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# Obs

## Observatori de Política Exterior Europea



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### **More than cheap talk? Euro-Mediterranean cooperation on human rights and democracy**

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Despite the EU's democracy promotion efforts and a joint commitment to democracy and human rights in the EMP, there are no signs of convergence towards the liberal democratic model advocated by the EU. However, the scope and intensity of multilateral, transnational, and bilateral cooperation have steadily increased across the region since the mid 1990s. Cooperation in the field of democracy promotion is marked by strong dynamics of sectoral, normative, and geographical differentiation, but it is clearly situated in a regional and highly standardised framework. While policy or polity convergence seems unlikely in the short or medium term, democracy and human rights are firmly established on a joint regional agenda.

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## Introduction <sup>[1]</sup>

The Treaty of Maastricht (1992) officially founded the European Union (EU) as a ‘community of values’ of liberal democracies. It also formalised the EU’s objective to promote democracy, human rights, and the rule of law in external relations. Already in the early 1990s, the EU extended its emerging democracy promotion policy to its neighbours in the Mediterranean area. Political issues gained a prominent place in Euro-Mediterranean relations with the launch of the Euro-Mediterranean Partnership (EMP) in 1995 that represents an attempt at region-building through multilateral partnership (cf. Barbé and Herranz Surrallés 2010: 132). In the so-called Barcelona Declaration, the EU, its then 15 member states and 12 Mediterranean Partner Countries (MPC) defined the “strengthening of democracy and respect for human rights” as one of the “essential aspects of partnership” and made a “declaration of principles to (...) develop the rule of law and democracy in their political systems” (Barcelona Declaration 1995).

Up to today, this joint commitment has not produced much convergence of policies or polities towards the liberal democratic model advocated by the EU. Except for Israel, the remaining MPC without an EU membership perspective have authoritarian regimes, and indices such as Freedom in the World and the World Governance Indicator for “Voice and Accountability” show hardly any improvements over time (cf. Freedom House 2010, Kaufmann, Kraay, and Mastruzzi 2009)<sup>[2]</sup>. Yet, human rights and democracy have irrevocably become an issue in Euro-Mediterranean relations. Especially the Barcelona Declaration triggered cooperation on these issues at several levels, involving the EU, MPC, and non-state actors.

The emergence of cooperation in this sensitive issue area is not at all evident when dealing with authoritarian regimes, but cooperation on issues related to democracy and especially human rights has consolidated in a number of multilateral, transnational, and bilateral processes that anchor these normative issues in Euro-Mediterranean relations. The paper sets out to investigate these processes of cooperation in terms of *sectoral*, *geographical*, and *normative differentiation*, applying the analytical framework put forward in a recent special issue in Mediterranean Politics (cf. Barbé and Herranz Surrallés 2010). Cooperation might not have led to ‘policy (or polity) convergence’ (cf. Barbé and Herranz Surrallés 2010: 133), but the paper argues that cooperation itself merits our attention as it highlights the role of MPC for shaping relations with the EU (cf. Barbé and Herranz Surrallés 2010: 134). The analytical framework designed to analyse differentiation, policy convergence, and region-building sheds light on certain dynamics in the field of democracy promotion that are often neglected. Asking in how far Euro-Mediterranean cooperation on human rights and democracy has been shaped by dynamics of differentiation and convergence, this analysis thus contributes to the broader endeavour of assessing the effects and implications of differentiation dynamics for cooperation in particular issue areas, both in terms of cooperation quality and outcome at issue level and the wider prospects for region-building (Barbé and Herranz Surrallés 2010: 130) and it links well with the studies of other highly politicised policy areas such as security and defence as well as migration covered in the special issue (cf. Soler I Lecha 2010, Wunderlich 2010).

The paper starts out by analysing the EU’s Mediterranean democracy promotion policy as an attempt at external governance vis-à-vis the MPC and how it has translated into a regional framework for cooperation on human rights and democracy. It then investigates in turn regional and bilateral cooperation on democracy and human rights for sectoral, geographical, and

normative differentiation since the mid 1990s. Regional cooperation includes multilateral dialogue and projects in the framework of the Barcelona Process, but also the emergence of Euro-Mediterranean transnational actors and networks addressing matters related to human rights and democracy. At the country level, the paper focuses on the implementation of bilateral political dialogue and democracy assistance, the role of the European Neighbourhood Policy (ENP) action plans, as well as the application of political conditionality in nine MPC.

The findings show that the EU's initiative to extend its democracy promotion policy to the Mediterranean has triggered a clearly regional dynamic of cooperation. The scope and intensity of multilateral, transnational, and bilateral cooperation has steadily increased since the mid 1990s. Regarding issue-level dynamics, the sensitivity of the issues at stake is reflected in sectoral differentiation, focusing on 'uncontroversial' human rights and leaving out questions challenging the regimes. This is supported by the fact that partners exclusively refer to universal human rights law. While cooperation on human rights and democracy is unlikely to result in policy or polity convergence in the short or medium term, various initiatives "encourage sustained and gradually more homogeneous densification of the web of relations in the Euro-Mediterranean area" (Barbé and Herranz Surrallés 2010: 131) and thus contribute to a process of region-building.

