

**THE EU'S POLICIES TO ENHANCE SECURITY AND
STABILITY IN THE MEDITERRANEAN REGION:
THE ROLE OF FUNDAMENTAL HUMAN RIGHTS
AND DEMOCRATIC FREEDOMS**

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A fundamental and long-standing principle of the EU's policies towards the Mediterranean region since the early seventies is that the enhancement of the region's security cannot be left entirely to the regional or sub-regional military balance of power or to military means alone. According to this perception, leaving aside the long standing Mediterranean conflicts (the Arab-Israeli question, Greek-Turkish relations, the Cyprus Question and the difficult relations between Morocco and Algeria that have exhibited a stubborn resistance to a solution and have to varying degrees acted as negative stimuli to the enhancement of regional-wide security) non-military measures in the political and economic fields are very crucial for the strengthening of overall regional stability. For this reason, the attainment of human rights and democratic principles was enshrined in the political and security basket of the Barcelona process on the EU's insistence. This positive measure led to a number of problems analysed in this paper, the worst being that having raised expectations the EU appears to have back-paddled preferring a soft approach on the issue.

The importance of human rights and democracy in the Euro-Mediterranean Partnership can only be adequately understood in the context of the EU's security context. Europe's assessment of its security risks in the Mediterranean region in the 1990s and beyond can be summarised thus:

- ❑ The likelihood of a north-south confrontation are remote; more likely are south-south crises;
- ❑ Many European governments are preoccupied by the threat posed by the proliferation of weapons of mass destruction in the region. But to counter this threat they can count on the continued presence of the USA in the region and NATO; the development of the Common European Defence

and Security Policy can make these issues surface to the top of the EU's agenda in the future.

- From a European perspective, the more serious and immediate threats emanate from political instability in the southern Mediterranean countries resulting from the socio-economic problems they face, caused mainly by demographic changes and insufficient economic growth. Political instability in the southern littoral states and sluggish economic growth, together or separately can send waves of economic refugees (or illegal immigrants) to Europe.
- Political turmoil in the southern states, under the banner of the poorly understood “Muslim fundamentalism” is contagious across frontiers and can lead to a domino effect, possibly also leading to the establishment of new governing elites in the southern states that might not sit comfortably with their European counterparts.
- The fear that key European countries with a sizeable Muslim community might be drawn into the vortex of the more violent shake ups in the southern states (e.g. France vis-à-vis Algeria and the rest of the Maghreb).

For these reasons, it became rather urgent on the EU side that the root cause of the instability in the region be vigorously attacked. This entailed that the economic and democratic transition in these countries should be encouraged to progress steadily with the hope that economic growth would eradicate poverty, international trade would strengthen trans-regional interdependence while increasing respect for democratic principles and freedoms would overcome authoritarianism. For centuries a strong belief has influenced European political thinking that democratic states based on a liberal, market economy are “less likely to go to war” and international stability can thus be enhanced by ensuring the spread of democracy and market economies.

On paper this formula, purposely simplified in this contribution for analytical purposes, looks logical and rational. A similar approach certainly helped stabilise Central and Eastern Europe, which had been under the sway of centralised political and economic

authorities for decades (some of these countries did not even have a democratic tradition). Since the fall of communism many have identified the main Mediterranean challenge as being that of introducing similar changes taking account of the different historic, economic, political, social and cultural conditions.

The EU's comprehensive response to these perceptions, images and expectations was the launching, after much internal debate and consultation with its partners, of the Euro-Mediterranean Partnership in 1995. Apart from aiming to tackle the challenges summarised above, another economic aim of the partnership was to help the EU consolidate a huge free trade area eventually comprising the whole of Europe and the Mediterranean region. This Euro-Mediterranean free trade area would rival in size, if not outsize, similar trading blocs being consolidated elsewhere in the world such as in North America and Mexico (NAFTA) and Asia. It might also be argued that the aim of attaining this goal often comes into conflict with the EU's human rights and democracy aims, in which case the latter will have to give way, particularly when its global rivals (the USA and Japan) make no such demands on the countries of their respective regional and economic spheres. Indeed, this may be an additional reason why the EU has often adopted a soft approach on human rights.

This paper seeks to focus on the security basket of the Barcelona Process and more narrowly on the question of human rights and democratic freedoms, which lie at the core of this basket. Broadly speaking the approach in this analysis is based on the observation made by many scholars of Euro-Mediterranean relations to the effect that the EU is caught between the contradictions of trying to promote human rights and change in the southern littoral states, while trying to stabilise the regimes in these same countries.

The International Context of the Launching of the Euro-Mediterranean Process

The problem with foreign policies is that the international context in which they are launched often changes very quickly but measures to adapt them to these changes tend to plod slowly behind

particularly when such policies are trapped in unplanned or unexpected major changes. That is what has happened repeatedly to the Euro-Mediterranean Partnership. The Partnership was launched in 1995 in an atmosphere of optimism. The vexed Middle East Problem and the Palestinian issue, that had bedevilled the EU's Mediterranean policies since the launching of the 'Global Approach' in the early 1970s, appeared to be slowly and painfully heading towards a solution. The atmosphere of reconciliation that had become manifest in most parts of the world following the fall of the Berlin Wall, except perhaps in the Balkans, also seemed to be having a positive effect on Mediterranean attitudes. In this fit of optimism it mattered very little that the Middle East problem was excluded from the Barcelona Process. After all, the problem was being dealt with successfully in a different forum and its exclusion from the Barcelona process was purposely planned to strengthen the probability of success of the latter (or of both).

