

8 The constraints on EU action as a 'norm exporter' in the Mediterranean

Stefania Panebianco

In asking what roles the European Union (EU) plays in international politics, this chapter explores the extent to which the EU can act as a norm exporter. In particular, the chapter asks whether the EU is able to promote the adoption of norms in defence of human rights and democracy (HRD) through regional co-operation. Is the EU so influential as to compel its partners to comply with EU HRD standards? The conceptualization of the EU's role as an exporter of norms to promote HRD in the Mediterranean, the performance of the EU's role within the framework of regional co-operation and the impact of the EU's role on Mediterranean non-member countries (henceforth Med countries) are the issues which will be addressed in this chapter.¹

The conceptualization of the EU's role in international politics as HRD exporter is exemplified by the EU documents and treaty norms regulating EU foreign policy and relations with Med countries, where continued reference is made to the promotion of HRD. The EU assumes that the protection of HRD is a distinctive feature of EU external identity, and for this reason it has since the 1990s included the protection of human rights and the promotion of democratic procedures as a key component of EU foreign policy. The European Commission has contributed a lot to the creation of a linkage between economic development and political and social pluralism; in fact it assumes that a contagion effect can be produced through multidimensional co-operation and multilateral institution-building. However, in its relations with Med countries the EU acts as a 'gentle' power and its capacity to act as a normative power, to 'extend its norms into the international system' (Manners 2002: 241), is affected by a pragmatic approach which often prevails over a more idealistic desire to export principles and values through regional co-operation. Thus, the EU has an unimpressive performance as an 'external actor of democratization' (Huntington 1991) in the Mediterranean.

In the literature on EU international action, the EU has been regarded respectively as a 'civilian power' (Duchêne 1972), an 'actor' (Sjöstedt 1976), a 'presence' (Allen and Smith 1990, 1998), having a 'role' (Hill 1993, 1998), having an 'impact' (Ginsberg 2001) and as a 'normative

power' (Manners 2002). This chapter enters into the debate about the nature of the EU as an international actor and provides some empirical evidence on EU relations with Med countries in order to explore the EU's ability to play the role of a norm exporter. The EU seeks to conduct an EU foreign policy aimed at exporting to other countries EU *principled* norms, that is, norms which derive from the principles which inspired the Union's creation: 'democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for the principles of the United Nations Charter and international law' (Article III-193 (1) of the Constitutional Treaty). Still, the EU's impact on Med countries' political systems and legislation has so far been meagre.

In this chapter, EU relations with Med countries will be revisited through analytical tools which combine the literature on the EU as an international actor with comparative analysis on democratization and regime transitions, in order to verify whether the EU is an international actor which pursues *principled* foreign action, and whether it can provide a regional co-operation framework able to promote democratization processes and improve human rights protection. A comparative analysis of respect for democracy and human rights in the Med countries (based on data from Freedom House surveys) suggests that the EU has not been able to produce any substantial diffusion of norms, values and principles to the Med Arab countries. In 10 years of co-operation within the Euro-Mediterranean Partnership (EMP) only small changes in the political systems of Med countries have been recorded. So far, local leaders of Med countries have allowed only minor political reforms and have tended to improve human rights standards and democratic practices only in so far as they believe it does not produce domestic instability.

Although HRD are repeatedly recalled in official documents and political discourses regulating both multilateral and bilateral co-operation, the EMP thus does not seem to be a regional co-operation framework suited to produce a 'contagion' effect (Whitehead 1996) and to bring Med countries to adopt EU norms in defence of HRD. The Med partners seem to adhere to the so-called Barcelona *acquis* – which relies largely upon the promotion of democratic principles and human rights via political declarations – but are reluctant to implement it. As the Turkish case reveals, the enlargement process (or just the promise of it) is a much more effective co-operation process through which to export EU norms and improve HRD standards. On the one hand, the adoption of the *acquis communautaire* (which can be regarded as the bulwark of the EU's complex of norms and principles) is an obligation for candidate members; on the other, the enlargement process provides candidate members with the necessary incentive to reform their political systems, to adopt democratic processes and to increase human rights standards. But this does not apply in the case of the Med countries, for which enlargement is excluded. Thus,

through the enlargement process the EU is able to impose on applicant countries domestic reforms to improve HRD;² the EMP, by contrast, is a less effective co-operation framework for the export of EU norms, since the EU has neither the political instruments nor the political will to impose political reforms on Med countries.

The hypothesis proposed here is that, despite EU claims to act as a ‘norm exporter’ in the Mediterranean, effective EU action is undermined by an EU institutional schizophrenia which derives from the different strategies followed by EU institutions to deal with other countries, and by the fact that the adoption of the Barcelona *acquis* is *de facto* based upon voluntary adherence, since non-adoption of norms agreed within the EMP framework is not sanctioned.

The EU’s role in regional politics: EU relations with the Med countries

Since the early 1990s the EU has expressed its will to have a real Mediterranean policy.³ With the launching of the Barcelona Process the EU tried to organize its relations with Med countries within a structured regional framework. In November 1995 the EU and 12 south Mediterranean countries⁴ adopted the Barcelona Declaration and established the EMP, which is composed of the Political and Security Partnership, the Economic and Financial Partnership and the Partnership in Social, Cultural and Human Affairs. The ambitious goal set out in the Barcelona Declaration is ‘to turn the Mediterranean basin into an area of dialogue, exchange and co-operation granting peace, stability and prosperity’ (Barcelona Declaration 1995). To achieve this goal, the EMP institutional framework incorporates several levels of interaction: regular meetings at ministerial level, meetings of governments’ experts, a Euro-Mediterranean Parliamentary Assembly and networks of civil society (Panebianco 2003: 6). This multi-layered system of regional co-operation was conceived to favour a contagion effect, as if a sort of ‘learning’ process could be produced through interaction and co-operation allowing the transfer of values and practices from the EU to partner countries.

