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**DEMOCRATIC CONDITIONALITY WITHIN THE
FRAMEWORK OF THE EURO-MEDITERRANEAN
PARTNERSHIP**

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Abstract. This study is aimed to analyse the role played by the so called “democratic conditionality clause” into the Bilateral Association Agreements signed by the EU and the Mediterranean Partners, within the broader framework of the EU’s Development Policy and the Euro-Mediterranean Partnership. The theme will be developed on three different and interlinked dimensions: first of all on the activity deployed by the EU to promote democracy in North Africa; secondly, on the specific problems and characteristics of democratization processes in North Africa; finally and mainly on the Euro-Mediterranean Partnership (EMP), regarded as the multilateral context within which EU’s policies meet North African instances.



"... turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity requires a strengthening of democracy and respect for human rights, sustainable and balanced economic and social development, measures to combat poverty and promotion of greater understanding between cultures ..."

Barcelona Declaration - Preamble

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PREAMBLE

The aim of this study relates to democratization processes, namely to the analysis of democracy promotion policies of an international actor, the European Union (EU), in a specific area, North Africa.

It is structured so as to taking into account all the various factors and considerations pertinent to the external dimensions of democratization: therefore it will try to assess the nature of European policies, the motives behind the approaches to the democracy promotion adopted by the EU, the effectiveness of the European action in this field , moreover it will try to understand the North African perspectives on the EU's democracy promotion commitments and to explore the political implication of the impact that the European policy had had on social, political and economic conditions in North Africa, finally it will take into account the prominent role played by civil society in favouring "an unstoppable spread of democratic norms."¹

The work will be developed on three different and interlinked dimensions: first of all on the activity deployed by the EU to promote democracy in North Africa; secondly, on the specific problems and characteristics of democratization processes in North Africa; finally and mainly on the Euro-Mediterranean Partnership (EMP), regarded as the multilateral context within which EU's policies meet North African instances.

Anyway the main set of questions which will be assessed in this study, relates to the way in which an international actor in general, and the European Union in particular, can most effectively help to construct high quality and balanced democratic institutions. Precisely this study is aimed to analyse the role played by the so called "democratic conditionality clause" into the Bilateral Association Agreements signed by the EU and the Mediterranean Partners, within the broader framework of the EU's Development Policy and of the Euro-Mediterranean Partnership.

¹ R.GILLESPIE-R.YOUNGS, "Themes in European Democracy promotion", in Democratization, Volume 9, Spring 2002, Number 1, Special Issue: "The European Union and Democracy Promotion: The Case of North Africa", edited by R. Gillespie and R. Youngs, page 1.

CHAPTER 1

THE EUROPEAN COMMUNITY DEVELOPMENT POLICY IN THE MEDITERRANEAN REGION.

1.1 THE BARCELONA PROCESS.

The Mediterranean Basin has always been an area of fruitful chances of encounter among peoples, cultures and civilities², but it has also been a hot scenario for dramatic political and cultural tensions and conflicts, mainly after the end of the ancient equilibriums created by the Cold War; the fall of the Berlin Wall determined a situation of un-stability and of political uncertainty, which increased the range of risk for peace and stability in the Mediterranean region, in Europe and therefore for the entire International Community.

Then it is not surprising that the Euro-Mediterranean Policy has always been a key priority in EU's external relations, because "*the new political, economic and social issues on both sides of the Mediterranean constitute common challenges calling for a coordinated overall response.*"³

The European Union's proximity policy towards the Mediterranean region is governed by the global and comprehensive **Euro-Mediterranean Partnership** launched at the **1995 Barcelona Conference**, between the European Union and its 12 Mediterranean Partners (Algeria, Palestinian Authority, Cyprus, Egypt, Jordan, Israel, Lebanon, Malta, Morocco, Syria, Tunisia, and Turkey).

The Barcelona Conference was the final result of the new EU's declared intention to re-launch its Mediterranean policy: the Barcelona Declaration marks the start into a new "partnership" phase including bilateral and multilateral or regional cooperation.

Actually the EU's commitment in the Mediterranean basin is not recent, in fact it finds its legal basis in the **EC Treaty**, signed in Rome in **1957**, which is mainly aimed to improve the economic and political relationships among Europe and the Mediterranean Third Countries,

In this perspective the European Community, in order to promote the development of the latter and to consolidate the European prominence in such a strategic region⁴, established a common commercial policy according to the general rule contained in **Article 113** of the Rome Treaty⁵.

This First Phase of the European policy in the Mediterranean Basin is characterized by the previous colonialist relations entertained by some European countries (in particular France and Spain) with most of the North African Countries: the European Community, according to article 113 signed with its

² Barcelona Declaration, Preamble, first paragraph.

³ Barcelona Declaration, Preamble, third paragraph.

⁴ RIZZI, "*Unione europea e Mediterraneo*". La Nuova Scientifica Italiana, Roma 1997. Page 19.

⁵ The EC treaty does not contain, with the exception of some articles, namely articles 131-136, specific provisions regarding the Mediterranean dialogue EC Treaty.

aspirant member States (i.e. Greece) and North African former colonies commercial agreements and **Association Agreements** which, in the opinion of someone⁶, were mainly designed to consolidate ancient influences.

In **1972** the European Commission, also by following the position taken by the European Parliament⁷, realized a document in which it promotes an unitary approach to the issue of the Euro-Mediterranean policy and indicates the key elements of the so called **Global Mediterranean Policy** (improved export from North Africa to the EC; economic, financial and technical co-operation, and institutional assistance).

The failure of the Global Mediterranean Policy , which continued until the *eighties*, is due to various factors: first of all to the post-colonialist approach performed by the EC, secondly to the fear felt by the EC's southern member States to protect their production during the economic crisis of the *seventies* (someone⁸ speaks of "protectionist approach" of the EC), and finally to the internal contradictions which characterized the commercial policy designed after the enlargement and the association agreements.

The **Single European Act**⁹ enlarged the EC's competences and provided specific rules on foreign policy and, in the period comprised between 1988 and 1991, the EC's institutions elaborated a new form of Euro-Mediterranean co-operation¹⁰: the so called **Renewed Mediterranean Policy**.

This new phase in the EC's policy of "*proximity*" towards the Mediterranean Basin¹¹ focuses on commercial co-operation and on programs of financial assistance¹² (Med Programs: *MedCampus*, *MedInvest*, *MedUrb*) which produced good performances¹³ but it does not provide any agreement on development although it promotes a deeper general co-operation and strengthens the political dialogue into the region.

In 1991 the new political scenario created by the Fall of the **Berlin Wall** called for a re-thinking on the EC's role: the European Parliament, which was worried about the unbalanced economic and social development which was affecting the Mediterranean region and by the increasing presence of Islamic fundamentalism, expressed its urgent commitment in improving from a quantitative and a qualitative point of view the dialogue between the Southern and the Northern sides of the Mediterranean Sea, with the aim of ensuring peace and stability.

The acknowledgement that the goal of peace, stability and development could not be reached only by implementing forms of economic co-operation led

⁶ RIZZI, "*Unione europea e Mediterranee*". La Nuova Scientifica Italiana, Roma 1997. Page 25.

⁷ Parliament's Resolutions of January and 9 February 1971.

⁸ A.R. DI SERIO " La Cooperazione Euro-Mediterranea e la Dichiarazione di Barcellona". In Rivista di Diritto Europeo, 1996, fascicolo 4, volume 36, page 702.

⁹ signed in 1986 and entered into force in 1987

¹⁰ Communications of the Commission to the Council of Ministers of 30-09-1989 and of 1-06-1990.

¹¹ Nicosia Conference, 1990.

¹² RIZZI, "*Unione europea e Mediterranee*". La Nuova Scientifica Italiana, Roma 1997. Page 52.

¹³ Idem page 55.

to the present stage of the EC's policy towards the Mediterranean Basin, which aims to create a broad political dialogue based on the respect of human rights, democracy, peace and stability: the **Euro-Mediterranean Partnership** launched at the Barcelona Declaration in **1995** represents the main result of a such recognition.

The idea of an Euro-Mediterranean Partnership took place in 1992 with the EC's commitment in the Maghreb region, which was extended to the entire Mediterranean Basin in 1994, and which was fully expressed during the **Essen European Council**: finally the European Commission in a Communication¹⁴ realized a set of concrete proposals in order to consolidate a real partnership in the Mediterranean region.

1.2 THE BARCELONA DECLARATION.

The **Euro-Mediterranean Partnership** was officially launched in **1995** during the **Barcelona Conference**, after 20 years of increasingly intensive bilateral trade and development cooperation between the European Union, the 15 Member States and its 12 Mediterranean Partners (Algeria, Palestinian Authority, Cyprus, Egypt, Jordan, Israel, Lebanon, Malta, Morocco, Syria, Tunisia, and Turkey).

The new EC's Mediterranean policy provides a legal framework which is designed to operate in an economically and politically strategic region, which is affected by severe and wide problems such as political instability, Islamic fundamentalism, migration, security issues, environmental damages, poverty eradication, social and economic under-development.

Actually the goal pursued by the EMP's policy makers appears much more difficult to gain if will be evaluated the fact that the varying notions of "community" set out by the scientific literature do not work in the case of Euro-Med: "*the Euro-Mediterranean Partnership (EMP) is less a project of regional co-operation, and more one of inter-regional co-operation undertaken between regions and countries divided by basic political, social, economic, cultural differences*"¹⁵.

Thus, if **regionalism** in the EU's approach to external policy is "*an instrument of international governance consciously intended to reduce political and economic gaps through a process of socialisation*"¹⁶ the EMP can be considered as a *region-building process* first of all devoted to the build up of a **common language** on basic issues: "*because of the cross-cultural nature of the Euro-Med framework, socially relevant concepts may be called the same thing*

¹⁴ Communication of the Commission 19/10/1994.

¹⁵ R. ALIBONI EuroMeSCo paper 31 "*Common Languages on Democracy in the Euro-Mediterranean partnership*". Working Group I Second Year Report.