But then the Middle East peace process stalled. Subsequently, following the start of the second *Intifada* in September 2000, the peace process began listing badly, eventually capsizing around the beginning of 2001 as a result of the rejection of the so-called "Clinton Plan". The negative effects of this slow and protracted death of the Middle East Peace process had meanwhile begun to spillover on to the Barcelona process itself, jeopardising its very existence. As relations between Israel and the Arab world worsened many Arab countries became increasingly inclined to practice "linkage" politics by tying progress in the Barcelona Process, particularly in the political and security chapter to progress on the Middle East problem. After five years of wrangling at Senior Official level, the *Euro-Mediterranean Charter on Peace and Stability* had to be put on ice until such time as progress in the Middle East would permit its adoption. Other key initiatives in the political and security basket had also to be toned down and sights and ambitions began gradually to be lowered. In response to these developments, the EU tried hard to salvage the rest of Barcelona by vigorously pursuing the conclusion of the bilateral free trade agreements with each of its partners in the region, (except Libya) and by encouraging them to conclude free trade agreements among themselves. With the bilateral accords between the EU and its

individual Mediterranean partners eventually concluded, the more difficult task of creating a free trade area among the southern littoral states commenced. The Agadir initiative aiming for the creation of a free trade area among key Arab states¹ of the region is a step in the right direction, but only the first one. Equally urgent and to a large extent conditioned by it, is the need to set in place a common system of rules of origin to facilitate south-south trade. The Agadir initiative is indeed still a site under construction.

When all is taken into consideration, it may be fair to say that an analysis of the Barcelona Process reveals that although it is still short of achieving its main targets, the economic leg of the three-legged Partnership² is the one where some perceptible progress has been registered in stark comparison with the other two baskets. This is interesting because one of the declared aims of the partnership from the very start was to achieve an even and balanced progress in all three baskets. Notwithstanding, it is still the declared aim of all the partners as recently reiterated during the 5th Mediterranean Foreign Ministers' meeting held in Valencia in April 2002, that balanced progress should be achieved in all three components of the process. The point made in this paper is that this has not been the case so far and progress on human rights and the democratic transition has been less than satisfactory.

Overall there has been a general failure of meaningful progress in the whole of the Political and Security basket, and not just in human rights and democratic freedoms. This is lamentable and has to be carefully dissected for any lessons that can be elicited. When the EU had originally proposed and launched the Partnership, apart from the general atmosphere of optimism which reigned, it was seeking to tackle a narrow range of priorities related above all else to its own security concerns, posed mainly by illegal immigration or the Mediterranean "boat people", the threat of terrorism and religious fundamentalism, the proliferation of weapons of mass destruction and illicit drug trafficking. It was to tackle, in addition

¹Egypt, Tunisia, Morocco and Jordan.

²The three legs or baskets of the Barcelona Process are briefly: political and security; economic and financial; social, cultural and human.

to these, the broader underlying security challenges that the EU had also entertained bold ambitions of strengthening the longer-term stability prospects of the region, and this by helping to buttress democracy and fundamental human rights in the southern littoral states. One could not but perceive a certain measure of “Fukuyaman” optimism in all this. The fall of communism led to the premature judgement that liberalism had triumphed (as indeed it had, but not so neatly) and the world’s outstanding problems could be resolved by the application of this successful remedy. European political thought had for centuries emphasised the link between democracy and peace and it was not therefore surprising that this thinking would also influence the EU’s approach towards the region. The main problem was that then, as of now, it was unclear how the EU planned to achieve these ambitious goals.

The Algerian crisis was already raging and the situation in that country served as a sufficient eye-opener to the Union that any attempt to introduce pluralism and democratic freedoms in the Arab world could in most cases lead to power being transferred through the ballot box to populist movements bent on ending the very pluralism which had facilitated their transition to political power and which they perceived or depicted as a creature of the West, to which they were opposed. But judging from the EU’s official declarations prior to and after Barcelona, hopes were indeed high that the economic transition in the southern littoral countries could somehow be yoked to a political transition towards increased democracy and human rights, both transitions being mutually reinforcing.

On the opposite shore of the Mediterranean sea, political leaders were convinced that through this policy the EU was trying to do nothing more than ride the tiger. They were frightened by this “new” emphasis, realistically perceiving such a policy as a recipe for losing political control.³ In addition to this legitimate concern, the southern littoral states did not look kindly on what they considered to be external imposition and intrusion in their

³See for example the report of Working Group 1, “*Security and Common Ground in the Euro-Mediterranean Partnership*”, EuroMeSCo, Paper 17, June 2002.

sovereignty and internal affairs. On top of all this, there are marked differences in perceptions between North and South that obstruct a meaningful dialogue on this issue. While addressing the European Parliament in June 2002, King Abdullah II of Jordan declared that his country “*is providing a model of political stability, democratic principles and the rule of law*”.⁴ But European perceptions of what remains to be done on the democratic front in Jordan are somewhat different. Political exchanges on democracy and human rights risk becoming a dialogue among the deaf, unless this gap is bridged. Furthermore, the Western media are wont to give a biased assessment of their own, as shall be discussed further on in this paper with respect to the recent referendum held in Tunisia.