The EMP is the result of a comprehensive approach to EU foreign policy which assumes as distinct but interrelated the following fundamental components: political and security co-operation, economic and financial co-operation, co-operation in social and human affairs. Following this threefold strategy of EU international action, the EU has adopted a Mediterranean policy that addresses not only the traditional trade and financial issues, but also a wide range of non-traditional political security issues such as migration, terrorism, social development, and cultural issues such as the inter-religious dialogue, racism, xenophobia. The change of nature of EU international action reflects broader systemic changes, which have expanded the concept of security to become comprehensive

and multidimensional, a key feature of the global system where threats to security often have transnational origins and go beyond a purely military dimension. Viewed in this context, the EU has reacted to growing regional interdependence and strengthened its relations with the Med partners in order to find common solutions to common threats (Panebianco 2003: 4).

The basic assumption of the EMP is that economic development in EU partner countries cannot take place without taking into due account political instability and socio-economic disparities, deterioration of the environment, threats to security deriving from illegal migration, terrorism, organized crime and other such factors. The EMP reflects the linkage between political reforms, economic co-operation, the promotion of democracy and protection of human rights, which has been illustrated by the European Commission (2001a). In this approach there is an implicit presumption that poverty reduction can only be achieved with functioning democratic institutions and accountable governments, and that only democratic, pluralist governments respecting minority rights can lead to domestic stability.

How the EU portrays its role as norm exporter in the Mediterranean

EU political documents and treaty norms offer a useful means through which to conceptualize the EU's role in international politics. The EU depicts itself as a 'norm exporter', that is to say, an actor in international politics committed to promote norms in defence of HRD and defend values which are repeatedly emphasized as distinctive and constitutive elements of EU external identity. To express its commitment to conduct *principled* international action, the EU makes extensive use of 'declaratory measures' (Manners 2002: 248) to export EU norms, values and principles. A discourse and normative analysis reveals a strong EU political commitment to use regional co-operation as a means to transpose to Med countries the norms the EU itself has experienced in the political, economic and social fields of integration. Alongside economic liberalization and the rules of free markets, the Union's external action seeks to export to other countries the EU model of political development based upon democratic norms and practices, and human rights protection.

A useful starting point to illustrate how the EU constructs its international role as a norm exporter, and in particular HRD promoter, is the Laeken Declaration on the Future of Europe adopted by the European Council in December 2001. Here Europe's new role in a globalized world is defined as a 'stabilizing role worldwide', which has to be played by exporting the EU's 'humane values' including democracy, human rights and fundamental rights. A major step forward in the construction of the EU's international role is represented by the Constitutional Treaty, which despite its 'frozen' status in late 2005 represents an explicit statement of

such a role. First of all HRD are recalled in the Preamble. Then, the Constitutional Treaty lists HRD among the Union's values (Article I-2). Finally, Title V on the Union's external action sets as the objectives of the EU common policies and actions to 'consolidate and support democracy, the rule of law, human rights and international law' (Article III-193/2b). Democratic principles, minority rights, equal opportunities and solidarity – *inter alia* – are the values and principles the EU seeks to share also with Med countries.

The Barcelona Declaration, and the political documents which followed, contain explicit reference to democracy, human rights, fundamental freedoms, the rule of law, good governance, sustainable development and solidarity. It is very significant that Med countries subscribed to the Barcelona Declaration and formally signed up to the EU values and principles it contains. They also agreed to 'conduct a political dialogue to examine the most appropriate means and methods of implementing the principles adopted by the Barcelona Declaration' (Barcelona Declaration 1995). The Valencia Action Plan adopted by the Euro-Mediterranean Ministers of Foreign Affairs in April 2002 reaffirmed the commitment of the participants in the EMP to the institutional and value framework of the EMP.

In order to strengthen the principled approach to EU international relations, the European Commission in 2003 expressed the importance it attaches to HRD in relations with Med partners in a Communication to the Council and the European Parliament where it proposes the mainstreaming of human rights and democracy. The Commission reiterated the linkage between security, economic development, human rights and democracy, and stated that this linkage must be reflected in external policies because 'the promotion of democracy, the rule of law and the respect of Human Rights and fundamental freedoms constitutes one of the core objectives of the EU's external policies' (European Commission 2003: 2). The Commission recalled with satisfaction that all the documents adopted in the framework of the Barcelona Process (Presidency Conclusions to the Foreign Ministers' Meetings, Valencia Action Plan, EU Common Strategy on the Mediterranean, etc.) regularly reaffirm the joint commitment to promote human rights, fundamental freedoms and democracy.

However, the domestic political and socio-economic system which proved successful in Western Europe and which has been extended to Eastern Europe through the enlargement process cannot necessarily be easily exported to Med countries. The Med partners seem to express political adherence to principles which they do not translate into norms to be coherently implemented. But the EU cannot achieve its 'milieu goals'¹⁵ if the inclusion of norms in support of HRD in the Euro-Mediterranean Association Agreements is not followed by close monitoring of norm implementation. This approach to EU international relations can be successfully applied only provided that third countries do not feel that 'a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

particular "model" of agreement [e.g. the Euro-Mediterranean Association Agreement], and regional links [e.g. the EMP], is imposed upon them from outside rather than emerging from their own priorities, choices and aims' (Cremona 2004: 561).

