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NOTE

From: Working Party on Human Rights (COHOM)
To: Political and Security Committee (PSC)
Subject: Stocktaking Democracy Support Pilot Exercise (2nd generation)
First Phase: Democracy Profiles

Delegations will find attached a paper on "Stocktaking Democracy Support Pilot Exercise (2nd generation) – First Phase: Democracy Profiles", as agreed on 19 February 2016 by the Working Party on Human Rights and the Working Party on Development Cooperation.

STOCKTAKING DEMOCRACY SUPPORT PILOT EXERCISE (2nd GENERATION)

FIRST PHASE: DEMOCRACY PROFILES

1. Background

Article 21.1 of the Treaty on the European Union provides the EU with a mandate to work on advancing democracy. The approach to democracy mirrors the EU's work on **human rights**. The EU supports **democracy** as the only system of governance in which – through appropriate mechanisms – people can claim and realise their civil, political, social, economic and cultural rights.

In 2009 the Council adopted "**Council Conclusions** (CCs) on democracy support in the EU's external relations" calling for more coherence and effectiveness of its support to democracy. The CCs and the annexed Agenda for Action stipulate that EU democracy support must be: country-specific, delivered through partnership and dialogue to ensure local ownership, based on a coherent and coordinated use of the EU and the MS political and development instruments, as well as coordination with other actors. It also calls for mainstreaming and visibility.

A **first pilot exercise**, responding to the ambition expressed in the CCs, was conducted in 9 EU Delegations during 2011-2013. The results were reported to COHOM and CODEV in early 2013. In May 2014 the PSC launched a **second-generation of pilots in 11 Delegations**: Georgia, Republic of Moldova, Tunisia, Morocco, Malawi, Mozambique, Tanzania, Fiji, Timor Leste, Myanmar/Burma, and Paraguay. Those Delegations were chosen on the basis of the following criteria: representing various levels of democratic consolidation, being EU development cooperation partners, having recent/upcoming elections or constitutional reviews, demonstrate willingness to engage, denote positive changes towards deepening democracy and expanding human rights.

The pilot Delegations drafted **Democracy Profiles** (DP) constituting a **shared analysis** between EUDELs and EU MS assessing the state of democracy in the partner country. The DPs were endorsed by HoMs and discussed in geographical working groups in Brussels. DPs pave the way for the **Democracy Action Plans** (DAP) which should be developed together with the national actors. Hence, DPs present a synthetic analysis of the state of democracy and identification of possible entry points, as a key contribution to engage partner countries in developing the future DAPs. The latter will, consequently, focus on concrete **actions** we may achieve together with a partner country by ensuring a shared ownership and implementation of these priorities.

2. Results: Value added of Democracy Profiles

The production of the Democracy Profiles proved to be useful for increased coherence in EUs external democracy support as defined in the CCs by:

- Placing **democracy** at the centre of an analysis; combining descriptive and analytical assessments of key institutions, actors and processes;
- Providing a **shared – endorsed by HoMs - analysis**, by the EUDEL and EU MS, of the state of democracy in a partner country;
- Providing an agreed-upon EU democracy strategy for a third country to be used for **political messaging**;
- Identifying **entry points to be used for informing the programming** of EU/MS democracy support assistance through existing channels and procedures;
- Reinforcing internal **coordination at HQ** (EEAS and COM services) through close coordination between EEAS/DEVCO/NEAR in providing input in drafting of the DPs;
- Introducing a more **strategic and long term perspective** to EU work on democracy support.

3. Lessons learnt emerging from the production of Democracy Profiles:

- **Consulting key stakeholders including government institutions and beyond** (examples: journalists, political parties, civil society organisations, student associations, trade unions, religious leaders, parliamentarians) in developing the DP provides a clear added value.
- Need to include a clear **assessment of the likelihood of transparent engagement with the partner country on developing a joint Democracy Action Plan in a differentiated manner with each country.**
- One of key feedback received from pilot Delegations was **the need to reduce reporting obligations by Delegations and HoMs in the area of Human Rights/Democracy/Civil society.**

- A truly shared analysis demands solid internal consultations and **more regular common reflections**. This applies to HQ and Delegations (including both political and operational sections) as well as to work with Member States.
- The **coordination role of HQ** guiding the production of DPs led to more intense collaboration between HQ and Delegations, as well as reinforced coordination between EEAS/DEVCO/NEAR.
- The support and **coordination by the Head of Delegation** was essential for the results, as well as contribution from both political and operational sections. This facilitates increased coherence between different work streams and ownership.
- **Early inclusion of EU MS** facilitates stronger ownership of the analysis and contributes to a smoother process. A good practise should be a discussion between political and development counsellors ahead of HoMs approval. Whenever possible non-resident MS should be involved.
- The designation of **focal points** (from both political and operational sections of EU DELs and possibly from MS) emerges as best practise for coordination of the work.
- **The use of consultants** requires careful consideration, bearing in mind the importance of ownership of the analysis by both the EUDEL and the EU MS.
- Democracy Profiles should be produced as EU **internal documents** in order to provide an honest and meaningful assessment. However elements of the analysis can be shared with the partner country's government and other stakeholders in a format to be decided locally.