These many differences in perceptions make a fruitful dialogue on human rights and democratic freedoms an arduous, sometimes impossible task. However there are other difficulties which cannot be ignored. For example, the threat of “Islamic Fundamentalism” whether a realistic or a bogus one may have been one of the primary causes for dampening the EU’s willingness to insist too strongly on human rights and democratic principles, while political leaders in the southern littoral states grasped the opportunity and used the spectre of “Islamic Fundamentalism” to justify their consolidation and further centralisation of power, concurrently also working upon the same fears to defend themselves against critical voices in Europe of their “misbehaviour”. Another widely held view was that a regime change in many of the southern littoral states might also jeopardise these countries’ economic transition toward liberal, market economies. It mattered less that while in many instances the transfer of power to the opposition in the southern states could lead to a strategic headache for the EU member states, it could also permit the establishment of new governments keen on tackling the causes of their peoples’ poverty more vigorously – with obvious dividends for Europe. Of course this is a hypothetical assertion since this road has never been explored. The problem in this case boils down to a question about Europe’s interest – whether it be ultimately better served through a

⁴ Remarks by His majesty King Abdullah II of Jordan at the European Parliament, Strasbourg, Wednesday, June 12th, 2002.

more ideologically hostile (possibly) southern littoral which is economically and socially stable or through a more amenable political elite which however is inept at tackling swelling problems and which might yet lose control of the situation in their countries?

But going back again to the Barcelona Declaration and its assertion that progress in human rights and democratic principles are crucially important in helping to establish a common area of peace and stability in the Mediterranean region, it is worth recalling that through this declaration, the EU and its Mediterranean partners undertook, among other things, to honour their long-standing obligations under the United Nations Charter and the Universal Declaration of Human Rights to which they all subscribe, to develop the rule of law and democracy in their political systems, to respect and guarantee the effective legitimate exercise of human rights and freedoms and to “give favourable consideration” through dialogue between the parties to the exchange of information on matters relating to human rights, fundamental freedoms, racism and xenophobia.⁵ Human rights and democracy clauses were also inserted in the bilateral Euro-Mediterranean Partnership agreements concluded between the EU and each of its Mediterranean partners.⁶ Similar commitments have been made on the insistence of the EU in the Lomé Convention binding it with the countries of the African, Caribbean and Pacific regions. These actions are consistent with Article 11 of the Treaty on European Union (TEU) which places the development and consolidation of human rights and fundamental freedoms as one of the objectives of the Common foreign and Security Policy (CFSP) and Article 177 of the Treaty Establishing the European Communities (TEC) which links

⁵Barcelona Declaration, Bulletin of the European Union, No 11, 1995, page 137.

⁶Agreement with Morocco: “Respect for democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and external policies of the Community and Morocco and shall constitute an essential element of this Agreement.” [OJ L 70 of 18.03.2000, page 3]; Agreement with Israel “relations between the Partners as well as all the provisions of the agreement itself, shall be based on the respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.” [OJL 147 of 21.06.2000, page 4].

development co-operation to the respect of human rights and democratic principles.⁷ Subsequent developments in the EU itself in the human rights sphere, as witnessed by the Treaty of Amsterdam, the Charter of Fundamental Rights (even though this does not enjoy legal force yet) and the Nice Treaty served to strengthen the EU's rationale behind the centrality of human rights and democratic freedoms in its foreign policy. But have the EU's foreign relations really become affected by these internal EU developments? And more to the point, what has really happened since human rights and democratic freedoms became an important part of the formal aims of the Barcelona process?

It may be argued that the pressures on the EU to include human rights and democracy clauses in the Euro-Mediterranean Partnership agreements was *quasi* irresistible and unavoidable given internal developments in the EU itself in the past couple of decades. At the same time it can also be argued that the introduction of these clauses in the agreements was not so timely given the Mediterranean realities at the time. In addition, it would also have been logical to expect that given their centrality in the EU treaties and the fact that they were inserted in the Partnership agreements, that significant progress would also be registered in their application in the Mediterranean region. The empirical data does not indicate that this has been the case.

Furthermore, the events of September 11th and the new emphasis on fighting terrorism may lead to the creation of "new" alignments that could see the process of democratisation in the region retarded further. The situation has to be watched carefully. In an article published in the *Chicago Tribune* of September 4th, 2002, attention was drawn to the fact that "*the terror war has US in dubious*

⁷Title V, Article 11, Treaty on European Union, "The Union shall define and implement a common foreign and security policy...the objectives of which shall be...to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms..."; Article 177, TEC, "Community policy in the sphere of development co-operation...shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms."

alliances".⁸ The correspondent's main thrust is that in securing the co-operation of many states in the global war against terrorism, the US had aligned itself with some of the worse human rights transgressors in the world. As Europe and the Mediterranean Basin states join in the effort against terrorism, one must be on the alert that the whole exercise does not transform itself into an alliance of convenience where under the pretext of fighting terrorism, some ruling governments take the opportunity to bash their opposition – among them human rights activists – with or without Europe's tacit agreement.