¹⁶ Idem

but mean different things. Democracy, human rights or terrorism are good examples."¹⁷

In line with this reasoning, the Euro-Med Partners "*convinced that the general objective of turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity requires a strengthening of democracy and respect for human rights, sustainable and balanced economic and social development, measures to combat poverty and promotion of greater understanding between cultures...*"¹⁸, "*with due regard for the characteristics, values and distinguishing features peculiar to each of the participants*"¹⁹, during the Barcelona Conference signed a shared **Declaration** in which it is affirmed a strong commitment for the establishment of a **global partnership** articulated in three "*baskets*" (the so called EMP **volets**):

- the establishment of a common Euro-Mediterranean area of peace and stability based on fundamental principles including respect for human rights and democracy (**political and security partnership**);

- the creation of an area of shared prosperity through the progressive establishment of a free-trade area between the EU and its Partners and among the Mediterranean Partners themselves, accompanied by substantial EU financial support for economic transition in the Partners and for the social and economic consequences of this reform process (**economic and financial partnership**);

- the development of human resources, the promotion of understanding and dialogue between cultures and rapprochement of the peoples in the Euro-Mediterranean region as well as to improve the role of civil societies (**social, cultural and human partnership**).

The concrete commitment expressed in the Barcelona Declaration is corroborated by a wide and ambitious **Plan of Action**, also articulated in political, economical and cultural dimensions and which asks for concrete actions and their implementation. In order to monitor the evolution of the policy, the Barcelona Declaration provides a **Work Programme** which defines four categories of instruments : periodic meetings of the foreign affairs ministers²⁰ of the EMP participants; the Euro-Mediterranean Committee for the Barcelona Process; the appropriate departments and directorate-generals of the European Commission; and finally *ad hoc* meetings will be direct by Senior Officials specialized in specific EMP's actions.

¹⁷ Idem

¹⁸ Barcelona Declaration, Preamble, sixth paragraph.

¹⁹ Barcelona Declaration, Preamble, third paragraph. The same idea is expressed also in Commission's Communications to the European Council and the European Parliament, preparatory to the Malta Conference (15-16/04/1997).

²⁰ Malta , Palermo, Stuttgart, Lisbon, Marseilles, Brussels, Valencia, Crete, Naples and Dublin. The Palermo and Lisbon meetings were informal meetings.

The Barcelona Process's strength is reinvigorated by the legal nature of the Barcelona Declaration, which is for sure **legally binding**²¹: the Euro-Med partners by signing the Final Act of the Conference realized an international agreement – even if without adopting the solemn form - which produces legal effects, namely it poses international duties on contracting Parties.

In sum by signing the Declaration, the Euro-Med Partners are internationally bound to take concrete actions in order to implement the targets contained in *Les trois volets*.

Thus the new outcome of the Euro-Med Partnership is represented by this **multilateral dimension**, which goes over the previous bilateral approach.

1.3 THE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY WITHIN THE FRAMEWORK OF THE EURO-MEDITERRANEAN POLITICAL PARTNERSHIP.

The first *volet* of the Barcelona Declaration, which focuses on the **political co-operation among the EU and its Mediterranean Partners**, actually provides an assessment of political objectives and strategies; in fact in order to reach these ends, the Euro-Med partners, being aware that the pursuing of the democracy promotion goal is a **common asset**, *"agree to conduct a strengthened political dialogue at regular intervals based on observance of essential principles of international law"* and to *"act in accordance with the United Nations Charter and the Universal Declaration of Human Rights, as well as other obligations under international law"*.

The first *volet* of the Barcelona Declaration poses at the centre of its political commitment the **development of rule of law and democracy** in Euro-Mediterranean Partners' political systems, as a preparatory strategy which is instrumental to the achievement of targets contained in economic and cultural partnerships: in fact the participants, in the framework of the **third basket**, *"recognize that the traditions of culture and civilization throughout the Mediterranean region, dialogue between these cultures and exchanges...are an essential factor in bringing their peoples closer"* and to this end *"they attach particular importance to respect for fundamental social rights, including the right to development"* and they *"will encourage actions of support for democratic institutions and for the strengthening of the rule of law and civil society."*

Although the EM Partners recognize that the promotion of human rights and democratization is an essential element of the partnership, cooperation in such a delicate field is very difficult to implement, because *"the debate on democracy and human rights in the Mediterranean is linked to the debate on identity and the relations between two civilisations"*²² (see chapter 3). Maybe this is way the Barcelona Declaration turns to a **vague formulation on**

²¹ R. SAPIENZA, "Il Partenariato Euro-Mediterraneo. A due anni dalla Conferenza di Barcellona", in *Aggiornamenti Sociali*, n° 2/1998. Page 150.

²² EuroMeSCo Report 1997/1998 Chapter III on Human Rights, democracy and civil society.

development of rule of law and democracy: such a formulation in theory would appear as addressing its commitment to *each single* Euro-Med partner; instead the subsequent clarification that it is recognized that "*in this framework the right of each of them [EM Partners] to choose and freely develop its own political, socio-cultural, economic and judicial system*", that the Partners must refrain from any direct or indirect intervention in the internal affairs of another partner and respect the territorial integrity and unity of each of the other partners, makes quite evident from one hand, the real *ratio* of the entire paragraph and on the other hand, the real (problematic) question that must be assessed in dealing with development policies and democratization issues: **political conditionality** (see further).

The ambitious program provided by the first *volet* of the Barcelona Declaration in democracy promotion *should* have been put in concrete form by the annexed **Work Program**: its declared aim in fact is "*to implement the objectives of the Barcelona Declaration, and to respect its principles, through regional and multilateral actions*". Unfortunately it does not provide any specific action, any concrete measures or detailed guideline: it just states that the above mentioned implementation "*should start as soon as practical*."²³

Furthermore it must be recognized that any progress in the implementation of the political partnership is first of all subjected to the **Middle East Crisis'** developments and is hampered by the threat of international terrorism and of historical, economical, and cultural factors which are peculiar to the Southern side of the Mediterranean Sea (see chapter 3).

International threats moved by the international terrorism and Middle East Crisis produce a double effect on the Euro-Med political partnership's progress: from one hand, these two factors constitute a sever obstacle to the establishment of a dialogue based on thrust and transparency, and therefore they postpone the beginning of a concrete thinking and acting on democracy and human rights promotion (see chapter 4, paragraph 4.1); from the other hand, the two above mentioned issues have completely - and understandably - absorbed the attention of the sub-sequent Euro-Med Conferences²⁴. As the Agenda relative to the political and security partnership, as the Working Activities carried on by High Functionaries uncharged of elaborating proposals and strategies in order to implement the first *volet*, have been entirely devoted to the issues of terrorism, peace and international security. The main result which was achieved in the period between 1995 and 2003 in improving the political and security dialogue is the debate on the adoption of an **Euro-Mediterranean Charter for Peace and Stability**.

²³ Barcelona Declaration, Annex Work Program, Introduction.

²⁴ Euro-Mediterranean Conferences held in Malta in 1997, Stuttgart in 1999, Marseilles in 2000.

Nevertheless in 2003 during the **Crete Conference**, for the first time the issue of human rights and democracy promotion received an autonomous analysis.

The **Crete Declaration** in fact **contains a specific paragraph on human rights and democracy** in which the Ministers of Foreign Affairs of the 27 participants recognize "*the necessity of allowing for an open discussion of issues related to human rights and democracy. They welcomed the effort to identify areas of common ground for co-operation in legislative and regulatory reform as well as implementation of such reforms*".

In occasion of the **sixth Euro-Mediterranean Conference of Foreign Affairs Ministers** which took place in Naples in December 2003, Europe reaffirmed its solidarity with its Mediterranean partners actually by offering "*in exchange for tangible political and economic reforms, gradual integration into the expanded European internal market and the possibility of ultimately reaching the EU's four fundamental freedoms*".²⁵ Despite the fact that the Naples meeting was particularly focused on the stagnation of the Middle East Peace Process and on the struggle to win peace in Iraq, it provides a tangible outcome on the political front of the EMP by launching the establishment of an **Euro-Mediterranean Parliamentary Assembly** which will allow partners to meet on a more formal basis with a view to exchange ideas and experience on how a democratic system should function.

Actually the Naples Conference's Conclusions in conjunction with the Valencia Plan of Action and the Barcelona Work Program does constitute the way to revive the Euro-Mediterranean Partnership also by looking at the **upcoming Euro-Mediterranean ministerial conference to be held in Cairo on 29 and 30 November**. The main outcome of quadrilateral meeting of the foreign ministers of Italy, France, Spain and Portugal – for sure among the EU Member States with a stronger *Mediterranean sensitivity* – was the commitment, in proximity of the 10th anniversary of the Barcelona Declaration in 2005, to **strengthening of the visibility of the Process** and a better perception of the European Union's action and engagement in this region on behalf of its peoples and civil societies, to assess the Mediterranean partners' experiences in political, security and defence dialogue in order to continue to deepen it, and in sum to pursue the **enrichment of the content of the Barcelona Process**, in particular on migration issues and economic topics and, in this context, regional and sub-regional cooperation, as well as in the social, cultural and human sectors.

1.4 THE EURO-MEDITERRANEAN PARTNERSHIP IN THE BROADER FRAMEWORK OF THE EU'S NEIGHBOURHOOD POLICY.

²⁵http://europa.eu.int/comm/external_relations/euromed/doc.htm, "Sixth Euro-Med Ministerial Conference: reinforcing and bringing the Partnership forward".

As the nature and the general aim of the Euro-Mediterranean Partnership is concerned, the EMP itself must be placed and interpreted into the broader framework of the New European Union Neighbourhood Policy, simply because the EMP constitutes in a certain sense a part of it.

Actually, in the recent years, the EU has been faced up the challenges which arose under the new geographical asset created from one hand by the end of the *Cold War*, and on the other hand by the enlargement process: EU's boundaries have been changed, from a political and a geographical point of view. Nowadays, after the enlargement towards Eastern Countries which took place in 2004, European Institutions are dealing with the urgency of assessing their internal equilibriums, first of all those ones related to new European Members States which are able to perform different degree of speed and which present different economic and social systems, and at the same time they are called to face the issues related to the enlarged boundaries - mainly security issues and migration flows - which in turn constitute threats to its own stability and prosperity. In sum according to the European Commission²⁶ the "*expansion to the east has made it necessary for the European Union to formulate an explicit neighbourhood policy towards its new proximity*"²⁷.