## **From external governance to a regional agenda: human rights and democracy in Euro-Mediterranean relations**

The EU has developed the idea of democracy promotion as a foreign policy objective since the mid-1980s in the context of its development policy. In 1986, the focus originally lay on human rights, when the member states declared to "further reaffirm their commitment to promote and protect human rights and fundamental freedoms and emphasize the importance in this context of the principles of parliamentary democracy and the rule of law" (Council of the EU 1986). By 1991, the 'holy trinity' of human rights, democracy, and the rule of law was firmly established in the EU's wording (European Commission 1991; European Council 1991; Council of the EU 1991). The exact meaning of these principles in terms of institutions and practices was not elaborated, but they reflect an underlying model of (Western) liberal, representative democracy. Only with regard to human rights, the EU has frequently made reference to international law, such as the Universal Declaration of Human Rights (1948), the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), and the Covenants on civil and political rights and on economic, social and cultural rights (1966).

The political commitment to promote human rights, democracy, and the rule of law in external relations was legally enshrined in Maastricht in both the EU and European Communities (EC) treaties <sup>[3]</sup>. Accordingly, the EU aims to "develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" in its Common Foreign and Security Policy (art. 11.1 TEU), Development Cooperation (art. 177.2 TEC), and, since Nice, cooperation with third countries more generally (art. 181a.1 TEC). For the CFSP, there is a reference to the United Nations Charter since Amsterdam (art. 11.1 TEU). The treaties do not provide any further definition of the foreign policy objective or the underlying principles. At the same time, the TEU enshrined the idea of a 'community of values', making a reference to the European Convention for the Protection of Human Rights and Fundamental Freedoms (art. 6.2 TEU). Amsterdam specifies that the EU "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” (art. 6.1 TEU). The promotion of these principles therefore ‘externalises’ the EU’s *acquis*, extending norms and values beyond its borders. That these principles are part of the EU’s *acquis* becomes most obvious in the EU’s enlargement policy. Legalising the political Copenhagen Criteria, the Amsterdam treaty revision introduced an explicit membership conditionality with regard to these founding principles (art. 49 TEU) (Cremona 2003; Schimmelfennig and Sedelmeier 2004, 2005).

The treaties never established democracy promotion as a Community policy, but mainstreamed the objective into external action and both first and second pillar policies. This externalization of internal norms and rules (cf. Lavenex 2004; Lavenex and Schimmelfennig 2009) has not resulted in a coherent legislative framework for democracy promotion. Rather, the EU has gradually specified the objectives and instruments of a democracy promotion policy, extended its geographic scope and developed different thematic aspects (Jünemann and Knodt 2007; Youngs 2001). In the Mediterranean, the EU committed itself to promoting democracy in 1990 (European Commission 1991: 3). Ever since, the EU applied global provisions for democracy promotion to Mediterranean countries and developed a regional agenda (Bicchi 2006; Youngs 2009).

The EU’s Mediterranean democracy promotion policy is particular in that it is built on joint commitments to democracy and human rights by all MPC. Thus, the Barcelona Declaration defined the “strengthening of democracy and respect for human rights” as “essential aspects of partnership” necessary to achieve the overall goal of peace and stability in the Mediterranean (Barcelona Declaration 1995). This commitment was backed up by a “declaration of principles to (...) develop the rule of law and democracy in their political systems.” Similarly, the new generation of bilateral Euro-Mediterranean Association Agreements (EMAA) negotiated since the early 1990s introduced a joint commitment to democracy and human rights. In line with the EU’s global democracy promotion policy (European Commission 1995a), all EMAA contain the so-called ‘essential element’ or ‘human rights’ clause that states that “respect of democratic principles and fundamental human rights (...) constitutes an essential element of this Agreement” (cf. Fierro 2003). There are only minor differences in the wording and the inclusion of a reference to the Universal Declaration of Human rights that is left out for Egypt, Israel, and Tunisia.

While these provisions on the respect for democracy and human rights remain vague, they create the normative or even legal basis for the EU’s democracy promotion efforts as a joint undertaking. The EU’s instruments for democracy promotion build on these commitments and form a truly regional framework for cooperation on issues related to human rights and democracy.

## **A framework for Euro-Mediterranean cooperation on human rights and democracy**

Especially since the launch of the Euro-Mediterranean Partnership (EMP) in 1995, the EU applied and adapted its global provisions for democracy promotion to the Mediterranean context. It incorporated several instruments for democracy promotion such as political dialogue, democracy assistance, and political conditionality into its Mediterranean policy. Building on a

joint commitment to democracy and human rights, it created a framework for regional and bilateral cooperation.