Another important factor has to be taken into consideration from this point onwards: American attitudes. The USA has always been the other important player in the region's politics and ignoring this fact is always fatal. As the USA strengthens its collaboration in the region in the service of the war against terrorism following the events of September 11th and as it prepares for possible war against Saddam Hussein, it would become increasingly difficult for the EU to make much headway in its policies when these differ markedly from those of the USA and some Mediterranean countries are willing and able to exploit the differences or transatlantic rifts.

Despite the pessimistic tone of this discussion the safer course seems to be that if ever there was a time for emphasising democratic principles and human rights in the Mediterranean region that time is now, when countries are engaged in responding to the terrorist threat. Europe has passed through periods of terrorism as intense or worse as that currently faced by many of the southern littoral states, but democracy was not suspended nor important economic reforms curtailed.

Given all these considerations, the EU's perceptible soft approach on human rights in the Euro-Mediterranean area becomes less comprehensible. Of course, empirical evidence suggests that the failure of human rights and democratic freedoms to make a significant impact in the region must not be blamed entirely on one

⁸Howard Witt, Chicago Tribune Senior Correspondent reporting from Washington, September 4th, 2002.

side or the other. Human rights and democratic freedoms seem to have fallen victim to the trade-off between securing them and achieving the other EU “priorities” such as that of contracting the southern littoral states’ co-operation in the fight against illegal immigration, illicit drug and arms trafficking and the war against terrorism. For example, the Conclusions of the Presidency of the last Euro-Mediterranean Foreign Ministers’ meeting held in Valencia were dominated by the Middle East crisis, the events of September 11th, the need to reinforce the political dialogue on defence matters and only after these, the renewed and perhaps ‘ritual’ commitment to democracy, human rights and the rule of law.⁹ The analysis here suggests that the goal of ‘common security,’ a much vaunted late arrival to the Barcelona process (recall that it was the EU’s security concerns which provided the initial impetus for launching the process), has definitely given way to the cause of maintaining regional stability by whatever means available, so long as both sides are kept happy; in other words a policy based on mutual self-interest aiming at securing the EU’s aims without rocking the regimes of the southern littoral. This policy doubtlessly yields short-term results and finds obvious political support among the political elites and decision-makers on both shores of the Mediterranean sea, but it may weaken the longer-term security prospects. Furthermore, it widens the gulf, because of the multiple misunderstandings it raises, and the obvious hardships to the southern populations which it helps perpetuate, as well as between the latter and the EU at the same time that the Union is striving to close this gap through the dialogue of civil society and the ‘dialogue of civilisations’. Indeed it is apt to ask what the longer-term security consequences are going to be for the region as a result of this policy of mutual back-scratching that is responding to the more contingent and opposed interests of current political elites? In what state will the region be left once these contingencies have changed again?

⁹Presidency Conclusions of the 5th Euro-Mediterranean Conference of Foreign Ministers, Valencia 22-23 April, 2002, Euromed Report, Issue No 42, April 26th, 2002.

A Case Example

To demonstrate the short-sightedness of this policy and its potential dangers, consider in this respect the economic vicious circle presented by the Foreign Investment-Democracy-Good-Governance nexus. The Mediterranean Basin countries, barring a few exceptions, have been losing out on Foreign Direct Investment (FDI) when compared to other emerging regions.¹⁰ Those Arab countries which are resource-rich and have a comparatively lower population are largely unaffected by this phenomenon since they can use their oil revenues to ensure a sufficient distribution of wealth in their country that is adequate enough to discourage certain forms of dissent because the most adverse forms of poverty are eradicated, while the authorities can also apply repressive methods to keep protest movements in check. Such countries (e.g. Saudi Arabia and the Gulf states) can also afford to strengthen internal political centralisation. But the lack of FDI has been one of the major factors that have negatively affected the region's economic growth prospects, particularly in those countries lacking sufficient oil resources. Declining economies have in turn produced problems that have fuelled internal opposition, which has been used by many of the Governments of the region to tighten their authoritarian grip, often strengthening bad governance in the process and the 'rentier state' that characterises most countries of the southern littoral. Economic transition is also significantly slowed down by such developments. As democratic principles and good governance pale into insignificance in these countries, or are slow to catch on, out goes one (but certainly not the only one) of the major attractions to FDI.¹¹ The shortage of FDI in turn fuels the economic downturn but social trends such as demographic changes, internal migration, unemployment and housing shortages in urban areas show no signs of abating in the face of the investment

¹⁰According to the "*Regional Strategy Paper 2002-2006 and Regional Indicative Programme 2002-2004*" of the Euro-Mediterranean Partnership", the figures for growth in trade and foreign direct investment in the Mediterranean region fall short of those being achieved by either the Central and Eastern European Countries and Latin America and opening to the world at large is proceeding too slowly." (page 11).