The EU's policy makers, in order to react to the above mentioned risks, look for the establishment of a convergence on EU's values and political principles inside neighbour countries, despite the fact that they can not rely upon the incentive (*the carrot*) of EU membership. Anyway they are aware that Third countries are suffering the increasing cost of exclusion from all the benefits linked to the EU membership²⁸, moreover it is acknowledged that EU's customs exert a strong attraction on neighbour countries. It is also true that, although the membership incentive worked quite well with Eastern countries, it is not practicable the idea of going on with the enlargement of the Union.

The EU's response to such a delicate and controversial issue is an elaborated comprehensive strategy which offers less than membership and more than ordinary partnership, that is a strategy which involves the so called *ring of friends*²⁹ in a joined responsibility in security issues and in a series of bilateral and regional projects of political and economic cooperation and which turns to

²⁶ Prodi, Romano, 2002, 'A Wider Europe - A Proximity Policy as the key to stability', Speech 02/619 delivered at 'Peace, Security And Stability: International Dialogue and the Role of the EU', Sixth ECSA-World Conference, Jean Monnet Project, Brussels, 5-6 December and Commission Communication on "Wider Europe-Neighbourhood: a New Framework for Relations with our Eastern and Southern Neighbour", COM(2003) 104 final, 11 march 2003.

²⁷ M. BENEDEK, St Antony's College, Oxford. "*From Neighbour to Member or Associate? The Future of the European Union's Neighbourhood Policy*", in EU Policy Network, October 2003 - The Future of the EU's Neighbourhood Policy October 2003.

²⁸ Idem.

²⁹ The European Commission and particularly its President, Romano Prodi, have been thinking hard about this. In March, they proposed a new framework for the EU's relations with its eastern and southern neighbours, entitled "Wider Europe". Their ambition is "to develop a zone of prosperity and a friendly neighbourhood - a 'ring of friends' - with whom the EU enjoys close, peaceful and co-operative relations". In Europe Infos Nr. 55 (12/2003), Editorial "A ring of friends".

*"political conditionality, a regional approach mixed with national differentiation, and flexible implementation reflecting changing political bargains"*³⁰.

In sum the new Neighbourhood Policy seeks to launch a general process of region-building which will assist the already existing policies, without overriding them; in this sense it could be said that the Euro-Mediterranean Partnership constitutes the structure which coordinate European Neighbourhood Policy and Relations towards North African countries, through bilateral association agreements and regional projects.

Actually the last enlargement of the EU had a "*Mediterranean flavour*"³¹, as two previous Euro-Med Partners left the Euro-Mediterranean Partnership in order to join the EU membership (Cyprus and Malta) and Turkey – although with some uncertainties and difficulties - is on the same way: the outcome of such an enlargement, also by taking into account the Eastern expansion, is a situation of severe un-equilibrium which makes things even worsen for Southern Mediterranean Partners; moreover such a situation could lead to a loss of some peculiarities of the EMP project as it was conceived in the Barcelona Declaration.

The issue of the effects that the implementation of a Neighbourhood Policy on the EMP will or can produce is quite complex: it is reasonable to shape as severe negative effects, as potential positive ones. In the view of Southern EMP' partners the main risk linked to the implementation of such a policy is the *dilution*³² of the specific Euro-Mediterranean relationships' system within a broader framework, which involves countries which do not share their peculiarities and needs (i.e. Russia), and it in the end could lead to a deeper economic and political marginalisation of North African countries. Moreover the Southern side of the Mediterranean Sea is even much more worried of becoming a *buffer zone*³³ between Europe, on one side, and Africa and Eurasia on the other side, especially if security issues are concerned.

The potential positive effects which could be linked to the implementation of a Neighbourhood Policy on the EMP are the same which are generally inherent to integration processes: first of all, the building up of a single coherent political and legal framework – from the African Dunes to the Siberian lands – would lead a spread reinforcement of the effectiveness of EU's external proximity policies, moreover it could facilitate the creation of the Great Euro-Mediterranean Market, which in turn could attract Foreign Direct Investments flows.

³⁰ Idem.

³¹ E.LANNON and P. VAN ELSUWEGE, "The EU's Emerging Neighbourhood Policy and Its Potential Impact on the Euro-Mediterranean partnership".

³² Idem.

³³ Idem.

CHAPTER 2

THE EUROPEAN UNION'S ROLE IN PROMOTING HUMAN RIGHTS AND DEMOCRATISATION IN THIRD COUNTRIES.

2.1 THE LEGAL BASIS

The European Union's activities in promoting human rights and democracy are based on the universal principles as laid down in the **Universal Declaration on Human Rights** and its complementary **International Covenant on Civil and Political Rights** and **International Covenant on Economic, Social and Cultural Rights** and in the main international and regional instruments for the protection of human rights, including the **European Convention on Human Rights**³⁴.

A considerable step in integrating human rights and democratic principles into the policies of the European Union was taken with the entry into force of the **Treaty on European Union** in 1993: the TUE considers as one of the priority areas of the EU's Common Foreign and Security Policy the development and consolidation of "*democracy and the rule of law, and respect for human rights and fundamental freedoms*". Furthermore the new title on development cooperation includes a second direct reference to human rights and democratization: "*Community policy in this area 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*".

In 1999 the **Amsterdam Treaty** marked a deeper EU's commitment in democratization policies and in integrating human rights into the legal order of the European Union: the new article 6 reaffirms that the European Union "*is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States*" and **according to general principles of international law the EU bears the international obligation to respect those principles also in its relationships with other subjects of the International Community, then with the receivers of its technical and political assistance and of its financial aid in the framework of co-operation in development with third Countries.**

³⁴ Other important sources with regard to defining the priorities of the EU are the declaration and the programme of action of the World Conference on Human Rights (Vienna, 1993), the declarations of the International Conference on Population and Development (Cairo, 1994), of the World Summit for Social Development (Copenhagen, 1995) and of the Fourth World Conference on Women (Beijing 1995).

Therefore The Commission's action in the field of external relations will be guided by compliance with the rights and principles contained in the **EU Charter of Fundamental Rights** which was officially proclaimed at **the Nice Summit in December 2000** since this will promote *coherence* between the EU's internal and external approaches³⁵: the Treaty of Nice extends the objective of promoting the respect of human rights and fundamental freedoms, from development co-operation to all forms of co-operation with third countries (Art. 181bis TEC).

In order to set a comprehensive structure for all European Union's activities in the area of human rights and democracy promotion, **the Commission has issued since 1995 a series of communications to the Council and the Parliament**. These communications provide strategies aimed at enhancing the consistency and effectiveness of the human rights and democratization approach of the European Union (see paragraph 2.6).

The fundamental Commission's **Communication on the EU's Role in Promoting Human Rights & Democratisation in Third Countries** (8 May 2001) mainly focuses on the development of a coherent strategy for EU external assistance in the field of democratization; in fact it does not seek to rewrite the EC's policy in such a field, *"rather it seeks to set this policy in the context of the Commission's overall strategic approach in external relations"*³⁶, in order to ensure that human rights and democracy issues will permeate every EC's project or action in its external relations.

This approach is grounded on the *"universality and indivisibility"* of civil, political, economic, social, and cultural human rights and makes the protection of such rights, together with the promotion of **pluralistic democracy and effective guarantees for the rule of law** and the fight against poverty, the EU's fundamental goals: an essential part in any strategy for development relates to the promotion of human rights, democracy, the rule of law and good governance (**Joint Statement on the European Community's development policy 2**)³⁷, because democracy's improvement and institutional reforms aimed to enforce the rule of law, on one hand increase development opportunities, and on the other hand reduces risks for international peace, security and stability: the EC's Communication in fact stresses the concept of **"democratic peace"**³⁸, namely the idea that a democratic and pluralist government, which lives in an *"environment of international legality"*³⁹ and respects the rights of minorities is less likely to resort to nationalism or violence

³⁵ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

³⁶ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

³⁷ The Joint Statement was adopted in November 2000 by the Commission and the Council - see further paragraph 2.5.

³⁸ R. ALIBONI EUROMESCO WORKING GROUP ON « *The Charter and the search for a Euro-Med common ground* » - "CONFLICT PREVENTION" - SEMINAR IN TUNIS 14-15 JUNE 2002.

³⁹ Idem.

as internally, as against its neighbours⁴⁰ according to the fundamental "*Kantian argument*" which display the strong correlation existing between peace and democracy.

The Communication identifies all the useful **tools**⁴¹ in pursuing the democratization goal and **three priority areas** in which the Community can take –and should take– effective actions in supporting human rights and democracy:

- "*promoting coherent and consistent policies in support of human rights and democratisation*";
- "*placing a higher priority on human rights and democratisation in the European Union's relations with third countries... by using the opportunities offered by political dialogue, trade and external assistance*";
- *adopting a more strategic approach to the European Initiative for Democracy and Human Rights (EIDHR)*.⁴²

Moreover the EU's **democracy promotion strategy** in order to be effective should adopt a **cross-cutting approach**: "*respect for human rights and democracy should be an integral... consideration in all EU external policies*."⁴³ In fact in addition to its activities in the six priority areas (trade and development, regional integration, macroeconomic policies and equitable access to social services, transport, food security, institutional capacity building)⁴⁴ the European Community has identified crosscutting themes that should be integrated at every stage and within all of the Community's development cooperation and external assistance programmes: the first one among these⁴⁵ is specifically the promotion of human rights and democracy.⁴⁶

Thus it is essential for the effectiveness of the EU's democracy promotion strategy to launch a positive and constructive partnership with governments, because **States are primarily responsible for upholding human rights and fundamental freedoms**.