The new EMAA with their 'essential element' clause created the legal basis for negative political conditionality and political dialogue in bilateral relations (European Commission 1995a). The meetings and conferences known as the Barcelona Process provided another forum for multilateral political dialogue. The EU's early efforts at providing democracy assistance at regional and country level were formalised in a regional MEDA Democracy Programme (Karkutli and Bützler 1999), which merged into the global European Initiative for Democracy and Human Rights (EIDHR) in 1999. The new regional external cooperation programme "MEDA" placed financial assistance under a similar caveat as cooperation under the EMAA. Mainstreaming the objective of democracy promotion into MEDA also created a second channel for providing democracy assistance. While the EIDHR is committed to a 'grassroots' approach to democracy assistance, funding small scale projects focussing on civil society actors, MEDA added a more state-centred perspective. With the new European Neighbourhood Policy (ENP), existing instruments for democracy promotion were reformed and new ones introduced since 2003. The European Neighbourhood and Partnership Instrument (ENPI) replaced MEDA as external cooperation programme in 2007. The ENP strengthened the bilateral dimension of the EMP with the introduction of jointly agreed Action Plans (AP) as the basis for a benchmarking and monitoring exercise linked to positive conditionality. The latest addition to the regional framework of Euro-Mediterranean relations was "The Barcelona Process: Union for the Mediterranean" (UfM) in 2008 (Council of the EU 2008). Regarding the role of democracy and human rights in cooperation, it builds on the 'Barcelona acquis' and stresses common commitments and objectives, but does not affect institutional provisions for regional and bilateral democracy promotion.

Overall, the EU has been quite successful in shaping the regional agenda on democracy promotion, introducing democracy, human rights, and the rule of law prominently into the Euro-Mediterranean framework for cooperation. This framework institutionalises a variety of democracy promotion instruments: multilateral political dialogue and EU democracy assistance for regional initiatives at the regional level and political dialogue, democracy assistance, benchmarking, as well as conditionality in bilateral relations (see Figure 1). The EU clearly pursues a predominantly 'positive' approach to democracy promotion drawing on persuasion, socialisation, and capacity-building instead of coercion or negative incentives (European Commission 2001a, 2003; Youngs 2002; van Hüllen and Stahn 2009). There is a strong focus on 'partnership-based' instruments that rely on the partner's consent or active cooperation for implementing measures (Lavenex and Schimmelfennig 2009: 807; Youngs 2009: 910). The EU prefers 'reinforcement by reward' (Schimmelfennig, Engert, and Knobel 2005; Schimmelfennig and Sedelmeier 2004) over sanctions as unilateral measures to incite political reform. This 'cooperative' approach implies that the implementation of the EU's democracy promotion agenda relies on the active engagement of MPC, before it can have any impact on domestic institutions and practices. Therefore, the next section investigates the emergence of regional and bilateral cooperation on matters of democracy and human rights as an output of the EU's attempt at external governance.

**Figure 1: EU democracy and human rights promotion instruments in the Mediterranean**

<b>Framework for cooperation</b>	<b>Democracy Assistance (capacity building)</b>	<b>Political Dialogue (persuasion)</b>	<b>Political Conditionality (incentives)</b>
Renovated Mediterranean Policy (1990-1995) - Cooperation Agreements - Financial protocols	- First exploratory projects (1993/1994)		
Euro-Mediterranean Partnership (EMP, since 1995) - Barcelona Process (1995-2008) - Euro-Mediterranean Association Agreements (EMAA) - MEDA I+II (1996-1999, 2000-2006)	- MEDA Democracy Programme (1995-1999) - European Initiative for Democracy and Human Rights (EIDHR): the "Initiative" (1999-2004, 2004-2006) - Mainstreaming into MEDA (since around 2000)	- Association Councils and Committees under EMAA (since 1995) - Euro-Mediterranean Conferences of foreign ministers and meetings of senior officials	- <i>negative conditionality</i> since 1995 (cooperation under EMAA, funding under MEDA and ENPI)
EU Common Strategy on the Mediterranean (2000-2006)			
European Neighbourhood Policy (ENP, since 2003) - Action Plans - European Neighbourhood and Partnership Instrument (ENPI) (since 2007)	- EIDHR: the "Instrument" (since 2007) - Mainstreaming into ENPI	- Technical sub-committees under EMAA (since 2003)	- <i>positive conditionality</i> since 2003/2007 (development of bilateral relations, additional funding)
Strategic Partnership with the Mediterranean and the Middle East (since 2004)			
The Barcelona Process: Union for the Mediterranean (UfM, since 2008)			

Source: own elaboration

## Regional cooperation

The Barcelona Declaration provides the normative framework for regional cooperation on democracy and human rights in Euro-Mediterranean relations. To assess its importance, two dimensions have to be considered: On the one hand, there is the indisputable symbolic significance of this explicit commitment to democracy in international relations by countries that are not deemed democratic. On the other, its practical relevance is less evident: There were no specific measures of domestic reform or international cooperation agreed, nor did the EU get an explicit mandate for democracy promotion activities. However, it institutionalised an on-going multilateral political dialogue and created the opportunity for active EU democracy assistance. In addition, the Barcelona Declaration has been a steady point of reference in Euro-Mediterranean relations and has served as a kind of minimum commitment: often, Mediterranean partners did not go beyond, but they could never fall behind this point.