¹¹This is recognised in the Regional Strategy Paper, page 15.

drought. In the face of such a situation, the broadly recognised challenge lies in maintaining stability while carrying out deep political and economic transformations comprising the tackling of what have often been described as “infrastructural bottlenecks” such as in the transport, environmental, educational and social protection fields, restructuring of the public sectors, mobilising and emancipating the financial institutions and ensuring the basic instruments of economic good governance.

But what ‘political stability’ are we really talking about here? Is it of the kind that favours the existing political elites, many of whom are accused of corruption and *clientelism*, or have run out of ideas and the stamina to take on the challenge of change (“*spinta propulsiva*”)? ‘Political stability’ seems therefore to run counter to economic change and may also help retard it in many ways. In short ‘political stability’ undermines the longer-term prospects of more lasting political stability.

In the debate on current and future development strategy in the region it may be argued with some success that it is beneficial for the governments of the region to maintain authoritarian rule while carrying out economic changes, citing as examples the Chinese, Chilean or Far Eastern approaches (Singapore, S. Korea etc.). The problem with the Mediterranean Basin countries is that barring a few exceptions (e.g. Tunisia), authoritarianism has petrified both economic and political forces of change and no significant economic results have been achieved that can in a sense help ‘legitimise’ or somehow justify the increased centralisation of power that has occurred. A trade-off between increased economic welfare and lack of freedom is missing (except perhaps in Tunisia). On the contrary, in many cases social tensions seem to have been exacerbated further and ordinary citizens do not feel that their welfare has improved.

Raising Expectations

As has already been alluded to in this paper, the EU’s ‘human rights clauses’ in the Euro-Mediterranean Partnership agreements raise expectations that cannot be fulfilled and they thus open the

EU to the criticism of inaction or impotence. The EU's credibility thus suffers. This tends to reinforce the derogatory conception of the EU as an "economic giant but a political pygmy." On a positive note these clauses can theoretically serve as a 'safeguard' for the EU to resort to (or reach out for) in order to apply economic pressure on one or more of its Mediterranean Partners should their human rights situation threaten to escalate beyond acceptable levels. They may act as moderating factors on rulers, forcing them to exercise self-restraint and to check their excesses. But as an instrument for coaxing the Partner countries into registering sufficient progress on human rights and democratic principles, these clauses appear to have mattered very little, so far. To be effective they have to be linked to specific sanctions.

The Arab countries that have introduced some form of political reform have done so mainly in response to domestic pressures, not the threat of EU sanctions. Also such changes are not irreversible.¹² Furthermore the experience has been a mixed one as shall be seen below. The empirical evidence suggests this. Furthermore, in the light of the EU's 'soft' approach on human rights and democratic principles, what is the threshold of fundamental freedoms and democratic rights that have to be transgressed in a partner country for the EU to go into action with sanctions? The situation in Algeria has shown that this could indeed be very elastic.

Are the EU Institutions Pulling the Same Rope?

Another important factor is that the EU institutions themselves do not seem to be pulling the same rope. There appears to be a cleavage between the European Parliament and the Council on this issue. For example, the European Parliament's insistence on human rights and democratic freedoms is unquestionable, though not impeccable as shall be argued further on. In a resolution of February 1st, 2001 the Parliament stated that the Common Strategy

¹²For example, in Morocco the enthronement of King Mohammed was followed by a crackdown on the press particularly on reporting of the Western Saharan issue. Restrictions eased significantly from 2001 but will the pendulum swing back again?

towards the Mediterranean region adopted by the Feira European Council should accord priority to promoting human rights and democracy, direct investment and cultural dialogue.¹³ On the other hand the EU's Council of Ministers motivated no doubt by considerations of *'real politique,'* has consistently adopted a softer approach on human rights and democratic principles. At their meeting in Valencia last April, all that the Euro-Mediterranean Foreign Ministers could agree on as part of the *Work Programme* in the area of human rights was to "*encourage the continuation of the political dialogue on human rights by means of national and regional presentations. They also mandated Senior Officials to study the setting up of a more structured dialogue on this sensitive topic so as to increase its effectiveness and deepen the Euro-Mediterranean Partnership in this area.*" More concretely, the ministers agreed with the recommendation of the European Parliament to develop the parliamentary dimension of the partnership and to set up a Euro-Mediterranean Parliamentary Assembly.

Of itself the latter proposal is problematic as shown by Stelios Stavridis, who playing the role of the little boy in Hans Christian Andersen's story of the "Emperor's new Clothes" asked "*Are Southern parliaments real parliaments? That is to say à-la Western Liberal model. There is no real democracy in the South except in Malta and Cyprus. Israel is a problematic case as it is reminiscent of Western Europe during the colonial years.*"¹⁴ The legitimacy of this question, which Stavridis goes on to answer in his paper, is further corroborated by the evidence presented in this paper. Furthermore, when analysing the first two forums, Stavridis showed the somewhat high-handed manner in which the first two meetings of the Euro-Mediterranean Parliamentary Forum¹⁵ treated

¹³Resolution published in OJ C 267 of 21.09.2001.