Anyway European institutions involved in development policies should adopt this approach wherever possible, but they should also recognize that in

⁴⁰ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

⁴¹ Firstly classical tools, such as traditional diplomacy and foreign policy (that is *démarches* and interventions in UN *Fora*, and sanctions); financial and co-operation instruments , bilateral dialogue, finally the innovative ones, which are instruments in policy areas such the environment, trade, the information society and immigration which have the scope to include human rights and democratisation objectives. European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Chapter 2 "A MORE COHERENT AND CONSISTENT EU APPROACH".

⁴² European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

⁴³ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Chapter 3, "INTEGRATING HUMAN RIGHTS AND DEMOCRATISATION INTO DIALOGUE AND COOPERATION".

⁴⁴ European Commission, Annual Report 20 on the European Community's Development policy and the implementation of external assistance in 2002, chapter 2.

⁴⁵ ...gender equality, environmental protection, and conflict prevention.

⁴⁶ European Commission, Annual Report 2003 on the European Community's Development policy and the implementation of external assistance in 2002, chapter 5.

some cases, **third countries may have no genuine commitment to pursue change through dialogue and partnership**, in these cases negative measures may therefore be more appropriate or at least more effective.

2.2 EUROPEAN INITIATIVE FOR DEMOCRACY AND HUMAN RIGHTS.

Accordingly to the fundamental EC's Communication of May 2001 one of the three *priority areas* in which the EC could act in order to promote effectively democratization processes, relates to the adoption of "*a more strategic approach to the **European Initiative for Democracy and Human Rights (EIDHR)**⁴⁷, matching programmes and projects in the field with EU commitments on human rights and democracy.*"⁴⁸

Regulations 975/99 and 976/9913 provide the legal basis for the EIDHR which has the availability of about 100 million euros to support human rights, democratisation and conflict prevention activities to be carried out primarily in partnership with NGOs and international organisations.

A number of documents elaborated by the European Parliament acknowledges the positive contribution made by the EC towards democratization processes, but these documents also underline that the EIDHR need to be more transparent and that the impact of EC assistance through the EIDHR is frustrated by several factors, which are the same that affect in general the effectiveness of the EMP.

Although the *first one Thematic Priority* of EIDHR, as it is outlined in the EC's 2003 Annual Report on Development policy, regards exactly the adoption of actions and the implementation of measures to support democratization, good governance and rule of law, actually the European Initiative for democracy and human rights in the **Southern Mediterranean** is financing only two projects⁴⁹ to promote and defend human rights, while the "support for democratization" component provides projects to strengthening in the Arab World the role of civil societies able to draw on an independent and impartial legal system, and to hold governments accountable and denouncing human rights abuses.

Therefore it is absolutely understandable that the European Commission stresses that "*there is still a need to develop a more strategic approach for the EIDHR and its relationship to other instruments*"⁵⁰ with a view of obtaining greater impact, sustainability, and effectiveness in the longer term: in this

⁴⁷ Chapter B7-7 of the budget.

⁴⁸ COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT "the European Union's role in promoting human rights and democratisation in third countries". Brussels, 8 May 2001 COM(2001) 252 final.

⁴⁹ The first is a Master in human rights for students coming from Euro-Med Partners, and the second is devoted to the promotion of women's rights.

⁵⁰ COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT "the European Union's role in promoting human rights and democratisation in third countries". Brussels, 8 May 2001 COM(2001) 252 final.

perspective it will be essential that the management reforms will be pursued in consultation with the Council, the European Parliament and civil society, as well as other donors and international organisations.

The European Commission is strongly confident on the potential good outcome of the EIDHR in strengthening the promotion of human rights and democracy in third countries, namely EIDHR's strategy (that is: limited thematic priorities, focus countries, and flexibility) should focus on its added values, which are the following:

- its complementariness to the EC programmes carried out with governments, which imply the possibility of implementation with different partners (NGOs and international organisations);
- **it can be used without host government consent;**
- it provides grants that are perceived as having the EU's political backing, which can help to **protect potentially vulnerable NGOs vis-à-vis repressive governments;**
- **it is identified with the EU, and reflects and promotes its values,** such as multilateralism, fundamental rights, democracy and the rule of law, and respect for minorities: this aspect improve thrust in popular feelings towards external assistance coming from Europe (see chapter 3);
- finally it can be used to pursue human rights and democratisation initiatives on a **regional basis.**

2.3 THE MEDA DEMOCRACY PROGRAM.

MEDA programmes constitute the **main financial instrument devoted to the implementation of the EMP's targets:** they provide technical and financial measures aimed to support structural, economic, and social reforms in Mediterranean partners' systems.

MEDA programmes work on a double level, regional and bilateral, and their resources are subject to programming on a triennial basis⁵¹.

Council Regulation no EC/1488/96, the so called **MEDA Regulation**⁵², provides the legal basis of the MEDA Programme,: it sets out the main areas of intervention – which are directly linked to the three EM baskets - and provides rules of functioning for the MED Committee.

In 1996 the European Parliament established a new budgetary line (**B-5070**) which is instrumental to the adoption of measures provided in a new project **specifically intended to promote the rule of law, human rights**

⁵¹ The first step in programming consists in the establishment of strategy papers covering at the national as at the regional level. Based on these papers, three-year national indicative programmes (NIPs) are drawn up by each single partner in order to coordinate MEDA activities in the Country, so NIP acts on a bilateral level. Finally a regional indicative programme (RIP) covers the multilateral activities. From the NIPs and the RIP annually are adopted specific financing plans. The strategy papers, NIPs and the RIP are established in liaison with the European Investment Bank.

European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001).

⁵² It was amended in 2000 (MEDA II).

and democracy and to strengthen civil society within the framework of the EMP: the MEDA Democracy Project, which is also part of the European Initiative for Democracy and Human Rights.

As an instrument for the promotion of civil society activities in the field of human rights and democracy, MEDA Programme is a crucial instrument of EU's Foreign Policy in the Mediterranean region: in fact article 2 of 1996 MEDA Regulation mentions the reinforcement of political stability and of democracy among the three main sectors of the EMP, thus including it in the Regulation's primary objectives.

Therefore, in order to make effective the implementation of such an objective, **MEDA Regulations contain provisions which bear a certain resemblance to the 'human rights clauses'** included in all recent EC agreements (see above, paragraph 2.6). According to **Article 3** of the MEDA Regulation: "*This Regulation is based on respect for democratic principles and the rule of law and also for human rights and fundamental freedoms, which constitute an essential element thereof, the violation of which element will justify the adoption of appropriate measures.*"⁵³

The approach pursued by the EC through MEDA Democracy was strongly "**bottom-up**" in the sense that it focused on support for NGOs, grass-roots advocacy networks, building of awareness, and civic education⁵⁴.

Although between 1996 and 1999 democracy funding in the Mediterranean region increased significantly⁵⁵, the spending on democracy assistance represents less than 1 euro per capita; therefore the range of work undertaken in the field of democratization has been really narrow and it has been subjected to several limitations.

Anyway, MEDA funds were conditional upon economic and not on political reforms, as it is demonstrated by Tunisia's success in securing a disproportionately high share of MEDA funds.

Actually EU's firmer pressure and aid were exerted in relation to individual human rights cases than democracy, therefore the EU's willingness to develop a tougher approach to human rights highlights the substantive absence of a similar approach towards democracy promotion.

2.4 THE CIVIL SOCIETY'S PERSPECTIVE ON DEMOCRACY PROMOTION POLICIES.

*"Civil society makes an important input into policy making for all regions with which the EU has relations"*⁵⁶: several legal instruments produced by

⁵³ At the end of 1997, the Commission proposed a modification of Article 16 of the MEDA Regulation so as to provide for the possibility to suspend cooperation by qualified majority.

⁵⁴ R. YOUNGS, "The European Union and Democracy promotion in The Mediterranean: A New or Disingenuous Strategy?" In Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs, page 55.

⁵⁵ It came to account for a significant 14 per cent of the EC's overall democracy assistance budget, about 27 million euros. Idem.

⁵⁶ R. YOUNGS, "The European Union and Democracy promotion in The Mediterranean: A New or Disingenuous Strategy?" In Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and

European Institutions on human rights and democracy promotion stress the key role played by civil society in this field. It is crucial to the European Institutions to take into account civil society's view on the issue and to work also in an atmosphere of consultation with NGOs because they often underline different priorities or strategies.

Moreover civil society's opinion and warnings are useful to give an idea of the complexity and of the controversial nature of the issue which we are dealing with.

The EC expressed its commitment to intensify the dialogue on human rights and democratisation issues with civil society and NGOs, also through the **Human Rights Contact Group** meeting in the European Parliament, with the aim of exchanging useful information and of improving mutual understanding.

In particular, it will be analysed the activity of the **Euro-Mediterranean Human Rights Network** (EMHRN), as a regional civil society network devoted to the promotion and protection of human rights and democracy in the Euro-Mediterranean region, because it has followed the development of the MEDA Democracy Programme⁵⁷ and it *proposes* its own way to strengthening the implementation of MEDA Democracy Project in the Mediterranean Region.

The EMHRN confronted with the opportunity of using a thematic or a regional approach to democratization processes, agrees with the EC's view⁵⁸ that a **thematic approach is of relevance**. However, it stresses that with the establishment of the Euro-Mediterranean Partnership a new geo-political entity is in the making and it requires a clear perspective with a view to maintaining also a regional approach to the promotion of human rights and democracy⁵⁹.

In general EMHRN states that EU institutions should consider a **more balanced approach** to the Barcelona Process by increasing funds available for civil society activities, independently of government interests, in the field of human rights and democracy under the MEDA Democracy Programme⁶⁰.

Human rights conditions in North Africa systematically give cause for grave concern and are often widely eroded by governments, civil society in many countries is weak and has no meaningful political participation to decision making processes, and as consequences human rights defenders work under precarious conditions; according to MEDA Democracy Programme has been under-staffed to

Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs. Chapter 3.1.3.

⁵⁷Recommendations by the Euro-Mediterranean Human Rights Network (EMHRN) to the European Commission, the European Parliament and the EU member states regarding the MEDA Democracy Programme.

⁵⁸ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" 8 May 2001.