### ***Multilateral dialogues: Finding common ground***

Based on the Barcelona Declaration, multilateral political dialogue was established at ministerial and senior official level. The Euro-Mediterranean Conferences of Foreign Ministers are the most prominent manifestation of the Barcelona Process. They establish a regular dialogue at the highest political level and define the normative framework of bi- and multilateral Euro-Mediterranean cooperation. In the follow-up of the Barcelona conference in 1995, there have been more than 15 official and informal conferences. In addition, the Barcelona Declaration institutionalised a political dialogue of senior officials within the political and security chapter of the EMP. Senior officials were mandated “to examine the most appropriate means and methods of implementing the principles adopted by the Barcelona Declaration” and to come up with “practical proposals” (Barcelona Declaration 1995). By April 2008, there had been 75 meetings of senior officials. Unfortunately, the content of these meetings is confidential, but the conclusions issued at the various conferences are a good starting point for analysing the role democracy and human rights play. They give an idea of the acceptance of democracy as a common norm and objective of the partnership and in how far the initial commitment has led to more specific measures of cooperation.

As mentioned above, the Barcelona Declaration remained more than vague on the content of joint commitments and a potential democracy promotion policy. For years to come there was nothing more substantial said in the conclusions of official and informal Euro-Mediterranean Conferences of Foreign Ministers. However, the validity of the Barcelona Declaration with all its principles and objectives was steadily affirmed. In the spirit of ‘reinvigoration’ proclaimed in Marseilles in 2000 (European Commission 2000a), foreign ministers criticised for the first time that the political dialogue on matters within the first chapter was lacking results and that it should be conducted without taboos, including on matters of rule of law, human rights and democracy. Thus, the senior official’s political dialogue was more explicitly linked to the objective of democratisation.

There was a change of rhetoric in 2003, introducing the idea of cooperation rather than dialogue on democracy and human rights. In the following conferences, political dialogue was primarily linked to security issues. However, the conclusions became increasingly more specific with regard to relevant aspects of democratisation processes. Ten years after the Barcelona Declaration, Euro-Mediterranean partners made “collective commitments” to promoting democracy and human rights (Euromed Report 92 2005: 2), which included core elements of democracy such as political participation and elections, but also independent judiciary and media, active civil society, and the ratification and implementation of international human rights instruments. Again, this became a point of reference for the following conferences that started a more detailed stock-taking of initiatives planned and implemented. In particular the pledge that “Euro-Mediterranean partners will meet internationally agreed standards in the conduct of elections” (Euromed Report 92 2005: 6), has led to an exchange of experience among senior officials since 2007. Finally, the Paris summit launching the “Union for the Mediterranean” in 2008 was mostly marked by repeating older commitments on democracy and human rights (Council of the EU 2008).

Overall, the Barcelona Declaration created a joint Euro-Mediterranean agenda of dialogue and cooperation on issues relating to placed democracy and human rights. The initial ambiguous commitment has evolved over time to include more specific targets for processes of



democratisation and political reform. In addition, the political dialogue conducted by senior officials has apparently addressed these issues since around 2000 and has more recently lead to more specific measures of cooperation, including the notoriously sensitive area of elections. The normative model underlying multilateral dialogue and cooperation within the Barcelona Process is one of liberal democracy. However, there are no references to particular EU or European sets of norms or institutional solutions. Especially in the field of human rights and fundamental freedoms, there are occasional references to international law and standards. While the output of the various dialogues is still limited, the EMP has created a truly regional framework for cooperation on democracy and human rights.

### ***Transnational cooperation: By-passing governments in region-building?***

In addition to political dialogue, the partners had agreed in Barcelona to “encourage actions of support for democratic institutions and for the strengthening of the rule of law and civil society”, opening a window of opportunity for active EU democracy assistance (Barcelona Declaration 1995). Both the geographical cooperation programmes (MEDA, ENPI) and the EIDHR allow funding regional activities in the Mediterranean. Regional cooperation programmes under MEDA and ENPI are open to state and non-state actors, whereas the EIDHR primarily targets non-state actors, adding one of the “less state-centred components of region-building endeavours” (Barbé and Herranz Surrallés 2010: 134) to the EU’s approach.