¹⁴Stavridis Stelios, *The first two Parliamentary Fora of the Euro-Mediterranean Partnership: an assessment*, Jean Monnet Working Paper, University of Catania.

¹⁵The Euro-Mediterranean Parliamentary Forum is sponsored by the European Parliament and comprises a meeting between a European Parliamentary delegation, delegations from the national EU parliaments and 'parliamentary' delegations from the Mediterranean states. The last forum, the fourth, met in Bari

human rights issues. In the second forum “...*the really difficult issues of human rights violations were repeatedly ignored or countered by the (Moroccan) Chair.*” Face to face with this evidence, it seems that the European Parliament’s sponsorship of the forum does not fit its support for placing human rights and democratic principles as the first priority of the Barcelona process. The Valencia decision to set up a Parliamentary Assembly smacks of an exercise aiming to legitimise the illegitimate and removes yet another incentive for change in the southern littoral states: if parliaments can acquire democratic legitimacy without a *demos*, if they can be recognised even when they are neither properly elected nor when they do not have full legislative powers, how can they be stimulated to act as agents of change in their own countries?

Remedying the Situation

How can the situation be remedied? A start can be made on the basis of the Valencia Action Plan to set up as quickly as possible the structured dialogue on human rights and democracy. But then the ministers have already decided that the task should be entrusted to Senior Officials who would presumably follow the instructions of their national governments. We must therefore expect a lot of beating around the bush and if the officials’ performance follows the same patterns of behaviour as in the case of the Peace and Stability Charter then “the morning already shows the kind of day”.

On the other hand if the EU is really keen on making headway it must begin by assuming an effective leadership position, beginning by drafting a model agreement on the implementation of human rights and democratic principles, taking into account the particular situation of each partner, and then following this up with proper negotiations with those states able and willing to move ahead with reform, perhaps adding the incentive of increased economic and financial privileges for those partners that are ready to walk the extra mile with her. The proposed package could begin perhaps by first establishing what in reality is achievable on human rights and

in June 2002 and followed more or less the same lines as analysed by Stavridis in the paper quoted here.

democratic freedoms in the Mediterranean region in the short and longer terms. Once this is done, it is important to incorporate such goals in the EU's policy to make it both "possible" and credible. European citizens and tax payers have a right to know what their governments and the EU is doing on this issue in the Mediterranean region.

The third element is for the EU to definitely spell out what sanctions it would apply in case such goals are not met. It is also important for the EU to consider including such goals in the National Indicative Programmes (NIP) being concluded with each of the Mediterranean member states outlining the way the EU's development aid is going to be used. Alternatively it could take the form of a "Democracy NIP" negotiated with each partner individually in accordance with its individual circumstances. The underlying justification of this approach is that the Euro-Mediterranean Partnership is a two-way relationship and the Mediterranean Partners cannot plead 'non-interference' in internal affairs while expecting uninhibited access to the EU markets. There is no one-way traffic or complete autonomy in situations of interdependence such as the one being created in the Mediterranean region. The challenge is simple to comprehend, though less easy to implement: either all the countries of the Mediterranean Region work together to achieve each other's political and economic aims and interests, leading to a shared area of security and peace or they simply maintain their current minimalist approach with all its pitfalls. If a Regional Strategy Paper for the period 2002-2006 has been put together outlining the principal economic reforms and targets as well as a framework document for a "Regional Cooperation Programme in the field of Justice, in Combating Drugs, Organised Crime and Terrorism as well as Co-operation in the Treatment of Issues Relating to the Social Integration of Migrants, Migration and Movement of People" is it too much to press for parallel progress to be registered on the democracy-human rights front?

The exercise could take the form of drawing up catalogues of economic, political and social freedoms roughly corresponding to what are referred to as "first", "second" and "third" generation

rights, to be implemented in successive phases. The freedoms to be implemented in the first phase could include basic freedoms and safeguards for the individual such as freedom from arbitrary arrest, the establishment of an independent judiciary, fair and public trials, the humane treatment of prisoners, the banning of torture and the abolishment of the death penalty, women's rights and independent (from political manipulation) law enforcement agencies. Among the economic freedoms one could include rules of fair competition, arbitration, property and consumer rights as well as environmental and health standards. Social freedoms would include the effective right to education, health care and labour rights. The last phase could include fundamental political freedoms that lead to a pluralistic society, such as freedom of association, free and fair elections and free media. Constitutional changes that would see the complete transfer of power from monarchs or dominant political parties to democratic institutions could constitute the last phase of the political reform programme to be triggered off as soon as the initial phase has been successfully completed and per capita GDPs have crossed a designated threshold that is indicative of the economic progress achieved in that society. In this way the denial of full fundamental freedoms in the period of transition becomes justifiable by the fact that such freedoms are included in a definite programme of political change that will see them eventually concretised. Should such a programme be eventually agreed to, the EU's position on human rights and democratic principles will also look less ridiculous while a yard stick would have been established to measure progress on this score.

Of course such a proposal is open to debate and controversies but it may be more practical, certainly more credible than declared goals that are difficult or impossible to achieve, yet alone an open agenda with no commitments.