⁵⁹ Recommendations by the Euro-Mediterranean Human Rights Network (EMHRN) to the European Commission, the European Parliament and the EU member states regarding the MEDA Democracy Programme.

⁶⁰ Idem.

face up such a dramatic scenario: **funds** allocated to the MEDA Democracy Programme amount to no more than one percent of the total funds allocated by the EU to support the Euro-Mediterranean Partnership.

The EMHRN stresses that the EC should develop comprehensive and transparent policies in consultation with civil society, but it also warns that in the last years organisations which often defend government policies rather than human rights and democratic principles, has been beneficiary of EC's fund. As consequence EMHRN urges that MEDA Democracy Programme should be aimed at supporting and facilitating the activities of independent representatives of South Mediterranean civil society and that Governments' vetoes should not be accepted.

2.5 AN OUTLINE ON HUMAN DEVELOPMENT AND DEMOCRACY PROMOTION.

The fact that the promotion of human rights, democracy, the rule of law and good governance are an integral part of the new European Union's strategy for development is fully expressed by the adoption of a **Joint Statement on the European Community's development policy 2**, in November 2000 on behalf of the Commission and the Council, which is firmly grounded on the principle of sustainable, equitable and participatory human and social development⁶¹: it is interesting to note that this document, which is focused on developmental strategies, states that poverty reduction can be sustainably achieved only where there are functioning participatory democracies and accountable governments.

The **Joint Statement**, which represents a new comprehensive framework for the EC's activities in promoting human rights and democratization in a developmental perspective, identifies institutional capacity building as a strategic area for Community activities.

Furthermore the recent **UNDP report on Arab Human Development 2003** underlines that the strengthening of democracy, respect for human rights and good governance are crucial for political and economic development. In fact it does exist a strict correlation between weak governance and stalled growth: **insufficient growth rates in Arab countries during the last decade were coupled in most cases with limited progress regarding political reform**.

The UNDP Arab Human Development report 2002 has concluded that Arab countries suffer from a *freedom deficit*, which is characterised by a low record in terms of governance and fundamental freedoms; moreover **political participation is less advanced in the Arab world than in any other**

⁶¹ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

region and representative democracy is not always genuine and sometimes absent⁶².

2.6 "THE INCLUSION OF RESPECT FOR DEMOCRATIC PRINCIPLES AND HUMAN RIGHTS IN AGREEMENTS BETWEEN THE COMMUNITY AND THIRD COUNTRIES": THE HUMAN RIGHT CLAUSE.

Since the early 1990s, the EC has included more or less systematically in its bilateral trade and co-operation agreements with third countries, including association agreements such as Mediterranean Agreements and the Cotonou Agreement, the so-called **human rights clause**, which defines "*respect for human rights and democracy as 'essential elements' in the EU's relationship*"⁶³.

This clause is unique in bilateral agreements⁶⁴, and the approach that it promotes has been further developed in the Cotonou agreement signed with African, Caribbean and Pacific (ACP) countries in June 2000, which is based on **respect for human rights, democratic principles and the rule of law, and on good governance.**

.....

In 1995 the Council adopted a decision which spells out the basic modalities and the essential elements of the human rights clause, in order to ensure consistency in the text used in bilateral agreements and its implementation. Since this **Council decision of May 1995**, the human rights clause has been included in all subsequently negotiated bilateral agreements.

The model of "**human rights standard clause**" outlined by the Council Decision consists of a provision which states that respect for fundamental human rights and democratic principles, as laid down in the Universal Declaration of Human Rights of 1948 and in other international legal instruments, such as the Helsinki Final Act and the Paris Charter for a New Europe, does inspire the European Foreign Policy, and then the European external assistance: **democratic principles are essential part of co-operation and association agreements with Third Countries.**

As far the substantive meaning of the expression "essential part of the agreement" is concerned, the Council Decision establishes that a final provision dealing with cases of non-execution of the agreement requires that each party of the agreement must consult the other parties, before taking measures against non execution save cases of special urgency: one of this cases relates to

⁶² COMMISSION OF THE EUROPEAN COMMUNITIES Brussels, 21.05.2003 COM (2003) 294 final COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners" Strategic guidelines.

⁶³ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

⁶⁴ European Commission's communication on the "EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001), Introduction.

breaches of an `essential element of the agreement; in sum if a party of the agreement realizes a violation of democratic principles and human rights, the other parties can suspend the execution of the agreements as countermeasure to such a breach, actually suspension works as a sanction against the party that does not comply with the obligations arising under the agreement.

.....

The **Commission's Communication on the inclusion of respect for democratic principles and human rights in Agreements between the Community and Third Countries** begins by stating that "*a commitment to respect, promote and protect human rights and democratic principles is a key element of the European Community's relations with third countries*"⁶⁵, which is inserted in the body of the Union Treaty. As democratic principles' promotion is concerned, the EC has a broad range of instruments and "*taking account of human rights in contractual relations with third countries is one of those instruments.*"⁶⁶

According to this communication **references to human rights in agreements with third countries** are based on the positions the Community has taken by:

- "*subscribing to universal and regional instruments and assuming responsibility for promoting the principles of democracy, the rule of law and respect for human rights* (paragraph 5 of the preamble to the Single European Act)";
- "*making respect for, and promotion of, these principles one of the general objectives of Community development cooperation policy* (Union Treaty, Article 130U) and one of the objectives of the common foreign and security policy (Union Treaty, Article J1(2))";
- "*by inserting clauses on human rights into economic and cooperation agreements with third countries*" - paragraph 10 of the resolution on human rights, democracy and development of the Council and the Member States meeting within the Council, 28 November 1991;
- "*by recognizing democratic principles and human rights as an essential element of its contractual relations.*"

As the EC is determined to adopt a **non-discriminatory approach**⁶⁷ in Community's contractual relations with third countries, in this communication it sets out the **basic references to human rights and democratic principles for Community agreements with third parties** and establishes that the new directives on the issue should include in the preamble references to democratic principles and human rights values and legal instruments, and in the body of the

⁶⁵ COMMISSION COMMUNICATION "On the inclusion of respect for democratic principles and human rights in Agreements between the Community and Third Countries". COM (95)216 of 23 May 1995. Preamble.

⁶⁶ Idem.

⁶⁷ Already in 1993 the Commission expressed such a commitment by drafting guidelines on these issues in Decision of 26 January 1993, MIN (93)1137, point XIV.

agreement the following articles, which all together, and in sequence, provide a substantive structure aimed to protect and implement respect for democratic principles in external relations:

- firstly, the insertion of an **article defining the essential elements** in such away: "*Respect for the democratic principles and fundamental human rights established by [the Universal Declaration of Human Rights]/[the Helsinki Final Act and the Charter of Paris for a New Europe] inspires the domestic and external policies of the Community and of [the country or group of countries concerned] and constitutes an essential element of this agreement*";

- secondly, the insertion of an article **on non-execution** of the agreement: "If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency....";

- thirdly, the insertion of **interpretative declarations** of the non execution article: "*... The Parties agree, for the purpose of the correct interpretation and practical application of this Agreement, that the term "cases of special urgency"... means a case of the material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in... violation of essential elements of the Agreement.*"

In the structure of this fundamental document it has a key role to play also the **ANNEX 1 on Standard wording for clauses on human rights** which provides complementary clauses for the article on non-execution⁶⁸ and general interpretative declarations useful to improve the effectiveness of the entire communication.

.....

The **European Commission's Communication on the European Union's role in promoting Human Rights and Democratisation in Third Countries**⁶⁹ welcomes the inclusion since 1992 in all the EC agreements with third countries of the **clause defining respect for human rights and democracy** and it states that this clause is an '**essential element**' in the EU's relationship and that it is unique in bilateral agreements.

As it was already seen (paragraph 2.1), this communication does not try to rewrite guidelines for EU's external policies, rather it seeks to insert this policy in the context of the Commission's overall strategic approach in such relations also by considering that the EU is engaged in a political dialogue of varying degrees of formality with all countries.

In many cases, **the basis for a dialogue on human rights and democracy is exactly the 'essential elements' clause**⁷⁰ as it was defined in

⁶⁸ Namely the explicit suspension or "Baltic" clause and the general non-execution or "Bulgarian" clause.

⁶⁹ EUROPEAN COMMISSION Brussels, 8 May 2001 COM(2001) 252 final COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT THE EUROPEAN UNION'S ROLE IN PROMOTING HUMAN RIGHTS AND DEMOCRATISATION IN THIRD COUNTRIES. Preamble.

⁷⁰ Idem paragraph 3.1.1

Commission's Communication on the inclusion of respect for democratic principles and human rights in Agreements between the Community and Third Countries.

The EC's Communication underlines the strong effect that the non-execution article can exercise in the implementation of the human rights clause, but it also is convinced that "*EU's insistence on including essential elements clauses is not intended to signify a negative or punitive approach*"⁷¹: the Communication stresses that the clause is meant to promote dialogue and positive measures, the accession, ratification and implementation of international human rights instruments. In my view it is as interesting, as paradoxical, that the EC affirms that "*the dialogue on human rights that they enable should be a two-way one, with the EU also agreeing to discuss human rights and democratisation issues within its own borders*".

As the formulation of the "human Rights clause" is quite vague the Commission stresses the fact that a more systematic inclusion of human rights and democracy issues into political dialogue could give substance to the essential elements clause and permit to identify the most effective measures needed to build political stability.

.....

The **Commission's Communication to the Council and the European Parliament on "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners"**⁷², in addition to the principles and guidelines affirmed by the EC in previous communications, sets out working guidelines to achieve the goal of democratization and human rights promotion in co-operation with the EU's partner countries in the Mediterranean region⁷³.

It proposes 10 concrete recommendations to improve the dialogue between the EU and its Mediterranean partners on democracy promotion, as the implementation of Human Rights standards in the region does not comply with international norms.