Moreover, EU partners have to be provided with attractive incentives to adopt EU norms. And the EMP does not seem to provide Med countries with such incentives. As has been clearly stated in the European Neighbourhood Policy (ENP), the Arab countries can share with the EU *all but institutions* (Prodi 2002). Although EU membership is excluded, in the long run, the EU can extend to the southern neighbours the four freedoms.

The ENP also stresses liberty, democracy, respect for human rights and fundamental freedoms as values the EU shares with its neighbours (Council *Conclusions*, 2003). However, the insistence on economic co-operation and the neighbours' participation in the EU internal market gives the impression that reference to political co-operation is destined to remain on the back burner. Economic liberalization and the establishment of free markets – which are also crucial EU values – seem to come before human rights and democratic principles. Another significant element of the newly adopted ENP is the fact that instead of offering substantial *new* funds, interoperability between the existing instruments (i.e. TACIS, MEDA) is envisaged. It is as if old wine had been poured into new bottles just to divert attention from the real problem of EU relations with the Med countries: the lack of EU resources to help enhance HRD in Med countries.

A critical evaluation of the EMP as a regional co-operation framework to promote human rights and democracy

In order to evaluate the performance of the EU's role as a norm exporter in the Mediterranean area, the following questions must be addressed. Is the EU able to influence regional norms? Is the EU able to transfer to its Mediterranean partners norms, principles and values which are depicted in the Constitutional Treaty as distinctly European? Does the EU have an impact on domestic legislation in Med countries? Empirical analysis shows that there is a big difference between the EU's political rhetoric and the reality of Med countries' political regimes, where HRD respect is improving very slowly (if at all). Before analysing in which Med countries political reforms have been adopted (see below), a critical evaluation of the EMP in general will help to clarify the disappointing performance of the EU as a HRD promoter.

Ten years have passed since the Barcelona Declaration was adopted (a lapse of time that can be termed the *Barcelona timeline*), but the achievements of the EMP so far seem quite controversial. Although the EU has offered a wide framework for co-operation within the EMP, co-operation

has not progressed in all fields, and multilateral co-operation is lagging behind. In the Political and Security Partnership the adoption of the Charter on Peace and Stability in the Mediterranean has been frozen due to the critical political situation in the Middle East since the beginning of the second *intifada* in September 2000. The creation of a Euro-Mediterranean free trade area is proceeding slowly and the most recent documents refer to 2010 as a *target date*, almost implying that the 2010 deadline might not be met. On the other hand, the former Commissioner for External Relations, Chris Patten, welcomed the signing of the Agadir Agreement establishing a sub-regional free trade area between four Med countries only (Jordan, Egypt, Tunisia and Morocco) as a ‘major step in the process of economic and social integration in the Arab Mediterranean world’ (Patten 2004). As far as the promotion of HRD is concerned, data on the presence or absence of democratic institutions show that during the Barcelona timeline, Med countries have not progressed much with political and social reforms to meet EU HRD standards.

Bilateral co-operation is progressing with all Med countries, although at an uneven pace. New Euro-Mediterranean Association Agreements have been negotiated by all partners, demonstrating that economic and financial co-operation remains the primary incentive to regional co-operation (see Table 8.1). The negotiating process was quicker in the cases of Tunisia and Morocco, much longer for Algeria and Syria. But there is no empirical evidence that the implementation of the Euro-Mediterranean Agreements, which also include conditionality clauses, can improve HRD standards in Med countries. If we consider Tunisia, for instance, the Euro-Mediterranean Association Agreement has been in force since March 1998, but since 1995 no change has been registered as far as respect of political and civil liberties by the domestic regime is concerned (see Freedom House data in Table 8.2). The inclusion of the conditionality clause in the agreement seems to have had no deterrent effect on local political leaders, nor has the EU attempted to use conditionality so far.

Table 8.1 Pace of EuroMediterranean Association Agreement negotiations

Med countries	Signature of the agreement	Agreement's entry into force
Palestinian Authority	February 1997	July 1997
Tunisia	July 1995	March 1998
Morocco	February 1996	March 2000
Israel	November 1995	June 2000
Jordan	November 1997	May 2002
Egypt	June 2001	June 2004
Lebanon	June 2002	December 2004
Algeria	April 2002	–
Syria	October 2004	–

Explaining the limited impact of the EU as a norm exporter in the Mediterranean

The EU's difficulties in acting as a norm exporter in the Mediterranean are threefold. First of all, the adherence to the Barcelona *acquis* seems to rest upon a voluntary basis. The Barcelona Declaration is a politically binding document, not a juridical one. This leaves the contracting parties free to adhere to co-operation projects when and if they are interested in the single issue at stake. The EU seems to limit itself to a certain rhetoric in favour of political and democratic reforms and respect of human rights rather than directly sanctioning violations of democratic norms and human rights. Since the 1990s all EU agreements with third countries include 'human rights clauses', but so far there is no evidence of CFSP provisions adopted to react to cases of lack of good governance, democratic practices and values and poor respect for human rights, which are still evident in Med countries.⁶ Despite the political rhetoric, the EU avoids directly tackling the most controversial issues such as restrictions on the media, repression of dissent, unfair trials, etc., as if political change towards democratization might be potentially destabilizing (Youngs 2002).