The drafting of Democracy Profiles in the future will take into account these lessons learnt.

4. **Recommendations, including on synergies/[merging] with other processes and reports prepared by Delegations**

In the **EU Action Plan on Human Rights and Democracy 2015–2019** adopted by FAC in July 2015, the EU committed to increase coherence and complementarity of existing EU tools, financial instruments and reporting mechanisms used to promote human rights and democracy (action 33 a).

To act upon this commitment it is suggested:

- a) To reduce reporting obligations by Delegations in the area of Human Rights/Democracy/Civil society in the following way:
- The Human rights country strategies will be renamed to "**Human rights and democracy country strategies**" (HRDCS). The new instruction will ask for a focused **democracy analysis in all the strategies**. Reporting on democracy actions will be included in the annual implementation reports of HRDCS. List/mapping of democracy related programmes will be included together with human rights programmes.
 - The next generation of **CSO Roadmaps** for EU engagement with civil society, foreseen for 2017, will provide an opportunity to regroup the common parts of both Roadmaps and HRDCS, and maintain its specific value added either in a separate document or as an annex to HRDCS. So far, nearly 100 Roadmaps have been elaborated for the period 2014-2017 and they are meant to remain valid until the end of this period, unless the national context makes necessary, as in few cases, a revision of the current priorities.
- b) A **full Democracy Profile** would be developed - based on criteria endorsed by the PSC in March 2014 ¹ and according to the same procedure -, where there is a clear added value, in particular for countries where democracy is one of key components of our relation with the partner.
- c) The democracy related parts of **HRDCS will be reviewed** on a yearly basis **in line with HRDCS reporting schemes**. Full DPs need to be concise, analytical and structured on the basis of a template and they would be annexed to HRDCS.

¹ Doc ST 6005/14

- d) The **ENP Review** communication of 18 November introduced a new approach to reporting on the neighbourhood countries. There will be no more annual ENP package. Yet, we still need some reporting mechanisms to assess progress on human rights, fundamental freedoms, etc., as required by the ENI regulation² and in order to inform the allocation of relevant EU funds. DPs could contribute to this aim. DPs were produced so far for 4 countries among the 16 ENP countries. It could be useful to have them available for all ENP countries. Both DPs and combined HRDCS would however remain internal documents. It is essential to avoid 'reproducing' the previous approach which has been deemed as not sufficiently strong in terms of creating commitment to reform. The decisions regarding implementation of ENP review, its reporting mechanisms and possible use of DPs will be taken in the coming months.
- e) Democracy analysis and identified entry points within HRDCS and full Democracy Profiles will be used in the following way:
- For **political messaging** on democratisation and ways for further engagement with partner countries (both constructive/positive as well as critical) by the representatives of the EU and MS in various fora. Lines to take on democracy will be drawn from each DP to be used as appropriate;
 - As reference documents by the EU Special Representative for Human Rights and in human rights dialogues;
 - **To inform, through existing channels and procedures, the programming** of democracy related assistance in **all** relevant instruments;
 - For developing **fundamental values assessments and the political risk section of the Budget Support risk management frameworks**. DPs contain useful information to assess the risks also for other aid modalities and could be used to feed in the relevant sections of the identification fiches/action documents as appropriate.

² Article 4(2) Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27)

- Link to **Joint Programming**: To feed the analytical part of the Joint Programming documents (ie Joint Analysis). MS expertise on specific issues could be used. In a second stage, common actions agreed in the framework of **Democracy Action Plans could be used in responses** by the EU and MS (ie Joint Responses of Joint Programming Documents). This would contribute to the mainstreaming of democracy support in development cooperation programmes of EU and MS.
- Link to implementation of **Agenda 2030**: To inform EU input for implementation of Agenda 2030, in particular Goal 16 "peaceful and inclusive societies" and including target 16.7 "Ensure responsive, inclusive, participatory and representative decision-making at all levels".
- To further the link of **electoral observation** with a broader democracy agenda in four ways:
 - all DPs will need to review if and how the EU and ODHIR EOMs' recommendations have been implemented and assess how their implementation could contribute to strengthening broader democracy building;
 - the analysis from DP related to EOM reports recommendations will be used for follow-up through electoral/democracy assistance and political dialogue;
 - DPs will be used to brief EU EOMs to facilitate observers' understanding of the broader democratic challenges beyond specific electoral aspects;
 - DPs will serve as a reference by Chief Observers during EOMs or follow-up missions to address issues related to the broader democracy agenda.
- DP could be used as a reference document by CSDP missions when appropriate.