The Ambivalence of the EU Analysed Further

The EU's ambivalence and oscillations on its declared policy on human rights and democratic freedoms in the Mediterranean region

can be shown by the empirical evidence. The *2001 European Union Annual Report on Human Rights*¹⁶ is significant in this discussion both for what it says and for its deafening silence on a number of important issues regarding the Union's Mediterranean partners. Israel is castigated for the illegal settlements in the Occupied Arab Territories and its violation of human rights in Palestine. Syria is criticised for "the use of arbitrary detention, deficiencies in arrest and detention procedures, prison conditions and lack of freedom of expression, assembly and association." One may ask: "What other human right did Syria have to trample underfoot to prod the EU into action?" The EU's position on Syria is also rather confusing because while the Report claims that "*The EU welcomed the decision to release 600 political prisoners in 2000 but remained concerned over the large number still in detention*"¹⁷ the EU Commission was busily negotiating a partnership agreement with Damascus. When Lebanon and Syria failed to attend the Foreign Ministers' meeting in Valencia, the Ministers publicly regretted their absence but timidly "*showed respect for their decision*".¹⁸ This is stranger still when one considers that about a year prior to the Valencia meeting, Ambassador Johan Molander of Sweden, addressing the 57th Session of the Commission on Human Rights in Geneva on behalf of the EU Presidency (March 29th 2001) declared in no uncertain terms that "*The EU is ready to support all efforts aiming at greater political freedom and an improved human rights situation in Syria.*"¹⁹ The question is "how?" What kind of message has Syria been receiving from the EU on the crucial issue of democratisation and human rights? That the EU drives a hard bargain on this issue or that it is soft?

The examples shown above are not the only ones. However, for more documented evidence on the state of human rights and

¹⁶Council of the European Union, General Secretariat, *European Union Annual Report on Human Rights - 2001*, Office for Official Publications of the European Communities, Luxembourg, 2002.

¹⁷Ibid., page 63.

¹⁸Valencia Euro-Mediterranean Foreign Ministers meeting, Conclusion of the Presidency, point 16.

¹⁹Ibid., page 101.

democratic principles in the Mediterranean Partner countries, one is forced to resort to other sources, e.g the US Department of State for the individual country reports on human rights practices. Information supplied by the US Department of State shows that significant restrictions are placed on the ability of citizens to change their government in all the Arab countries although political freedoms vary from one Arab country to the other and according to the political system adopted in each (i.e. monarchy or republic). Restrictions are also placed on other freedoms such as those of expression, association and assembly. The press and media in most of the countries is restricted, particularly the domestic press. The judiciary in most cases is not independent. A summary of the main points made in the US Department of State Reports that are indicative of the state of democracy in the EU's Mediterranean partners are included in the attached Diagram.

The Diagram summarises what is perhaps common knowledge already and shows the amount of work that has still to be done to strengthen democracy and human rights in the southern littoral states.

Has Nothing Changed in the Southern Littoral States?

Faced with the picture just outlined it would be easy to say that nothing has changed in the southern littoral states over the past couple of decades or so. But this is not the case. Certain changes have taken place but these have to be analysed across the countries in the region and measured for their effectiveness in bringing about real political change. A few concrete examples will illustrate the case.

Beginning with the most recent 'controversial' issue, in Tunisia a referendum was held last May in which the people were called upon to approve a raft of constitutional amendments which if enforced could make a qualitative difference to them. These changes include strengthening judicial control over the police, humane treatment for those deprived of freedom, the inviolability of the home and so on. At the same time, however, other constitutional amendments approved in the referendum enable the

country's President, whose term in office was scheduled to come to an end in 2004, to help himself to another couple of terms thus ensuring that he will remain at the helm for quite some time in the future until he reaches the age of 75. New powers are given to the country's Chamber of Deputies. These changes are a step in the right direction but it has still to be kept in mind that in Tunisia the press is strictly controlled by the state and the electoral system is suspect given that in the 1999 elections the President polled no fewer than 99.44% of eligible votes. Another example is that an estimated 100,000 citizens, which is negligible by Tunisia's size, have access to the internet but then the two service providers in the country are run by persons with close ties to the family of President Ben Ali and web sites containing information critical of the Government are frequently blocked.²⁰ The emphasis of the Western Press on the Tunisian referendum was on the fact that President Ben Ali may have prolonged his rule by another decade or so. Little analysis was forthcoming about the effect of the other constitutional changes.