Second, the effectiveness of EU democratization policies is weakened by the paucity of the funds allocated to these objectives. In the years 2002–04, the MEDA regional support envelope certainly did not privilege co-operation to strengthen democratization, good governance and the rule of law. Examining the financial breakdown by priority,⁷ one finds that only €6 million (out of a total of €93 million) were devoted to enhancing the rule of law and good governance. The 'more advantaged' priority areas were instead: bringing the partnership closer to the people (€25 million); the sustainability of Euro-Mediterranean integration (environment, equal opportunities, education and training for employment: €20 million); regional infrastructures (€17 million); the EuroMed free-trade zone (€10 million). If one compares the emphasis the EU puts on initiatives to strengthen HRD with the amounts contained in these financial chapters, one gets a revealing picture of the EU aid offered to Med partners in these fields. Needless to say, these are puny allocations to cover such a wide range of initiatives. The mainstreaming of democracy and human rights envisaged by the Presidency Conclusions to the Euro-Mediterranean Conference of Ministers of Foreign Affairs (Naples, 2–3 December 2003) implies a need for much more extensive financial support.

Third, a comparison of EU institutions' attitudes shows a sort of institutional schizophrenia. Each institution has a different approach to Arab countries' (non)compliance with EU standards. The European Commission plays the role of a *policy entrepreneur*: it has a creative vision of external relations and seeks to elaborate innovative regional frameworks of co-operation which can produce a diffusion of EU HRD norms. The

144 *Stefania Panebianco*

European Commission not only frames new policies (e.g. the ENP), but also tries to reinvigorate them when progress is lacking (as the Commission did in 2000 when it adopted the Communication 'Reinvigorating the Barcelona Process') and indicates priorities. Moreover, the Commission favours a bottom-up approach and considers representatives of civil society as privileged actors of co-operation;⁸ civil society has been singled out by the Commission as the best channel to implement EMP regional co-operation programmes (EuroMed Heritage, EuroMed Youth, EuroMed Audiovisual), or to set up networks such as Archimedes (Panebianco 2003: 17). The European Parliament, on the other hand, acts as a critical watchdog to denounce Med countries' violations of human rights and restrictions on individual freedoms, in particular through the adoption of the Annual Report on Human Rights in the World. In its 2003 report, the Parliament urged the Council to sanction human rights violations by Med partners and to act more coherently (European Parliament 2003). Finally, the Council follows a different strategy. It opts for a pragmatic approach, which is led primarily by political considerations; this implies acceptance of EU partners' weaknesses in the implementation of democratic reforms or of low human rights standards in EU partners. Despite EU official declarations, human rights violations and restrictions on fundamental rights are not sanctioned, as if EU member states did not want to destabilize Arab countries' governments.

Although the EU has expressed the desire to create a 'democratic regional community' (Whitehead 1996), which includes the south Mediterranean countries, there is a gap between EU declared objectives and the operational policies to achieve HRD promotion. Moreover, different strategies are envisaged at bilateral or regional level. The instrument which is included in the Euro-Mediterranean Agreements to promote democracy is conditionality, although it has never been practised. Within the EMP the EU has opted instead for a contagion effect produced within specialized networks or regional multi-level co-operation programmes. This ambivalence between the bilateral and the multilateral strategy weakens the coherence of the EU as a norm exporter.

The EU – perhaps naïvely – seems to assume that it is sufficient to create regional networks connecting specific sectors of society for democracy to spread, almost regardless of governmental approval or legislative reforms. This strategy is unlikely to prove successful, and Philippe Schmitter reminds us that the empirical research on regime transition indicates that 'these external efforts to penetrate civil society (and even to create a regional or global civil society) may have begun when the regime was still autocratic, but they rarely – if ever – seem to have contributed much to its demise' (Schmitter 1996: 41). Communication flows and regional networks are important ways to bring people together, but their impact upon democratization cannot be exaggerated, since local political leaders are the key actors in launching political reforms aimed at improving HRD

standards. It seems that the EU does not possess the political leverage (or the political interest) to play a role in regional politics and export HRD at any costs by pressing political leaderships to proceed with reforms. Unfortunately, the result of this inconsistent institutional attitude is a low-profile EMP, which implements only a minor part of the goals originally set in Barcelona.

Liberalization without democratization in some Arab Med countries

Some conceptual clarification is required at this point to distinguish the reference to democracy, which is embedded in the political rhetoric of the EU, from more precise conceptual usages in political science. The EU reference to a 'democratization' policy clashes in fact with the widely accepted definition used by the democratization literature, which neatly distinguishes the initial liberalization process (the opening process of authoritarian regimes which usually starts with the granting of partial individual rights and freedoms) from the democratization process which can follow liberalization (the creation of substantial democratic institutions and real democratic processes requires the granting of full political and civil rights). Finally, for the democratization process to be accomplished, the consolidation of the newly created democratic institutions and procedures is required. The transition process marks the passage from an authoritarian to a democratic regime and implies the creation of the political institutions required for democracy, but, without democratic consolidation, the newly created democratic institutions might collapse and lead to the installation of another authoritarian regime; only functioning democratic institutions, structures and norms can lead to a stable democratic regime. But this is not a linear process, because there is not an automatic progression from one phase to the other. The picture, then, is much more complicated than the Brussels discourse implies.