The communication underlines that the major objective within the EMP⁷⁴ requires a strengthening of democracy and respect for Human Rights; the achievement of this goal and the establishment of long-lasting relationships, based on reciprocity, solidarity, partnership and co-development in the EC's view are improved by the inclusion of the Human Rights clause in bilateral relations (**Association Agreements**) between the EU and Euro-Med partners: such an inclusion "*confirms and develops the objectives of the Barcelona Declaration. It provides a basis for developing dialogue and co-operation with the Mediterranean*

⁷¹ Idem.

⁷² COMMISSION OF THE EUROPEAN COMMUNITIES Brussels, 21.05.2003 COM (2003) 294 final COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners" Strategic guidelines.

⁷³ Idem, preamble.

⁷⁴ That is the creation of "an area of dialogue, exchange and co-operation guaranteeing peace, stability and prosperity.

*partners in the areas of good governance, Human Rights and fundamental freedoms and the rule of law*⁷⁵.

.....

**EURO-MEDITERRANEAN AGREEMENT
ESTABLISHING AN ASSOCIATION
BETWEEN THE EUROPEAN COMMUNITY
AND ITS MEMBER STATES, OF THE ONE PART,
AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF
ALGERIA, OF THE OTHER PART**

ARTICLE 2

“Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and international policies of the Parties and shall constitute an essential element of this Agreement.”

An important reason for including this standard clause in agreements with third countries is to **state the right of the Community to *suspend or terminate* an agreement when third countries concerned do not respect human rights**, otherwise the EC should rely only on general international law.

Thus suspension or termination can take place, in a manner consistent with the **rules of customary international law codified in the Vienna Conventions on the Law of Treaties**.

The human rights clause does not establish new standards in the international protection of human rights, its basic term of reference is the **Universal Declaration of Human Rights**, which is customary law.

Moreover the human rights clause does not seek to transform the basic nature of agreements, it simply constitutes a mutual reaffirmation of commonly shared values and principles and a precondition for economic and other forms of cooperation under the agreements, and expressly allows for and regulates suspension in case of non-compliance with democratic principles and human rights standards.

This approach was expressly confirmed by the **ECJ in Portugal v. Council** (1996), where the Court observed that an important function of the human rights clause could be just the above mentioned.

⁷⁵ COMMISSION OF THE EUROPEAN COMMUNITIES Brussels, 21.05.2003 COM (2003) 294 final COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on “Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners” Strategic guidelines. Paragraph 3.3.

CHAPTER 3

THE CHALLENGE OF DEMOCRACY IN NORTH AFRICA: THE MEDITERRANEAN SOUTHERN SIDE'S POINT OF VIEW

Much academic analyses have focused on the question of whether North Africa constitutes or does not constitute an exception to the established theories on democratization: just over a decade ago the region was omitted from a study on democracy in developing countries⁷⁶ "as having little democratic experience to learn from and very weak prospects of transition to democracy..."⁷⁷.

Notwithstanding the "wave of democracy" - which went through the Eastern Countries after the end of the Cold War - did not involve North Africa⁷⁸, during the late *eighties* the region started to live an increasing popular agitation for democracy: the "optimists" have tended to interpret any broadening of political participation or of civil society's involvement as fundamental and determinant steps in the process for democratization; the "pessimists" instead stressed the strength of cultural and religious models as obstacles to positive attitudes towards democracy and human rights promotion⁷⁹.

This debate has generated a discussion on the definition of civil society in this region and on whether democratization requires an advance of secularism: it must be recognized that it becomes more and more difficult to deal with the issue because of the role played by some essential Islamic concepts and by the existence in the region of diverse political regimes, Islamist forces, economic structures and societies⁸⁰.

Despite pressures exerted by national and international actors in favour of political liberalization, **North African Governments have been reluctant to adopt substantive reforms on the way of democratization** process and they, even the most progressive ones, appear intent on maintaining authoritarian rule.

Some cautioned that this approach can be due to the **adverse consequences which are often caused by a period of transition** from an authoritarian regime to a democratic one: first of all, transition to democracy is commonly an extremely destabilizing period during which elites pursue a more aggressive external policy; secondly, during transition to democracy the collapse of the established order can lead to nationalism; thirdly democracy could make

⁷⁶ Diamond, Linz, Lipset "politics in Developing Countries: Comparing Experiences with Democracy", 1990. In Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs. R. GILLESPIE and R. YOUNGS, "Themes in European Democracy Promotion", page 3.

⁷⁷ Idem.

⁷⁸ B. CHOROU, "The Challenge of Democracy in North Africa", page 17. In Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs.

⁷⁹ Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs. R. GILLESPIE and R. YOUNGS, "Themes in European Democracy Promotion", page 4.

⁸⁰ Idem page 3.

increase ethnic conflicts inside the country; finally the above mentioned factors combined with political Islam could exacerbate the already exiting threats to peace and stability⁸¹. Moreover, critics points out that between democracy and peace there is not a statistically convincing demonstration of causality⁸² and that democracy does not always guarantee good or efficient government.

In this perspective, the French Foreign Minister noted, concerning government attitudes toward democracy, that "*Tunisia is going backwards, Algeria is going round in circles, and Morocco in undecided about which direction to take*"⁸³ and as the EuroMeSCO Reports point out the process of political transition to democracy in North African countries is at different stages and presents different features, in some cases it is not homogeneous even within the boundaries of a single country.

However democracy maintains a fundamental merit: it leaves room for choices or corrective actions to bad choices. Therefore even if "*democracy have not existed in North Africa in the past... nor does is exist now... is there any inherent reason for it not to exist in the future.*"⁸⁴

Democracy requires adherence to some – not controversial - values, such as pluralism and access to fundamental freedoms and human rights; although some scholars have seek to determine whether or not the emergence of democracy does require certain economic and social conditions, there is no compelling evidence about that; then it can not be claim that certain societies are not enough "mature" for democracy, it would be almost a casuistic justification for the existence of authoritarian regimes.

Actually if the North African Governments' reluctance to take substantive steps towards democracy can be explained of course by referring to the adverse consequences caused by the transition period, it is also true that these **problems are often caused by the length and the degree of cruelty of dictatorial rule, rather than to the specific characteristic of the society** of a country going towards democratic reforms: other factors must be considered.

Everybody knows that **authoritarianism** is an obstacle to the consolidation of a tradition of dialogue, as consequence in a period of transition to democracy any political opening is likely to lead to the **formation of a multitude of groups** which may be formed along racial, ethnic, or religious lines and which, in absence of structures capable of aggregating interests, may

⁸¹ "One of the major difficulties of the processes of political transition in the Mediterranean, is the fear among political leaders, north and South, that political liberalisation may serve the interests of the radical Islamic alternative". In EuroMeSCO Report 1997/1998 Chapter III on Human rights, democracy and civil society.

⁸² Democratization Volume 9 Spring 2002 Number 1, Special issue "*The European Union and Democracy promotion: The Case of North Africa*", edited by Richard Gillespie and Richard Youngs. R. GILLESPIE and R. YOUNGS, "*Themes in European Democracy Promotion*", page 9.

⁸³ B. CHOROU, "The Challenge of Democracy in North Africa", page 18 and footnote number 3. In Democratization Volume 9 Spring 2002 Number 1, Special issue "*The European Union and Democracy promotion: The Case of North Africa*", edited by Richard Gillespie and Richard Youngs.

⁸⁴ Idem page 28.

pursue their objectives through the direct control of power⁸⁵: this actually happened in Algeria.

Anyway the most formidable obstacle to democratization process in North Africa is represented by each of the **regimes currently in power**⁸⁶, no one of them does want a substantive opening to democratization because it would imply their demise. North African Governments are perfectly aware that international institutions can not interfere in their internal affairs and force them to take actions for democracy promotion, but – as they want to prevent western criticisms – they are adopting measures aimed to promote their image of enlightened rulers on the international scene.

Moreover regimes, especially in Algeria, Tunisia and Morocco, adopted commendable policies and achieved positive results⁸⁷ by improving educational and health standards; now they claim credit for their successes and as undeniable problems grow, ruling leaders are able to convince their citizens that they are not dealing with problems, but with challenges launched by external factors and that only their regimes can meet successfully those challenges⁸⁸.

Even if someone can cautioning that this approach could have the merit of being pragmatic and then useful to gradual reforms, North African societies believe that most measures adopted by their governments are nice masks behind which rule continues to be exercised by force, people endure their suffering in forced silence and Islamists take advantages by such a situation.

The above mentioned obstacle leads to the second one: the **attitude of citizens towards politics**, which are barred from any meaningful form of participation to the political process. Even the role played by opposition parties is not relevant, because their existence depends upon the goodwill of the ruling government. However some observers stress the fact that in these countries it is growing a desire for a more active political and social involvement⁸⁹

Finally the **European Union's inability to devise an effective policy** toward the region may become a new obstacle to democratization process in the Mediterranean Region: little progress has been made towards the objectives contained in the Barcelona Declaration.

According to some critics, North African Governments see the EMP as something that might bring material and political benefits at little cost: measures such as privatization required by the EMP have been implemented in such a way that most of their benefits have gone to small elites; when the EU asked for the implementation of measures, such as those relating to democracy and human rights, which do not bring direct economic benefits, governments bristled.

Moreover the actual **popular attitude towards Western approaches is negative**, despite the human rights clause's "good intentions" and despite the

⁸⁵ Idem page 30.

⁸⁶ Idem.

⁸⁷ Idem page 35.

⁸⁸ Idem page 36.

⁸⁹ EuroMeSCo Report 1997/1998 Chapter III on Human rights, democracy and civil society.

fact that the EU committed itself to turn the Mediterranean region in an area of shared peace and prosperity through the EMP, even the simple idea of security, according to North African view, is structured in an unilateralist way, that is only from the European perspective, without any substantive evaluation of North Africa's interests and needs⁹⁰.

In sum in North Africa it is widely believed that "*the Euro-Mediterranean Partnership is a thinly disguised form of imperialism designed to exploit and dominate the Arabs, and that the EU will do nothing to destabilize regimes needed to carry out its plan.*"⁹¹

⁹⁰A. Verruso. IL PARTENARIATO EUROMEDITERRANEO, "Cenni storici sulle relazioni euro-mediterranee" Giugno 2002. www.euroinfo.org.