The funds for regional cooperation under MEDA amounted to €471m for 1995-1999 and €1052.1m for 2000-2006 (European Commission 2007e). This equalled respectively 15 per cent and 23 per cent of the total budgets for MEDA I and II. For 2007-2010, €827.6m or 15 per cent of the total budget were set aside for “multi-country programmes” under ENPI (European Commission 2009d)<sup>[4]</sup>. However, there have been hardly any projects that classify as measures of direct democracy assistance. MEDA has funded only few relatively small projects under the political and security chapter of the EMP, framed as confidence-building measures, including training seminars for diplomats and EuroMeSCo, a network of foreign policy research institutes (European Commission 2002; European Commission 2005; European Commission 2007c). The EU was more active in funding projects under the social, cultural, and human partnership with state and non-state actors, e.g. the Euro-Med Audiovisual, Heritage, and Youth programmes and since 2005 the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures. Since 2002, the EU has also funded a justice and home affairs programme. Targeting state actors, it includes cooperation on security and migration issues, but also objectives related to the rule of law, such as judicial reform and cooperation<sup>[5]</sup>. Overall, regional cooperation under MEDA and ENPI in the first and third chapters of the EMP have rather contributed to general objectives of capacity-building and people to people contacts than to the EU’s democracy promotion agenda.

By contrast, the EIDHR is an instrument specifically designed for providing democracy assistance, mostly targeting non-state actors. Funds for regional projects under the MEDA Democracy Programme amounted to around €6m or 27 per cent of total funding in 1996-1998 (Karkutli and Bützler 1999: 33). They were mostly implemented by European or international non-governmental organisations (NGO). Under the global EIDHR (1999-2006), most regional projects were again implemented with international or European based NGO, such as Transparency International or the German political foundations (European Commission 2001b;

European Commission 2008b; European Commission 2008c). However, large commitments were also made to United Nations agencies. The thematic focus was clearly on capacity-building and awareness-raising measures on women's rights and civil society. In 2002, there were two specific calls for proposals in the fields of discrimination and torture that resulted in a number of projects implemented with local organisations mainly in Israel and the Palestinian territories (Council of the EU 2003: Annex I). Finally, the EIDHR has repeatedly funded a truly regional NGO, the Euro-Mediterranean Human Rights Network (EMHRN). The EMHRN, founded in the wake of the Barcelona Declaration, tries to bundle human rights activism in the Euro-Mediterranean area. However modest this bottom-up dynamic of region-building might be, the EMHRN is one of the few transnational actors advocating for anchoring democracy and human rights and the role of civil society in Euro-Mediterranean relations.

The EMHRN was created in 1997 by representatives of 13 human rights organisations from EU member states and MPC. The initiative was explicitly placed in the context of the Euro-Mediterranean Partnership (EMP) with the objective "to implement and develop the human rights dimension of the Partnership" by bringing together "human rights actors in the civil societies of the Partner Countries" (EMHRN 1997: 6-7). Already in late 1997, nearly 50 organisations joined the network and adopted its statutes (EMHRN 1998: 37-48). The EMHRN is a "non-partisan and non-profit membership organisation" (EMHRN 2004: 43) based in Copenhagen, Denmark. It acts as a regional umbrella organisation for national and regional human rights organisations based in (potential) partner countries (EMHRN 1999: 37) of the EMP, excluding any less formalised form of social movement or grassroots initiative. In the beginning, the initiative was mostly European-driven, with the Danish Centre for Human Rights playing a crucial role in the setting up and running of the network (EMHRN 2002b: 84) and a majority of participants in the first meetings coming from EU member states. However, the North-South repartition of membership has shifted over time, giving members from Southern and Eastern Mediterranean countries a greater weight in the network in holding important positions and shaping its agenda.

The main goal of the EMHRN is the respect for human rights, democracy, and the rule of law 'on the ground' in the Euro-Mediterranean region as it is proclaimed in the Barcelona Declaration (1995) and international law. In general, the network sets out to diffuse and directly promote these norms and to support its members to fulfil their work as 'watchdogs' and "to monitor compliance by the Partner States" (EMHRN 1999: 37). The EMHRN has developed several strategies, ranging from lobbying, information dissemination, cooperation, and activism to internal service provision and resource mobilisation (cf. van Hüllen forthcoming). The EMHRN has played an increasingly important role within Euro-Mediterranean relations. The EMP provides a framework for the EMHRN's strategies and activities in different ways: normatively with the Barcelona Declaration as a major point of reference, geographically circumscribing its regional focus, and institutionally with central actors, arenas and processes the EMHRN is targeting.