Since the early 1990s most Arab regimes have undergone important political changes: elections, multi-party systems, political and socio-economic pluralism (Brynen *et al.* 1998: 267). These political changes usually characterize the transition process, which in most cases allows for the passage from an authoritarian regime to democracy. However, this process seems to be much more advanced at the procedural than at the substantive level (Korany and Noble 1998: 7). The liberalization process is not a linear process, and in Arab Med countries it has been subject to a stop-go pattern or even reversal. The limited reforms which have been adopted by some Arab Med countries are thus producing liberalization but not democratization. Elections are regularly held and human rights conventions are signed, but this is short of a real democratization process which implies also effective participation, party competition, pluralism and accountability. Despite the continuous reference to HRD, which

features equally in EU and Arab political discourses, the Arab Med countries do not fulfil yet the minimum requirements of democracy, that is to say, to grant to their citizens (no longer subjects) at the same time universal suffrage; free, competitive, recurrent and correct elections; more than one political party; and alternative sources of information (Morlino 2003: 25). In most Arab countries the liberalization process has started, since some democratic institutions have been created. But elections, for instance, are far from being free, competitive, recurrent *and* correct. This has not yet produced genuine democratization and the EU emphasis on support to HRD has not favoured a real democratization process.

When assessing political change in the Arab world, the key issue is that in most cases ‘these are changes *within* the authoritarian regime which fall short of bringing about a change *of* regime ... which thus ceases to be authoritarian and becomes democratic’ (Hamladji 2002: 3). The overall picture is rather undemocratic: in the early 2000s Jordan experienced a deliberalization phase (Lucas 2003); in Egypt and Tunisia non-competitive presidential elections deprived this typical institution of democracy of its democratic essence; the Tunisian multi-party system dominated by a single party falls short of political pluralism; elections are not always procedurally correct (for example, the 2002 municipal election in Egypt). In some countries a certain degree of socio-economic and political pluralism exists, but meaningful political participation and accountability remain absent from the policy process. Governments fully accountable to the electorate are still missing even in Morocco and Jordan (the only two Arab Med countries which are regarded as ‘partly free’ by Freedom House), where the influence of the monarchy over the political and religious spheres remains overwhelming.

All these contradictions of the liberalization process have produced ‘non-competitive electoral authoritarian regimes’ as in Egypt (Levitsky and Way 2002: 52) and ‘blocked transitions’ as in Jordan. In sum, ‘hybrid regimes’ (Diamond 2002: 21) are more common than democratic regimes. Hybrid regimes have some formal aspects of democratic regimes such as elections, constitutions granting fundamental freedoms and political rights, but even then there are no real guarantees, for effective participation is limited, censorship prevents real freedom of expression (therefore dissent cannot be expressed), elections are not free and competitive, and multi-party systems are just a façade to defend the prerogatives of a dominant party. Hybrid regimes can thus be placed in the grey zone between authoritarian and democratic regimes (as in Figure 8.1). This suggests that the ‘third wave’ of democracy that has opened up so much of the world over the past 30 years (Huntington 1991) seems to have left the Arab Med countries untouched. Despite some ferment and some important instances of democratic opening, countries in the Middle East and North Africa have been resistant to democratization and human rights have stagnated (Karatnycky 2003: 101).

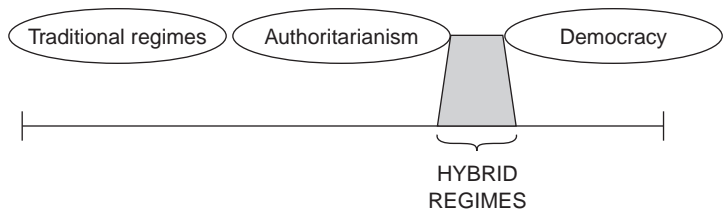


Figure 8.1 Hybrid regimes: between authoritarianism and democracy.

Moreover, the literature on democracy stresses something which is neglected by the EU approach: the EU impact upon the *timing* and the *nature* of the varied transitions from autocracy can be only marginal. It was limited in the 1970s for the change of regime in Spain, Portugal and Greece, (Schmitter 1996: 33), and again in the 1990s in Central and East European countries, where governments reacted more to the collapse of the Soviet Union than to genuine democratic contagion from the EU. Notwithstanding the influence of the international context upon democratization processes (Whitehead 1996), the *timing, type* and *outcome* of democratization cannot be dictated or determined by the international political context, because the beginning of democratization is ‘a domestic affair *par excellence*’ (Schmitter 1996: 27). Domestic factors play a predominant role in the transition process. Once the transition starts, led by local actors, the EU can provide a co-operation framework helping the democratization process to succeed. But the EU cannot promote HRD in Med countries if the partners’ domestic context is not receptive. This means that the EU cannot act as a ‘prime mover’ of regime change (Schmitter 1996: 27), since the change from one political regime to another is primarily an ‘autochthonous political act’ (Schmitter 1996: 26). Thus, the local political actors (be they newly emerged or existing ‘enlightened’ ones) must take the lead.

A comparative analysis of the presence or absence of democratic institutions in the Med countries⁹

The comparative analysis of change (or absence of change) in the political regimes of the Med countries summarized in Table 8.2 shows that the only Med country that experienced a consistent movement towards a democratic regime during the Barcelona timeline is Turkey, while the other Med countries have not significantly improved their HRD standards. This indicates that the EU’s impact upon the constitutional reforms adopted in Turkey to comply with the requirements for enlargement has been consistent, while the EMP does not provide the EU with legal or political instruments to act as a norm exporter. Since the EMP does not

Table 8.2 Presence/absence of democratic institutions in the Med countries

Country	Polity	Status	Political rights		Civil liberties	
			Barcelona timeline		Barcelona timeline	
Algeria	Dominant party	Not free	6	—	5	—
Egypt	Presidential dominant party	Not free	6	—	5	—
Israel	Parliamentary democracy	Free	1	—	3	—
Jordan	Traditional monarchy and limited parliament	Partly free	5	—	4	—
Lebanon	Presidential parliamentary	Not free	6	—	5	—
Libya	One party presidential dictatorship	Not free	7	—	7	—
Morocco	Traditional monarchy and limited parliament	Partly free	5	—	4	—
Syria	Dominant party	Not free	7	—	7	—
Tunisia	Presidential dominant party	Not free	6	—	5	—
West Bank/Gaza	Military Administered	Not free	5	^a	6	^a
Turkey	Presidential parliamentary democracy	Partly free	3	—	3	—

Source: Freedom House data on freedom in the world in 2005 are available at www.freedomhouse.org.