⁹¹ B. CHOROU, "The Challenge of Democracy in North Africa". In Democratization Volume 9 Spring 2002 Number 1, Special issue "*The European Union and Democracy promotion: The Case of North Africa*", edited by Richard Gillespie and Richard Youngs. page 34.

CHAPTER 4

THE EUROPEAN UNION AND DEMOCRACY PROMOTION IN THE MEDITERRANEAN: WHICH STRATEGY?

4.1 A NEW, AN INEFFECTIVE OR AN INSINCERE EU'S STRATEGY FOR DEMOCRACY IN NORTH AFRICA?

Prior to the nineties, European concern with democracy and human rights in the Southern Mediterranean region was subordinated to the strategic logic of the Cold War, which led to militate against democratization processes in the region.

However, the European Union since the early nineties has come to view the Mediterranean as a relevant region that deserves specific and long-term policies focused on democracy promotion, because of the strategic and cultural challenges which arise in the region; particularly in the field of democracy and human rights promotion, the EU has sought to develop initiatives capable of "*challenging what many see as a Washington's prominence.*"⁹²

Since 1991 Development Council resolution committed the EU to placing the promotion of Human Rights at the centre of EU's foreign policy: resources allocated by the EU for democracy promotion initiatives have been tripled during the nineties (MEDA Democracy Program, see paragraph 2.3) and the European Commission's project in this sensible field have been grouped together within an European Initiative for Democracy and Human Rights (see paragraph 2.2).

The democracy promotion aim was institutionalized and regionalized through the **Euro-Mediterranean Partnership**, which was acclaimed as an historic change in the EU's foreign policy, especially for its democracy promotion agenda.

However Barcelona commitments were still submitted to certain **limitations** and anyway they were inadequate in comparison to the declared objectives: the EMP's commitments were too vague and uncertain alongside the economic timetable; democratic principles were not properly specified and the real dimension of the principle of non intervention was uneasy to define.

The central commitment of the EU policy makers, at the first stage of the Euro-Mediterranean democracy promotion policy, was to reform instruments and procedures in order to **standardize, and consequently depoliticize, provisions dealing with democracy** in the entire region.

If it ought to be recognized that the key aim was always the **extension of the European global presence beyond Europe's boundaries**⁹³, the architects of the new European commitment to democracy promotion insisted

⁹² Democratization Volume 9 Spring 2002 Number 1, Special issue "*The European Union and Democracy promotion: The Case of North Africa*", edited by Richard Gillespie and Richard Youngs. R. GILLESPIE and R. YOUNGS, "*Themes in European Democracy Promotion*", page 5.

⁹³ Idem.

also that such a policy reflected a genuine reassessment of EU's interests⁹⁴: in EU's point of view political liberalization was the best tool in order as to achieve both stability and moderation, as to improve economic growth; the Barcelona Declaration reflects this kind of reasoning as it predicts that economic liberalization, political reforms, cultural understanding and strategic stability are mutually reinforcing.

If the **European commitment to democracy promotion in North Africa is genuine**, it must be recognized that **it is not just pure altruism**: in fact political opening combined with social and economic co-operation, in EU's perspective – which is completely different from the reasoning of Southern partners, as it was seen above - would favour well being in North Africa and security in Europe. In line with this strategy, the EU is trying to address the social and economic roots of radical Islam with the aim of reducing anti-western feelings in the Mediterranean region.

However in practice the **EU's declared strategy does not work as well as it was predicted**: the European Governments, especially the Southern ones, caution that they are mainly concerned to ensure that the period of transition to democracy does not threaten political stability and security, for instance through indiscriminate migratory flows. No EU member state maintains that democracy promotion agenda should endanger the existing regimes in North Africa, some expressly see the attempted imposition of democratic values as one of the most dangerous threats to the West's own security, to the extent that such an imposition could provoke violent extremist reactions against Western Governments.

Moreover, despite the insistence on the idea that The Euro-Mediterranean Partnership can help to lay the foundations for peace settlement, **in practice the EMP is submitted to the peace process** in the Middle East area: paradoxically a more active democracy promotion strategy needs a progress in the peace process, rather than instilling political moderation and opening⁹⁵.

Consequently the European Union committed itself to elaborate, and implement, a long term strategy focused

- on a discrete pressure not on democratization issues, but on the development of different factors which are precursors of democracy;
- on a widening of the space available for initiative promoted by civil society;
- on the promotion and improvement of democratic awareness or capacity among people;

⁹⁴ R. YOUNGS, "The European Union and Democracy promotion in The Mediterranean: A New or Disingenuous Strategy?" In Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs, page 41.

⁹⁵ Idem page 42.

- on facilitating the move from a rentier forms of economic activities towards a varied commercial structure;
- finally on favouring a convergence of Islamist opinions around basic democratic principles⁹⁶.

In sum European Governments are trying to improve basic economic and social rights rather than "making relations in any substantive sense conditional upon the adoption of a set of western liberal democratic structures"⁹⁷ which the North African societies and governments could feel as too invasive or even as conditioning their internal affairs.

Such a "**middle way**" approach was welcomed not only by experts of democratization processes, but mainly by Southern European Member States which are directly confronting with the risks caused by the period of transition to democracy⁹⁸.

Then, as consequences of the above underlined factors, the EMP's practical and *practicable* focus is the establishment of a **discourse on democracy** : the Barcelona Process is relevant because it for the first time introduced democratization issues into the Euro-Mediterranean relations, stressed the added value of pluralism and trust among partners, by focusing on **socialization dynamics**⁹⁹ rather than on **substantive punitive conditionality** in relation to democratic shortfalls.

Definitely the European Union promoted an "**holistic approach**"¹⁰⁰ which underlines the key role played by each single factor of development – political, economic, cultural, and social.

4.2 THE EU'S APPROACH: BOTTOM-UP AND TOP-DOWN STRATEGIES.

European Union's democracy promotion commitment has also the effect of provoking a debate on the way in which an international actor can most effectively help to construct high quality and balanced democratic institutions in Third Countries; by using a classification, which of course is artificial, the following two are the possible strategies: the first one is the so called **top-down strategy** which is supported by coercive policies, the second one is the **bottom-up strategy** which operate through positive approaches¹⁰¹.

Most analysts expressed their strong perplexities over the wisdom of punitive strategies because these often risk being counterproductive in the construction of positive consent around democratic rules and participatory

⁹⁶ Idem page 42.

⁹⁷ Idem page 43.

⁹⁸ Idem page 44.

⁹⁹ Idem page 47.

¹⁰⁰ Idem.

¹⁰¹ Democratization Volume 9 Spring 2002 Number 1, Special issue "The European Union and Democracy promotion: The Case of North Africa", edited by Richard Gillespie and Richard Youngs. R. GILLESPIE and R. YOUNGS, "Themes in European Democracy Promotion", page 11.

procedures¹⁰²; these analysts do not deny that political conditionality has a role to play in democratisation processes, but they affirm also that conditionality is able to produce desirable effects only under certain circumstances (for instance when the imposition of an economic sanctions can accelerate the demise of an authoritarian regime).

Therefore in the last years developmental policies in the field of democracy and human rights promotion have been characterized by a deep attention *“to the positive assistance of modest liberalization measures in the realms of civil society and economic governance, and the grounds for expecting that these will eventually spill over into pressure for democratization”*¹⁰³. Such a bottom-up strategy moreover encounters several difficulties because it often lacks a suitable counterpart on an intergovernmental level (institutions in North Africa are designed in order to encourage only a coercive top-down approach); moreover it is very difficult to develop a democracy promotion policy that does not conflict with other areas of co-operation among Euro-Med partners, for instance some critics pointed out that the economic liberalization promoted by EMP is likely to destabilize and to reinforce forms of neo-patrimonialism¹⁰⁴.

Experiences of democratization processes in Eastern Europe suggested to the European Community that democracy promotion in North Africa must focus on three activities which are able to reinforce **bottom-up dynamics**:

- support for civil society;
- extension of economic liberalization;
- sponsorship of the “good governance agenda” in co-operation with the International Monetary Fund and the World Bank.

In sum by considering that the EMP is mainly a project of partnership-building, and that the EU policy in the Mediterranean region *“has an infinite temporal horizon when it comes to democracy promotion”*¹⁰⁵, the EU preferred to place the emphasis more on **positive forms of conditionality** than on negative ones, such as sanctions, which in a certain sense represents “conditionality old style”.

BIBLIOGRAPHY

“Democratization” Volume 9 Spring 2002 Number 1, Special issue “The European Union and Democracy promotion: The Case of North Africa”, edited by Richard Gillespie and Richard Youngs:

¹⁰² Idem.

¹⁰³ Idem.

¹⁰⁴ Idem page 13.

¹⁰⁵ Idem.

- R. GILLESPIE and R. YOUNGS, *"Themes in European Democracy Promotion"*.
- B. CHOROU, *"The Challenge of Democracy in North Africa"*.
- R. YOUNGS, *"The European Union and Democracy promotion in The Mediterranean: A New or Disingenuous Strategy?"*
- B. DILLMAN, *"International Markets and Partial Economic Reforms in North Africa: What Impact on Democratization?"*
- JUNEMANN, *"From the Bottom to the Top: Civil Society and Trans-national Non-Governmental Organization in the Euro-Mediterranean Partnership."*
- H. ROBERTS, *"Dancing in the Dark: The European Union and the Algerian Drama."*
- S. HADDADI, *"Two Cheers for Whom? The European Union and Democratization in Morocco."*

Faculty of Political Sciences, University of Catania, CENTRO EUROPEO JEAN MONNET "EURO-MED", Bibliography on-line on The European Union Neighbourhood Policy:

- F. ATTINÀ *"The Euro-Mediterranean Partnership Assessed: The Realist and Liberal Views"*, in *European Foreign Affairs Review* Vol 8 No 2, 2003, pp 181-200.
- M. BENEDEK, St Antony's College, Oxford. *"From Neighbour to Member or Associate? The Future of the European Union's Neighbourhood Policy "*, in EU Policy Network, October 2003 - The Future of the EU's Neighbourhood Policy October 2003.
- A.E.CAKIR, *"European Union: a Civilian or a Political Power in the Euro-Mediterranean Partnership?"*. In Peter G. Xuereb, editor, *EURO-MED INTEGRATION AND THE 'RING OF FRIENDS': The Mediterranean's European Challenge*, vol IV European Documentation and Research Centre, University of Malta and Peter G. Xuereb, 2003, pp 135-155.
- R. PACE, *"Democracy, Economic Development and Regional Stability in the Mediterranean Region"*. In Peter G. Xuereb, editor, *EURO-MED INTEGRATION AND THE 'RING OF FRIENDS': The Mediterranean's European Challenge*, vol IV European Documentation and Research Centre, University of Malta and Peter G. Xuereb, 2003, pp 101-134.
- K. PETCZNSKA-NATECZA, *"The Enlarged European Union and its Eastern Neighbours: Problems and Solutions"*, Centre for Eastern Studies, Policy Briefs, Poland, October 2003.
- E.LANNON and P. VAN ELSUWEGE, *"The EU's Emerging Neighbourhood Policy and Its Potential Impact on the Euro-Mediterranean partnership"*.

