participation of men and women in social, economic and political life, and supporting equality of opportunity, and the participation and political representation of women, **in particular at the local level ;**

**5th Amendment  
(Article 2)**

*Regulation proposal*

(d) building confidence in and enhancing the reliability and transparency of democratic electoral processes, while contributing to the efficiency and consistency of the whole electoral cycle, in particular,  
(i) through deployment of Union **Election** Observation Missions;

*Amendment*

(d) building confidence in and enhancing the reliability and transparency of democratic electoral processes, while contributing to the efficiency and consistency of the whole electoral cycle, in particular,  
(i) through deployment of Union Observation Missions **for national and local elections;**

**6th Amendment  
(Article 4)**

*Regulation proposal*

*Amendment*

**4. The Commission and the Member States shall consult each other, as well as other donors and development actors including representatives of civil society and local authorities, at an early stage of the programming process in order to promote complementarity among their cooperation activities.**

# COMMON RULES AND PROCEDURES

COM(2011) 842 final

## *Amendment proposal*

### **TITLE III - Rules on nationality and origin for public procurement, grant and other award procedures**

#### **1<sup>st</sup> Amendment (Article 11)**

##### *Regulation proposal*

2. Under the EIDHR the following bodies and actors shall be eligible for funding in accordance with Articles 4(1) and 6(1) (c):

- (a) civil society organisations, including non-governmental non-profit organisations and independent political foundations, community based organisations and private sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international level;
- (b) public sector non profit-agencies, institutions and organisations and networks at local, national, regional and international level;
- (c) national, regional and international parliamentary bodies, when this is necessary to achieve the objectives of the instrument and the proposed measure cannot be financed under another Union external assistance instrument;
- (d) international and regional inter-governmental organisations;
- (e) natural persons, entities without legal personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, when this is necessary to achieve the objectives of the instrument.

##### *Amendment*

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- (a) civil society organisations, including non-governmental non-profit organisations and independent political foundations, community based organisations and private sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international level;
- (b) ***local and regional authorities, their representative associations***, public sector non profit-agencies, institutions and organisations and networks at local, national, regional and international level;
- (c) national, regional and international parliamentary bodies, when this is necessary to achieve the objectives of the instrument and the proposed measure cannot be financed under another Union external assistance instrument;
- (d) international and regional inter-governmental organisations;
- (e) natural persons, entities without legal personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, when this is necessary to achieve the objectives of the instrument.