Note

^a Since 1997.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

provide a framework for compliance with EU standards, it logically cannot be an effective instrument to promote HRD.

For many years the EU adopted a 'wait and see' position towards Turkey. Several European Councils had promised Turkey entry into the EU, but the enlargement process was repeatedly postponed because Turkish HRD standards were considered unsatisfactory. In the late 1990s Turkish political leaders launched a constitutional reform process to 'please' the EU and meet the Copenhagen criteria which have to be achieved in order to enter the EU. Lastly, in December 2004, the European Council accorded Turkey the status of candidate member. The Turkish political system has been reformed via an elite-led gradual process of liberalization, which has involved all key institutions (the government, the parliament, the court of justice and the administration). In 1995 Turkey was scored five for both political rights and civil liberties on the Freedom House scale; in 2004 it was scored three for both political rights and civil liberties and can be regarded as a 'partly free' country. This reform process can be regarded as a result of the EU's insistence on democratic practices and human rights protection as minimum HRD standards to join the EU.

Jordan and Morocco can also be regarded as 'partly free' countries. But there is a big difference between their transition process, which is only experiencing its initial opening phase (they are both scored five in respect of political rights and four in respect of civil liberties) and the democratic transition which is almost accomplished in Turkey (scored 3/3). Since transition has stopped (in Jordan), or is progressing slowly (in Morocco), they remain hybrid regimes in between authoritarianism and democracy. These countries experienced a transition process during which authoritarian regimes lost authoritarian characteristics and acquired democratic ones, but they are not yet democracies because they do not fulfil all the requirements of democracy as defined above. Moreover, the Jordanian experience proves that liberalization is not a straightforward process; on the contrary it can be subject to reverse tendencies of deliberalization. During the Barcelona timeline Jordan experienced a reverse trend, and today (according to Freedom House) respect for political rights is lower than in 1995. In the late 1980s Jordan experienced extraordinary steps towards political opening which at that time put the country in the forefront of liberalization in the Arab world (Lucas 2003: 137), but within one decade this liberalization trend had reversed. King Abdallah shifted to an authoritarian repressive policy to deal with the mass dissatisfaction of the late 1990s provoked by the domestic economic crisis, and by a Jordanian foreign policy regarded as too pro-Western. Following the eruption of the second *intifada* in 2000 and the US-led wars in Afghanistan and Iraq, public protests criticized the pro-Western stance of the Jordanian government and demanded the annulment of the 1994 Peace Treaty with Israel. The regime showed little tolerance of public opposition and reacted with

150 *Stefania Panebianco*

a ban on demonstrations. In June 2001 the king dissolved the parliament and has repeatedly postponed parliamentary elections; for almost two years he governed by decrees and temporary laws, and freedom of expression and freedom of assembly were greatly restricted. Since 2003 the situation is improving.

Egypt and Tunisia are 'not free' countries (both scored 6/5 respectively for political rights and civil liberties). These regimes can be regarded as 'electoral authoritarian regimes' (Diamond 2002), because they make use of some institutions of democracy (such as elections) to give the regime an appearance of democratic processes that in practice do not exist. They remain two authoritarian regimes with strong Presidents, weak parliaments, a façade of multi-party elections and party rule, elections are not procedurally correct (irregularities remain systematic) nor competitive. The Tunisian case is probably the more interesting one. Although no domestic change has been registered in these ten years, Tunisia has always claimed to be in the forefront of co-operation with the EU both bilaterally (it was the first partner to sign a Euro-Mediterranean Agreement) and regionally within the EMP framework. The political rhetoric of being close to Europe is not supported by reality.

Elsewhere in Arab Med countries no change at all is registered, and we also find in the Med two countries which are included by Freedom House among the eight countries with the lowest rating in the world. At the left extreme of the continuum illustrated in Figure 8.1, we can place one EMP member (Syria) and the EMP 'observer' Libya, 'not free' countries that scored seven on both political rights and civil rights.

To summarize, a decade of EMP co-operation has resulted in only limited changes in human rights standards and democracy practices in some Med countries. This comparative analysis therefore suggests that the EU has not succeeded in producing any major spread of EU values and principles to these states.

Conclusion

This chapter has analysed the EU's role as a norm exporter, and has particularly explored the EU's role as HRD promoter in relations with Med countries. The empirical analysis showed that, although the EU tends to consider HRD as distinct elements of its international identity and HRD promotion permeates the EU political rhetoric, the EU's promotion of HRD seems more part of political discourse than a priority of international action. The impact the EU has on Med countries in terms of normative influence remains weaker than might be expected.

