

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Development*

**2005/2057(INI)**

27.09.2005

## **OPINION**

of the Committee on Development

for the Committee on Foreign Affairs

on the human rights and democracy clause in EU agreements  
(2005/2057(INI))

Draftsman: Fernando Fernández Martín

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## SUGGESTIONS

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Points out that human rights are universal and indivisible and that democracy, development and the upholding of human rights are interdependent;
2. Points out that poverty cannot be fought unless a comprehensive approach is adopted which includes the protection of human rights and the upholding of democratic values and principles;
3. Stresses that the Universal Declaration of Human Rights and the International Pact on Civil and Political Rights call for the holding of free and fair elections embodying the free expression of the will of the people and for the upholding of fundamental rights;
4. Considers that if elections are to be considered as democratic, free and fair, certain prior conditions must be met: respect for political and civic rights, respect for freedom of expression and information, equal access to the public media, and respect for political pluralism with voters being offered a real choice;
5. Points out that human rights are an integral part of the EU's external policy and that the democracy and human rights clause is an essential component of agreements with non-EU countries - both developing and industrialised ones; calls for the effective implementation of the clause;
6. Considers that the European people's support for public development aid financial efforts depends partly on their leaders' ability not to support political regimes which are responsible for serious, persistent human-rights violations; points out that the European Parliament has its own procedures for reporting such abuses on an individual basis;
7. Stresses the need for a dual approach to conditionality in the case of countries which are aid recipients: affirmative conditionality involving increased support for countries which make progress in the human-rights field and negative conditionality in the event of serious, persistent violation of human rights and democratic principles;
8. Calls on the Commission and Council to adopt concrete, consistent and transparent criteria for evaluating the democratisation process in third countries, including democratic elections, from the viewpoint of respect for human rights, the rule of law and the democratisation of society in general;
9. Calls for a more open procedure in the negotiation phase of agreements, with greater participation of the European Parliament and civil society;
10. Calls for the clause to cite a text occupying an important place in the legal pyramid of the signatory country; this should be the subject of an accord before the agreements are signed;
11. Recommends that the clause should mention specific UN human rights instruments, such

as the International Pact on Civil and Political Rights, the Convention against Torture, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities;

12. Points out that achieving the Millennium Development Objectives calls for a comprehensive commitment involving all the international parties; in this regard, welcomes the G-8 decision to cancel the debt owed by the world's 18 poorest and most indebted countries and the EU's recent commitment to increase Community aid to 0.56% of gross national income by 2010, with a view to achieving 0.7% in 2005 and supporting the Millennium Development Objectives;
13. Urges regional organisations and developing countries, as well as other third countries with which the EU has agreements, to commit themselves unreservedly to good governance, to transparency and to the fight against corruption, to democracy, to constitutional government, to the upholding of human rights and to economic progress, which are all essential if action taken to eradicate poverty is to be of any benefit;
14. Stresses the urgent need to support the stabilisation efforts of countries in post-conflict situations;
15. Emphasises the importance of ensuring that, in the event of sanctions, local people are penalised as little as possible by endeavouring to develop to the greatest possible degree a type of aid which directly benefits the people if necessary via the UN or NGOs; points out that, in any event, humanitarian aid is politically neutral and must be provided whenever it is needed;
16. Draws attention to the exemplary value of the Cotonou Agreement, the principal merits of which are:
  - the fact that it contains an explicit reference to international human-rights commitments as essential components of the Agreement and contains a clause whereby in the event of any infringement the Agreement may be suspended following a consultation procedure (Article 96) during which each of the parties may put forward its point of view and try to reach a solution other than sanctions,
  - the fact that it is applicable to 78 countries - hence to most of the non-EU countries with which the European Union has concluded agreements,
  - the fact that it is the only agreement to have led to sanctions and to have functioned relatively well;
17. Insists that transparency is one of the principles which must govern any sanction procedure and calls for the European Parliament to be involved to a greater extent in such procedures; calls on the Commission and Council to impose transparent and consistent sanctions based on clearly-defined criteria on all third countries failing to respect the human rights clauses, in order to avoid a policy of double standards;
18. Welcomes in this connection the amendment signed in Luxembourg on 24 June which

provides for the inclusion in the Cotonou Agreement of a new Annex laying down the procedure for political dialogue concerning human rights, democratic principles and the rule of law;

19. Calls upon the ACP-EU Joint Parliamentary Assembly to pursue its attempts to become a full participant in the political dialogue on human rights;
20. Considers that the ACP countries must remain alert in order to detect at an early stage any cases of human-rights violation; considers, furthermore, that those countries should act on their own initiative in identifying and punishing cases of human-rights violation;
21. Regrets the fact that sanctions are not always imposed or lifted in accordance with objective criteria, as demonstrated by the partial resumption of cooperation with Sudan in January 2005, despite the fact that human rights were still being very seriously violated in the Darfur region;
22. Recommends the exchange of annual human rights reports between the EU and the country signatory to the agreement, including a mechanism for consulting NGOs;
23. Calls for a member of the Commission delegation to each country with which an agreement containing the clause has been signed to be appointed to monitor compliance with it;
24. Calls upon the Council and the Commission to liaise with other international organisations on sanctions policy in order to make sanctions more effective.

## PROCEDURE

|   |   |           |          |
|---|---|-----------|----------|
| <b>Title</b>  | Human rights and democracy clause in EU agreements  |           |          |
| <b>Procedure number</b>   | 2005/2057(INI)  |           |          |
| <b>Committee responsible</b>  | AFET  |           |          |
| <b>Committee asked for its opinion</b><br>Date announced in plenary | DEVE<br>12.05.05  |           |          |
| <b>Enhanced cooperation</b>   | No  |           |          |
| <b>Drafts(wo)man</b><br>Date appointed                              | Fernando Fernández Martín<br>24.5.2005  |           |          |
| <b>Discussed in committee</b>                                       | 29.8.2005   | 26.9.2005 | 0.0.0000 |
| <b>Date suggestions adopted</b>                                     | 26.9.2005   |           |          |
| <b>Result of final vote</b>   | for:  | 26        |          |
|   | against:  | 0         |          |
|   | abstentions:  | 3         |          |
| <b>Members present for the final vote</b>                           | Margrete Auken, Alessandro Battilocchio, Margriet van den Berg, Danutė Budreikaitė, Thierry Cornillet, Nirj Deva, Koenraad Dillen, Alexandra Dobolyi, Fernando Fernández Martín, Michael Gahler, Hélène Goudin, Filip Andrzej Kaczmarek, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Luisa Morgantini, José Javier Pomés Ruiz, Pierre Schapira, Jürgen Schröder, Felekna Uca, Anna Záborská, Jürgen Zimmerling |           |          |
| <b>Substitutes present for the final vote</b>                       | Marie-Hélène Aubert, John Bowis, Linda McAvan, Karin Scheele, Anne Van Lancker, Anders Wijkman, Gabriele Zimmer   |           |          |
| <b>Substitutes under Rule 178(2) present for the final vote</b>     |   |           |          |