The Democracy pilot exercise will continue with the production of Democracy Action Plans by pilot Delegations, and the EEAS will consult Member States again on this second phase of this work.

Lessons learnt regarding content of submitted Democracy Profiles:

- DPs contain an **analysis** of the state of democracy in the country and **ideas** on what **the EU** might do to support democratisation;
- Most DPs adopted a top-down analytical approach. The focus was: democratic institutions and the interplay between them and civil society. There is scope for a deeper analysis of power plays, who favours further democratic reforms and those wishing to keep the status quo, who are the actors of change.
- Some Delegations focused on the rule of law, others on human rights or corruption and management of public finances. This might be justified by country specific issues and there is a need to identify **areas with best potential** for democracy consolidation and **where the EU has the biggest leeway**.
- DPs focus on formal aspects of democracy and have a capital-centred analysis at the macro level. An **analysis of the demand side should be encouraged**: what the system actually delivers on citizens' needs and expectations.
- The analysis of **citizens' actions in changing their social or economic situation** provided possible examples of promoting civic participation. This can be an entry point for democratisation **from the perspective of individual voter**. The DPs analysis of public discourses and **how they influence decision-making** could be strengthened.
- The DPs have a potential to cater better to the need of **placing citizens at the heart of the democratic system**. The EC Communication "Roots of Democracy" has a dynamic take on **interactions between citizens and state authorities** throughout the entire analysis. There are obvious synergies with this document and the production of CSO Roadmaps.
- The role of **traditional authorities** was explored in a few DPs. Two DPs analysed the role of religious authorities. DPs could further explore possibilities of strengthening democracy through novel actors such as farmers' associations/ rural cooperatives, community based and small movements, youth volunteering schemes, faith based organisations, advocacy groups, etc.

- DPs should also analyse the **democratic access for persons belonging to minorities and indigenous peoples**, in particular representation of these communities as well as other identity groups (e.g. people affected by caste-based discrimination) that tend to be excluded or restricted from participation in democratic processes and not always represented through civil society groups.
- **Weak parliaments** lacking capacity to play their oversight role, **and political parties** built around personalities rather than on programmatic platforms, were identified as challenges for democracy in the majority of the DPs. In view of the upcoming DEVCO Global programme for support to political parties, the analysis from DPs related to parties may be used to determine the countries where the programme will operate.
- **Gender aspects** were raised in a few DPs. Generally there are more women voting than men, but fewer women in elected office. This aspect could be further explored in the DPs, as it has both symbolic and substantive consequences. Promotion of female participation in decision-making is already a priority specified in the Joint Staff Working Document on Gender Equality and Women's Empowerment.
- **The role of education** in democratization processes was highlighted in one DP. This could be further explored both as regards the content of public education as well as the role of civic education; especially in very passive societies (e.g. post Soviet). It could potentially expand to work on "**democracy literacy**" – what people understand as democracy.
- Many DPs used recent EOM reports or ENP documents. **Building on existing documents** saves resources, creates synergies and make us think how to ensure best interplay between them.
- Many DPs use **data sources** such as Freedom House and Transparency International. The use **V-Dem** (Variety of Democracies tool) indicators – to a large extent funded by the EC – could be encouraged as an additional and interesting source to measure progress of democratisation as it widens the understanding of democracy and its constituent parts.
- Most of the DPs **convey ideas on what the EU might do** to support democratisation. These can serve as "bridges" between the DP and the DAPs. Readability is increased in the DPs which use boxes with "key issues" at the beginning of each chapter and **boxes with "possible entry points"** at the end of each chapter.

The DPs received vary in form, depth of analysis, length (from 10 to 99 pages) and in the ways they were produced. Descriptive content is necessary, but in some cases too extensive. The **analytical parts** could be strengthened, and will require more work on the instructions. DPs need to serve various audiences, some with very little time, some needing more detail. Executive summaries are essential. The DPs should be relevant for a long term use - 4 years perspective.