The empirical analysis also indicates that, despite the suggestive idea of a linkage between political, economic and human dimensions allowing for sustainable development respectful of human rights and democratic processes, within the EMP the promotion of HRD seems a faded frame for

1 economic co-operation. The Barcelona Process is not suited to the transfer of norms to other countries. As far as the transmission of norms is concerned, the difference between the enlargement process and the Barcelona Process is enormous. EU candidate countries have to adopt and implement *in toto* the *acquis communautaire* to join the EU, while the Barcelona Process is a completely different scheme of regional co-operation. The Turkish case is rather emblematic in this regard. The EU offered Turkey the 'carrot' of joining the EU, and at the same time it repeatedly used the 'stick' and sanctioned the Turks in respect of the Copenhagen principles. It thus appears that the enlargement process (or just the promise of it) induced Turkey to launch important reforms to adopt EU HRD standards before the accession process could start.

2 The Barcelona Declaration, the Euro-Mediterranean Association Agreements and political declarations adopted within the EMP express the support of all the Barcelona partners for HRD. Democratic principles and human rights protection have become part of the Barcelona *acquis* and no Arab government officially denies these principles. However, there is a big hiatus between official declarations by the governments (political rhetoric) and the way that democratic practices and human rights are implemented (domestic *Realpolitik*).

3 Ten years after the adoption of the Barcelona Declaration, the Med Arab countries seem to be interested in bilateral and economic co-operation but half-hearted in other areas of co-operation. The real interest of Med Arab countries is to proceed with economic co-operation; they have adhered formally to EU principles of democracy and human rights because the EU attaches so much importance to HRD, but they are far from implementing those principles at the domestic level. The political rhetoric and propaganda which are still so widespread on both sides of the Med are thus a challenge not only for political analysts, but also for politicians and practitioners. The EU cannot in the long run blindly accept that the leaders of Med countries adhere to common political documents and treaties and officially plead for democratic institutions which are only formally recognized or partially implemented. It could thus be argued that the EU should react to the disparity between political rhetoric and reality by strengthening the financial instruments to implement EU democratization policy and by setting up control instruments to verify compliance with the Barcelona *acquis*. The European Parliament has singled out sanctions as the instrument to be adopted to defend EU credibility. This might be a starting point for more effective EU support to democratic practices and human rights protection in non-member countries.

4 So far, in order to act as an HRD promoter the EU has preferred civil society to political leaders, but the bottom-up approach – if not supported by a top-down strategy led by domestic political actors – has proved to be an ineffective means of promoting political reforms leading to democracy.

The European Commission rightly seeks to strengthen pluralism, which is still limited in Med countries, as pluralism is a key element of democracy. The ultimate aim of the Commission's support for issue networks is to induce 'contagion', to help the process of 'learning' democratic practices and to allow democratization from below. Indeed, it is important to involve socio-economic actors in the process of democracy learning, but the political elites must also participate in the creation of the fundamentals of democracy.

Constitutional reforms require – as in the Turkish case – a synergy of key political institutions. The involvement of political leaders is fundamental to create an individualistic society (or we might say a secular society) where the individual, not the state, is at the centre of politics (where society is the product of individuals and not vice versa), to offer citizens continuous information on governmental action, to guarantee transparency of the bureaucracy (instead of state secrecy), to allow the effective accountability of governments to the electorate. For these fundamental changes, a top-down strategy is essential. This implies that the role of civil society should be complemented by a comprehensive process of democracy-building favoured by all political actors, since democratic practices must be practised at all levels to produce real democratic change.

Notes

- 1 The definitions of 'role conceptions', 'role performances' and 'role impact' are drawn from Chapter 1 in this volume.
- 2 For more on the promotion of HRD through enlargement see Chapter 7 in this volume. See also the role of the EU as a 'magnet' for neighbour countries in Cremona (2004: 564).
- 3 On the EU emphasis on regional linkages and policies as an aspect of the Union's role as a 'stabilizer' in the neighbouring countries see Cremona (2004: 560).
- 4 The 12 south Mediterranean countries which adopted the Barcelona Declaration in 1995 are Morocco, Algeria, Tunisia, Egypt, Israel, Gaza/West Bank, Jordan, Lebanon, Syria, Malta, Cyprus and Turkey. The EMP has since changed towards a stronger Arab component of non-EU member countries. Following the 2004 enlargement, Cyprus and Malta have become EU members; in December 2004 Turkey acquired the status of accession candidate; Libya is an EMP observer partner and is also involved in the European Neighbourhood Policy adopted by the European Council in 2003. This group of Arab countries plus Israel has been identified as the 'southern neighbours', which are the recipient group of the EU actions on Human Rights and Democratization with Mediterranean partners (European Commission 2003: 3).
- 5 See the introduction to this volume for the definition of EU 'milieu goals' as goals aiming to shape the environment in which the EU operates.
- 6 Negative CFSP provisions have been adopted by the Union against only one Med country: Libya (<http://ue.eu.int/pesc/default.asp>).
- 7 Cf. Euro-Med Partnership, *The Regional Strategy Paper 2002–2006 and Regional Indicative Programme*.
- 8 In the financial year 2000, 80 per cent of EIDHR funds were used through civil

society representatives (NGOs, professional associations, foundations, etc.) (European Commission 2001b: 25).