A cursory look at the rest of the Arab world shows that indeed many changes have been occurring. Naked repression is no longer favoured by the majority of the governments of the region. Forms of representative government are being tried in many of them: Jordan introduced municipal elections, Morocco's government is formed by a Party which was formerly in opposition, and despite the civil war elections to the *Majlis al-Sha'abi Al-Watani* were organised in Algeria last May - although the turnout at 46.2% was 19.4% down due to a boycott by the main opposition movements including the FIS which were banned from contesting. In all six parties and a number of independents are represented in the Majlis. However, the electoral process leaves much to be desired in all the Arab world. The dominant party or the party supporting the monarchy (or independents in the case of Jordan) invariably always win. Following the last election in Algeria the Constitutional Court

²⁰Source BBC at:

http://news.bbc.co.uk/1/hi/world/middle_east/country_profiles/791969.stm

declared a number of seats to have been elected in the Berber areas even though almost no votes were cast there.²¹

This study can go on to document such failings but the main point is to establish whether these changes are leading to improvements, a gradual democratisation, or to regress. Those who expect change in the Mediterranean region to be a linear progression are mistaken. But what can we make of what is happening? Are these changes genuine moves towards democracy or the calculated stratagems of ruling elites in their effort to survive by dampening the strongest forms of criticism? The research agenda on this aspect looks very interesting. These reforms have to be tracked, measured for their effectiveness over time and compared across countries and across time. Generalisations are not needed here; nor simplifications.

Conclusion

The arguments presented in this paper can be compressed in a few headline arguments. The EU, a community of states based on pluralism, human rights, democratic freedoms and the rule of law had really little choice but to emphasise these principles in its foreign policies. This is also one of the main aims of the Common Foreign and Security Policy. The EU's principles are based on a longstanding European philosophy that security and long-term stability cannot be achieved through the balance of power alone. Economic integration and democratic principles also strengthen regional or international stability because democratic countries are less likely to go to war against one another.

When the EU came to actually apply these principles in the Mediterranean region it encountered difficulties and had to back-paddle on them. A credibility gap opened up since expectations were raised that could not be fulfilled. Apart from a strong measure of ambivalence shown by the EU on the question of human rights and democratic principles, there are signs of a cleavage on this matter between the European Parliament and the Council. The

²¹ <http://psephos.adam-carr.net/algeria/algeria2002.txt>

EU's attempt to strengthen and perhaps hurry the democratic transition in the Mediterranean region has met the resistance of the partners themselves who fear their loss of political power. The consequences of the latter and its impact on the EU have not really been measured.

Changes in the Mediterranean region have nevertheless been occurring but their significance has to be measured across time and countries. It has to be established whether the changes are leading to a qualitative change or whether they are simply the adaptive measures of old regimes struggling for survival. What is very important is that despite these many difficulties it is important for the EU to emphasise democratic principles more forcefully in its foreign policy and not to allow any progress that has been registered so far to be reversed as a result of dubious alliances in the wake of the events of September 11 and the international fight against terrorism.

DIAGRAM

SOME INDICATORS ON THE OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN A SELECT NUMBER OF ARAB STATES OF THE EURO-MEDITERRANEAN PARTNERSHIP

Group 1 - Monarchical Polities

	Morocco	Jordan
Freedom of speech and the press	Media are being allowed freedom to air views but some subjects such as human rights remain restricted and publications considered to be offensive can be confiscated.	Stringent restrictions are imposed on newspapers. Bans on certain books and newspapers are imposed by the Government. Academic freedom is also restricted.
Freedom of Peaceful Assembly	Most meetings require prior authorization by the authorities. Although most meetings can be held freely, the authorities can prevent those they consider threatening.	The Government restricts freedom of assembly. Prior permission is required before public events can be held.
Freedom of Religion	Most religions including Christians and Jews and other smaller minorities are allowed to practice freely. Koranic schools and mosques are kept under surveillance.	Some restrictions are imposed on freedom of religion. The three monotheistic religions are recognised but not the others.
Political Rights: The right of citizens to change the Government.	Citizens do not have the full right to change their Government. The King appoints the Prime Minister. Gradual improvements have been made to the electoral system but accusations of electoral fraud are still frequent.	There are significant restrictions on citizens' right to change their government. The King appoints and dismisses the Prime Minister, the cabinet and can dismiss Parliament. Executive power is vested in the King.

Group 2 - Republics

	Tunisia	Egypt	Algeria
Freedom of Speech and the Press	Press freedom is restricted by direct and indirect methods. Local and international human rights activists are harassed and detained. A high degree of self-censorship is exercised.	This freedom is only partially restricted but certain limits cannot be exceeded. Heavy involvement of the Government in the media.	The state of emergency decree gives the Government broad authority to restrict press freedom and freedom of speech.
Freedom of Peaceful Assembly	Government imposes some restrictions on this right.	Government significantly restricts this freedom and the freedom of association.	Sharply curtailed since the 1992 emergency decree.
Freedom of Religion	Generally speaking Religions other than Islam are also free to practice.	Government places some restrictions on this right and mosques have to be licensed. Restrictions on Christian Coptic minority.	Islam is the only religion recognised by law although the Government has a de facto policy of tolerance towards other religions there are some restrictions.

Political Rights: The Right of Citizens to change the Government	In 1999, President Ben-Ali was elected president in the country's first multi-party elections obtaining 99.44% of the vote. The country has been dominated by a single party since independence in 1956. Reports of numerous irregularities in elections.	The People's Assembly the Shura Council, local government, the mass media, labour and the public sector etc are controlled by the National Democratic Party. The people do not have a meaningful right to change the government.	The military leaders of the country exercise complete control over the selection of the country's political leaders. The Wafa party is not legal due to attached ties with FIS. FIS is also banned. The last election held in 1997 showed signs of improvements as regards reliability of the electoral process.
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