A great part of the EMHRN's activities has been dedicated to lobbying the (inter)governmental dimension of the EMP. The EMHRN stresses its close link to the EMP, regarding common objectives (EMHRN 1998: 14) and confirming its "strategic choice of linking its programme of activities to the official agenda of the Euro-Mediterranean Partnership" (EMHRN 2002b: 89). Correspondingly, activities directed at, involving, or covering Euro-Mediterranean politics have included lobbying of national and EU actors, providing information about Euro-Mediterranean

politics to its members and the general public, and the organisation of seminars and workshops. The special relationship with the EMP is also apparent in the substantial funding that the EMHRN has received from the EU since 1999, repeatedly securing a major part of its income from grants under the EIDHR (Rhodes and Habasch 2004). In 2000, the EMHRN went so far as to claim that its “raison-d’être (...) is the Euro-Mediterranean Partnership and the dynamic the Barcelona Process has installed in the region” (EMHRN 2002b: 87). It is difficult to assess how influential the EMHRN has been in lobbying Euro-Mediterranean politics. The network claims that its contributions have “left a clear fingerprint in EU Commission policies” (EMHRN 2002a: 83). This claim is sustained by an EU commissioned evaluation of the EMHRN (Rhodes and Habasch 2004) and the European Commission’s appreciation of the EMHRN as one of the “other institutions and bodies (...) being created by other actors of the partnership that are becoming increasingly important interlocutors” (European Commission 2005: 6).

Apart from its direct engagement with governmental actors, the EMHRN has been actively networking with other non-state actors in the Euro-Mediterranean area from the very beginning. Most importantly, the EMHRN has greatly contributed to developing the transnational dimension of the EMP itself, supporting the organisation of various Euro-Med Civil Forums and the creation of the Euro-Med Non-Governmental Platform.

The EuroMed Civil Forums are a series of events that bring together civil society actors from the countries of the EMP (Schäfer 2007). Their creation goes back to an initiative of the Spanish government in 1995, trying to give civil society the important and active role in the EMP that the Barcelona Declaration claims. However, it is seen as the “result of a political strategy to avoid the setting up of an alternative NGO conference that would have radically challenged the ministerial Euro-Mediterranean summit” (Jünemann 2003: 86-87; Feliu 2005: 374). The status of the Civil Forums within the Barcelona Process has never been precisely defined, leaving the initiative in an ambivalent situation (Jünemann 2003: 96; Feliu 2005: 374; Reinhardt 2002: 12). On the one hand, it is closely linked to the intergovernmental dimension of the EMP through funding and the involvement of national governments in the organisation of meetings <sup>[6]</sup>. On the other hand, the EU and the MPC never recognised it as an official element of the Barcelona Process. Thus, it can neither claim independence from the EMP, hampering the ‘watchdog’ function vis-à-vis national governments and the EU; nor is it formally incorporated into the EMP, allowing for institutionalised ways of influence on the agenda and other actors involved. The lack of a more permanent structure has led to a striking heterogeneity of the Civil Forums (Jünemann 2003: 96; Martín 2005: 145), including the format of the meetings, their thematic focus, as well as the participants, reflecting differing visions of civil society. Since 2002, a reform of the Civil Forums was discussed and in 2005, the Euro-Med Non-Governmental Platform was founded as an association at the margins of the Luxemburg Civil Forum (Hanafi 2005). Independent of public authorities, it brings together civil society organisations to allow a more continuous organisation of the Civil Forums and to act as a permanent interface between civil society and public authorities in the EMP.

The EMHRN is closely linked to the Civil Forums and the Platform in several ways, including organisation, active participation, administrative support, and membership. The EMHRN has been active as a co-organiser of Civil Forums since 1999, when it shaped the strong human rights focus of the Stuttgart Civil Forum (Jünemann 2003: 96-99; Friedrich-Ebert-Stiftung 1999). At later Civil Forums as well, the EMHRN was involved in specific workshops on human rights, shaping the Civil Forums stance on human rights within the Barcelona Process. All together, the

2004 evaluation of the EMHRN considers the Civil Forums as one of the network's "key initiatives" (Rhodes and Habasch 2004: 23). The EMHRN has also played an active part in the creation of the Platform by organising preparatory workshops, participating in the steering committee, and hosting its provisional secretariat until it could move to Paris in 2005. Beyond specific activities, it is today linked to the Platform through membership and the Platform's board. Taken together, the EMHRN as a transnational actor fulfils two central functions within Euro-Mediterranean relations: It advocates the role of human rights and democracy as common norms and values and strengthens the role of civil society within the EMP.

In supporting actors like the EMHRN financially, the EU clearly pursues a bottom-up approach to democracy promotion and region-building (Johansson-Nogués 2006; Pace 2005). However, the resources spent on such activities are limited, as are the immediate effects. Similarly, the regular dialogue held at the regional level has not yet made a noticeable difference in domestic politics concerning democratic processes and the respect for human rights. Nevertheless, it has significantly evolved over the last years, bringing about more substantial forms of cooperation. This might underpin the argument that governments can get trapped by initially purely rhetorical commitments (cf. Risse, Ropp, and Sikkink 1999). Within the regional approach, there is little geographical differentiation in cooperation, except for the preoccupation with the Middle East conflict that overshadows Euro-Mediterranean relations in general. The norms at hand remain vague, even though the underlying principles clearly follow a model of liberal, representative democracy. However, the EU or its member states are never directly referred to as a model. If at all, norms are linked to international human rights law. It is interesting to note that the first substantial issue recently addressed in the political dialogue is elections, whereas democracy assistance clearly focuses on human rights and especially women's rights and civil society.