- M. EMERSON, "The Shaping of a Policy Framework for the Wider Europe", Policy Brief n 39, September 2003, Centre for European Policy Studies.
- M. EMERSON, "THE WIDER EUROPE AS THE EUROPEAN UNION'S FRIENDLY MONROE DOCTRINE", Policy Brief n 27, October 2002, Centre for European Policy Studies.
- E. PHILIPPART, "THE EURO-MEDITERRANEAN PARTNERSHIP: UNIQUE FEATURES, FIRST RESULTS AND FUTURE CHALLENGES", Euro-Med Project, Working Paper no 10, April 2003 Centre for European Policy Studies.
- W. WALLACE, "LOOKING AFTER THE NEIGHBOURHOOD: RESPONSIBILITIES FOR THE EU-25" Notre Europe, Policy Papers N°4 July 2003.
- M. MOSCHELLA, "The European Union Neighbourhood Policy. An Introduction".

S. PANEBIANCO Editor, "A New Euro-Mediterranean Cultural Identity", Frank Cass, London-Portland, Or 2001:

- S. PANEBIANCO, "The Euro-Mediterranean Partnership in Perspective: The Political and Institutional Context".
- B. CHOUROU, "A Challenge for EU Mediterranean Policy: Upgrading Democracy from Threat to Risk".
- R. RAGIONIERI, "Democratization and the Arab World: Different Perspectives and Multiple Options".
- S. STAVRIDIS and J. HUTCHENCE, "The Foreign Policy of a Civilian Power? The European Union in the Mediterranean".
- J. H. SETTAR, "Human Rights and Democracy in the European Legal Order: The Euro-Mediterranean Partnership".
- A. BIAD, "Human Rights in the Framework of the Euro-Mediterranean Partnership: Overcoming the Culturalist-Universalist Divide".
- S. PANEBIANCO, "Towards a Mediterranean Cultural Identity".

EUROMESCO PUBLICATIONS:

- R. ALIBONI EUROMESCO WORKING GROUP ON « The Charter and the search for a Euro-Med common ground » - "CONFLICT PREVENTION"- SEMINAR IN TUNIS 14-15 JUNE 2002.
- R. ALIBONI EuroMeSCo paper 31 "Common Languages on Democracy in the Euro-Mediterranean partnership". Working Group I Second Year Report.
- R. GILLESPIE and R. YOUNGS EUROMESCO WORKING GROUP ON « The Charter and the search for a Euro-Med common ground » "Democracy and the EMP: European and Arab Perspectives" Seminar in Tunis 10-11 OCTOBRE 2003.

- B. KHADER EuroMeSCo Paper - 20 - "*Eastern Enlargement and the Euro-Mediterranean Partnership: A Win-Win Game?*" CERMAC, Université Catholique de Louvain February 2003.
- D. SCHMID EuroMeSCo Paper 27 - "*Interlinkages Within the Euro-Mediterranean Partnership Linking Economic, Institutional and Political Reform: Conditionality Within the Euro-Mediterranean Partnership*". Institut Français des Relations Internationales (IFRI), Paris December 2003.
- G. A. G. SOLTAN EUROMESCO WORKING GROUP ON « *The Charter and the search for a Euro-Med common ground* » "*Southern Mediterranean Perceptions and proposals for Mediterranean Security*" - Seminar in Tunis 10-11 OCTOBRE 2003 Al-Ahram Center for Political and Strategic Studies Cairo.
- F. TANNER. EUROMESCO WORKING GROUP ON "*The Charter and the search for a Euro-Med common ground*" – "*Security Governance: The difficult task of security democratisation in the Mediterranean*"- The Geneva Centre for Security Policy, Barcelona 14-15 June 2002 (revised version of 15 November 2002).
- U. WURZEL. EuroMeSCo Paper 25 - "*Why Investment in Civil Society is an Investment in Economic Development*" – Fachhochschule für Technik und Wirtschaft – FHTW, Berlin October 2003.
- EuroMeSCo Report 1997/1998 Chapter III on Human rights, democracy and civil society.

R. ALIBONI, "*Quattro anni da Barcellona: bilanci e prospettive*", in *Politica Internazionale* n 1-2 (gen-apr) 2000.

R. ALIBONI, "*Euro-Mediterraneo: quale Cooperazione*", Ed Il Mulino.

A. BIN, "Rafforzare la Cooperazione nel Mediterraneo: il Contributo della NATO", in *Rivista della NATO*, Inverno 1998, pag. 24-27.

BOTTAI, "*Crisi e tensioni nel Mediterraneo*", in *Rivista di Studi politici Internazionali*, 1999, fasc 1 vol 66.

CENTRO EUROPEO INFORMAZIONE CULTURA CITTADINANZA NAPOLI, "Il partenariato euro-mediterraneo".

A.R. DI SERIO, "*La Cooperazione Euromediterranea e la Dichiarazione di Barcellona*", in *Rivista di Diritto Europeo*, 1996, fasc 4 vol 36.

F. FOSSATI, "*Cooperazione allo Sviluppo: la Condizionalità Politica*", in *Politica Internazionale* n 3 (mag-giu) 1999.

S. MARCHISIO, "*Aspetti Giuridici del Partenariato Euro-Mediterraneo*", Ed Giuffrè 2001.

M. PAVONE, *"L'EuroMediterraneo e la globalizzazione - La ricerca di un nuovo modello di sviluppo"*. In *Diritto&Diritti*, maggio 2003.

Rapporto sulla riunione del Forum Mediterraneo, a cura di Francesca NARDI (IAI), con la partecipazione di: Laura Guazzone, IAI - Franco Zallio, ISPI - Karim Mezran, John Cabot University. *"Il Mediterraneo tra conflitto e cooperazione. Prospettive economiche e relazioni politiche"*. 12 dic 2002.

F. RIZZI, *"Unione europea e Mediterraneo"*, 1997, La Nuova Italia Scientifica, Roma.

RIZZI, *"Unione europea e Mediterraneo"*. La Nuova Scientifica Italiana, Roma 1997.

R. SAPIENZA, *"Il Partenariato Euro-Mediterraneo. A due anni dalla Conferenza di Barcellona"*, in *Aggiornamenti Sociali*, n° 2/1998.

K. E. SMITH, *"European Union Foreign Policy in a Changing World"*.

A. VERRUSO, *IL PARTENARIATO EUROMEDITERRANEO*, "Cenni storici sulle relazioni euro-mediterranee" Giugno 2002.

R. YOUNGS, *"The European Union and Democracy promotion"*, Oxford Press University, 2002.

R.WEAVER, *"Il Dialogo Mediterraneo"*, in *Rivista della NATO*, Autunno 2001, pag. 9.

Europe Infos Nr. 55 (12/2003), Editorial "A ring of friends".

DOCUMENTS

EURO-MEDITERRANEAN MINISTERIAL CONFERENCES:

- BARCELONA DECLARATION 1995.
- MALTA DECLARATION 1997.
- PALERMO DECLARATION 1998.
- STUTTGART 1999.
- MARSEILLES 2000.
- VALENCE 2002.
- CRETE 2003.
- NAPLES 2003.

Barcelona FORUM CIVIL EUROMED DECLARATION.

- EC Treaty.

- Single European Act.
- Treaty on European Union.
- Amsterdam Treaty.
- EU Charter of Fundamental Rights .

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT "the European Union's role in promoting human rights and democratisation in third countries". Brussels, 8 May 2001 COM(2001) 252 final

COMMISSION COMMUNICATION TO THE COUNCIL AND PARLIAMENT "Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP States". 24 February 1998 COM(98) 146.

COMMISSION OF THE EUROPEAN COMMUNITIES, COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners. Strategic guidelines". Brussels, 21.05.2003 COM(2003) 294 final

EUROPEAN COMMISSION COMMUNICATION TO THE COUNCIL AND PARLIAMENT, "Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP States". 12 March 1998 COM(98) 146.

COMMISSION COMMUNICATION "On the inclusion of respect for democratic principles and human rights in Agreements between the Community and Third Countries". COM (95)216 of 23 May 1995.

COUNCIL CONCLUSIONS on "the European Union's role in promoting Human rights & Democratisation in third countries". Luxembourg, 25 June. 2001

European Commission, Annual Report 2003 on the European Community's Development policy and the implementation of external assistance in 2002.

UNDP report on Arab Human Development 2003.

Joint Statement on the European Community's development policy 2, November 2000, on behalf of the Commission and the Council.

Recommendations by the Euro-Mediterranean Human Rights Network (EMHRN) to the European Commission, the European Parliament and the EU member states regarding the MEDA Democracy Programme

www.euroinfopmi.org

www.medlab.org

www.europa.eu.int/comm/external_relations/euromed/doc.htm

www.europa.eu.int/comm/external_relations/human-rights/doc.htm

www.undp.org

www.euromesco.net/euromesco/publications

<http://www.fscpo.unict.it/EuroMed/WENPbiblio.htm>