- 9 The Freedom House dataset has been reviewed to assess the presence/absence of democratic institutions in the Med countries. Freedom House monitors political rights and civil liberties around the world and publishes *The Annual Survey on Freedom in the World*, which is based upon two indicators of democracy: political rights (i.e. political parties can be formed freely, voters can choose among more than one party, party leaders can compete for positions of power in government) and civil liberties (respect for religious, ethnic, economic, linguistic, gender and family rights; personal freedoms; freedoms of the press, belief and association). The Freedom House Survey uses a seven-point scale ranging from 1 (the most free) to 7 (the least free). The country 'status' combines political rights and civil liberties scores as follows: countries whose ratings average 1–2.5 are regarded as *free*, countries whose ratings average 3–5.0 are *partly free*, countries whose ratings average 5.5–7 are *not free*. 'Partly free' countries display a limited respect for political rights and civil liberties; they often suffer from environments of corruption, a weak rule of law, single-party dominance. In 'not free' countries basic political rights are absent and basic civil liberties are widely and systematically denied.

References

- Allen, D. and Smith, M. (1990) 'Western Europe's Presence in the International Contemporary Arena', *Review of International Studies*, 16 (1): 19–37.
- Allen, D. and Smith, M. (1998) 'The European Union's Presence in the New European Security Order: Barrier, Facilitator or Manager?', in C. Rhodes (ed.) *The European Union in the World Community*, Boulder, CO: Lynne Rienner, 45–63.
- Brynen, R., Korany, B. and Noble P. (1998) 'Conclusion: Liberalization, Democratization, and Arab Experiences', in B. Korany, R. Brynen and P. Noble (eds) *Political Liberalization and Democratization in the Arab World. II, Comparative Experiences*, Boulder, CO: Lynne Rienner, 267–78.
- Council of the European Union (2003) *Conclusions on Wider Europe–New Neighbourhood*, 18 June.
- Cremona, M. (2004) 'The Union as Global Actor: Roles, Models and Identity', *Common Market Law Review*, 41: 553–73.
- Diamond, L. (2002) 'Thinking about Hybrid Regimes', *Journal of Democracy*, 13 (2): 21–35.
- Duchêne, F. (1972) 'Europe's Role in World Peace', in R. Mayne (ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana.
- European Commission (2001a) *The European Union's Role in Promoting Human Rights and Democratization in Third Countries*, Communication from the Commission to the Council and the European Parliament, 8 May, COM (2001) 252 final.
- European Commission (2001b) *European Initiative for Democracy and Human Rights Programming Document 2002–2004*, Commission Staff Working Document, Rev. 1 final, 20 December.
- European Commission (2003) *Communication on Reinvigorating EU actions on Human Rights and Democratisation with Mediterranean partners*, COM (2003) 294 final, Brussels 21 May.
- European Parliament (2003) *Annual Report on Human Rights in the World in 2002*, Final Resolution, P5–TA(2003)0375.

154 *Stefania Panebianco*

- Ginsberg, R. (2001) *The European Union in International Politics: Baptism by Fire*, Boulder, CO: Rowman & Littlefield.
- Hamladji, N. (2002) *Do Political Dynamics Travel? Political Liberalization in the Arab World*, EU Working Papers SPS 2002/11, Florence: European Universities Institute.
- Hill, C. (1993) 'The Capability-Expectations Gap, or Conceptualizing Europe's International Role', *Journal of Common Market Studies*, 31 (3): 305–28.
- Hill, C. (1998) 'Closing the Capabilities-Expectations Gap?', in J. Peterson and H. Sjursen (eds) *A Common Foreign Policy for Europe? Competing visions of the CFSP*, London: Routledge, 18–38.
- Huntington, S. (1991) *The Third Wave: Democratization in the Late Twentieth Century*, Norman, OK: University of Oklahoma Press.
- Karatnycky, A. (2003) 'Liberty's Advances in a Troubled World', *Journal of Democracy*, 14 (1): 100–13.
- Korany, B. and Noble, P. (1998) 'Introduction: Arab Liberalization and Democratization: The Dialectics of the General and the Specific', in B. Korany, R. Brynen and P. Noble (eds) *Political Liberalization and Democratization in the Arab World, II, Comparative Experiences*, Boulder, CO: Lynne Rienner, 1–10.
- Levitsky, S. and Way, L. (2002) 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, 13 (2): 51–65.
- Lucas, R. (2003) 'Deliberalization in Jordan', *Journal of Democracy*, 14 (1): 137–44.
- Manners, I. (2002) 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, 40 (2): 235–58.
- Morlino, L. (2003) *Democrazie e democratizzazioni*, Bologna: Il Mulino.
- Panebianco, S. (2003) 'The EuroMediterranean Partnership in Perspective: the Political and Institutional Context', in S. Panebianco (ed.) *A New Euro-Mediterranean Cultural Identity*, London: Frank Cass, 1–20.
- Patten, C. (2004) *Speech on the occasion of the Signature of the Agadir Agreement*, Speech/04/101, 25 February.
- Prodi, Romano (2002) *A Wider Europe: A Proximity Policy as the Key to Stability*, speech 02/619 delivered at Sixth ECSA World Conference, Brussels, 5–6 December.
- Schmitter, P. (1996) 'The Influence of the International Context upon the Choice of National Institutions and Policies in Neo-democracies', in L. Whitehead (ed.) *The International Dimensions of Democratization*, Oxford: Oxford University Press, 26–54.
- Sjöstedt, G. (1976) *The External Role of the European Community*, London: Saxon House.
- Whitehead, L. (1996) 'The International Dimensions of Democratization', in L. Whitehead (ed.) *The International Dimensions of Democratization*, Oxford: Oxford University Press, 3–25.
- Youngs, R. (2002) 'The European Union and Democracy Promotion in the Mediterranean: A New or Disingenuous Strategy?', in R. Gillespie and R. Youngs, *European Union and Democracy Promotion: The Case of North Africa*. Special issue of *Democratization*, 9 (1): 40–62.