Even though it is unlikely that existing regional cooperation is going to have a strong impact on democracy and human rights in the Euro-Mediterranean area in the short run, it reflects the creation of a joint agenda and the EMP's original ambition of multilateral partnership building. However, the EMP has a strong bilateral dimension, which implies a greater degree of differentiation in EU democracy promotion at country level. Therefore, the next section turns to cooperation and conditionality with nine MPC since the early 1990s.

## **Cooperation at country-level: Differentiation and little convergence**

The EU's activities to promote human rights and democracy on a bilateral basis include different forms of cooperation, such as political dialogue, democracy assistance, and benchmarking, as well as positive and negative conditionality. Considering the implementation of these instruments in nine MPC since early 1990s, there are two major empirical findings. On the one hand, and not surprisingly, there is significant variation across countries in the timing, intensity, and content of cooperation. On the other hand, there is a clear regional trend in the implementation of democracy promotion instruments, in that cooperation trumps conditionality and that cooperation has intensified over time.

While there used to be occasional meetings on the occasions of negotiations and visits, political dialogue really became institutionalised with the entry into force of the respective EMAA. The Association Councils provided a much more regular forum for dialogue than, e.g., the previous Cooperation Councils <sup>[7]</sup>. In line with the Commission's Communication on "human rights and

democratisation with Mediterranean partners” (European Commission 2003), all Association Council meetings have included a specific agenda item for political dialogue since 2003. However, political dialogue was mostly referred to an informal part of the meeting and thus even more withdrawn from public scrutiny than is generally the case for these meetings. After 2003, Euro-Mediterranean partners also further developed the institutional structure for political dialogue, setting up technical subcommittees to deal with political issues such as democracy and human rights. By 2008, political dialogue was institutionalised with all remaining MPC except for Syria, where the EMAA had not yet entered into force. For the other eight countries, the process of institutionalising political dialogue followed a similar pattern, even though there was variation in its timing. This depended on the entry into force of the respective EMAA, ranging from 1998 for Tunisia to 2006 for Lebanon. Once the EMAA entered into force, however, variation with regard to formal aspects, such as the frequency and transparency of meetings as well as the set-up of human rights subcommittees, decreased. The two most noticeable exceptions are Syria, still lacking the formal structure, and Algeria, which is the only country that had not established a human rights subcommittee by 2008 <sup>[8]</sup>. The ‘quality’ of the dialogues conducted is difficult to judge from the minutes of Association Council meetings and statements made on these and other occasions. Within countries, there was a trend towards more open dialogue over time, but the tone and issues raised varied across countries. Thus, the political dialogue with Morocco and Jordan appears to be more open than with Tunisia or Lebanon. The EU has steadily praised Morocco for an open and constructive political dialogue and Jordan is the only country in the region where the agenda explicitly includes the democratic process on the agenda of meetings. By contrast, the EU repeatedly demanded a strengthening of dialogue with Lebanon and Tunisia, implying that dialogue did not live up to its expectations. Overall, there is a similar sectoral differentiation as for other instruments, as the main focus is more on human rights than on elections or political participation. Finally, for some countries, there were incidences when partners interrupted the ‘normal’ conduct of political dialogue, e.g. through the postponement of meetings, revealing political dissonances. This concerned political dialogue with Tunisia between 2005 and 2007 and the first subcommittee meeting with Egypt (van Hüllen 2009: 14). Taken together, bilateral political dialogues have been institutionalised across the region except for Syria and follow a similar pattern.

With regard to EU democracy assistance to Mediterranean partner countries, funding has steadily increased and projects have become more diversified (Bicchi 2009; Youngs 2008). Under the “European Initiative for Democracy and Human Rights” (EIDHR), the EU funded small-scale projects implemented with non-state actors. Although the regional external cooperation programmes MEDA and its successor ENPI were primarily designed for general development assistance, they provided a second channel for democracy assistance, mostly targeting state actors on a much larger scale.

After only few experimental projects in the first half of the 1990s, the regional MEDA Democracy Programme (MDP) generalised democracy assistance across the region. The annual appropriation for the region averaged €10m in the late 1990s (Karkutli and Bützler 1999) <sup>[9]</sup>. Under the global EIDHR, the introduction of the micro-project scheme increased the number of projects implemented with local non-state actors (Council of the EU 2002b: 305; Council of the EU 2005: 126) <sup>[10]</sup>. Formal eligibility for funding under the EIDHR did not differ for MPC, except for the short-lived experiment of a limited number of ‘focus countries’ in 2002-2004 that included Israel, the Palestinian territories, Algeria, and Tunisia. While the EIDHR has been continuously used after the initial stage of ‘experimental’ projects, the levels of funding both under the MDP



and the global EIDHR differed significantly between countries. The Middle East Peace Process has been a clear sub-regional priority. More than a third of all funds in 1996-1998 went to Israel and the Palestinian territories and Israel (Karkutli and Bützler 1999: 45). They were also the first countries in the region to receive substantial funding for micro-projects in 2001 (Council of the EU 2002a: 53). Even for the other countries, the total amount of funding for the whole period varied between more than €8m for Algeria and just above one million for Syria.

While cooperation under the EIDHR has continuously taken place since the mid 1990s, democracy assistance was only mainstreamed into the regional cooperation programme MEDA around 2000. There had been virtually no related projects under MEDA I (1995-1999). With MEDA II (2000-2006), funding for democracy assistance increased steadily, especially with the 2002 and 2005 National Indicative Programmes <sup>[11]</sup>. Bilateral democracy assistance amounted to an annual average of €22m, which accounted for around 5 per cent of total funding under MEDA II (European Commission 2007e). In most countries, projects relating to the judiciary and penal system, civil society, and governance were implemented. Still, projects varied significantly in size, with smaller-scale projects addressing issues more directly related to civil society, human rights and participation, and large-scale projects targeting state actors in public administration and the judiciary. Under ENPI (since 2007), annual funds for democracy assistance have again nearly doubled, but this only signifies a slight increase of its share of total aid. The process of 'mainstreaming' democracy assistance into MEDA took several years. First projects with Maghreb countries had already been committed at the end of the 1990s, still under MEDA I, whereas the other countries followed as late as 2005. Similarly to the EIDHR, the levels of funding – both total and as a share of overall aid – varied between countries <sup>[12]</sup>. Tunisia is the only country that did not follow the general trend of increasing democracy assistance: While in 2005 and 2007, even Syria agreed to allocating funds to related projects, the EU and Tunisia have not committed new projects since 2005, due to severe implementation problems of earlier projects (European Commission 2007d: 13).

Cooperation on bilaterally agreed objectives was taken a step further with the ENP Action Plans (AP) that are also the basis for the ENP's general conditionality, linking progress in implementing the AP to the further development of bilateral relations. Except for Algeria, all MPC eligible negotiated and agreed AP in 2005 or, for Egypt and Lebanon, in 2007. Without an EMAA in force, Syria is not yet eligible for an AP. All AP include a section on "political dialogue and reform" that cover issues concerning democracy, the rule of law, and human rights as well as security matters <sup>[13]</sup>. Most of the AP refer to international human rights law, regarding either the adherence to optional protocols related to international conventions or the effective implementation of legal commitments. By 2009, the European Commission had issued three rounds of Progress Reports. In general, the AP remain rather vague on objectives of political reform and the wording is in many cases similar. The AP with Israel and the Palestinian Authority are strongly marked by the Arab-Israeli conflict and their specific position in the region. The section on democracy and human rights in the Israeli AP is much shorter than for the other countries, but it contains a longer section on anti-semitism and xenophobia as well as security concerns. The Palestinian AP, in contrast, focuses more strongly on humanitarian issues and questions of good governance, such as financial accountability. The other AP touch upon similar issues, with few exceptions. Only the AP with Morocco and Lebanon address corruption in the first section and elections are only mentioned for Palestine and Lebanon. With regard to human rights, all AP refer to international law generally and sometimes to specific UN conventions, but never to EU internal standards.

The negative political conditionality established with the EMAA was never invoked in the Mediterranean (Youngs 2009: 897; Emerson et al. 2005). Similarly, the EU has never explicitly linked appropriations made under MEDA and ENPI to political conditions. Only in the case of Syria, the Council of the EU applied ad-hoc ex-ante conditionality with regard to the signature of the EMAA pending since 2004 (Presidency of the European Union, European Commission, and General Secretariat of the Council of the European Union 2008: 71; European Commission 2008a: 45; European Commission 2007a: 55). In 2008, the agreement was revised and in October 2009, the Council of the EU finally adopted a decision on its signature (Council of the EU 2009). In contrast to negative political conditionality, the EU has selectively applied the positive conditionality introduced with the ENP. Morocco is the only country in the Mediterranean that received supplemental allocations of more than €70m under the Democracy and Governance Facilities in 2006-2008 (European Commission 2007b: 62; European Commission 2009b). In 2007, the EU also announced to open talks with Morocco on the long time requested “statut avancé” (European Commission 2007b). The EU has also been negotiating with Israel on how to upgrade bilateral relations since 2008 (European Commission 2009a). Similar requests were made by Egypt, Jordan, and Tunisia, but it seems that the EU only promised to Tunisia to begin talks in 2009 (European Commission 2009c).

Overall, there is a clear trend of ‘convergence’ of the intensity and content bilateral cooperation across countries over time. This trend confirms that the EU’s efforts at bilateral democracy promotion are deeply embedded into a regional and highly standardised framework for cooperation. However, bilateral cooperation is still marked by strong dynamics of differentiation. Throughout region, there is sectoral differentiation to the extent that it seems easier to cooperate in the field of human rights than on matters directly affecting the domestic balance of power, such as participation and elections. This extends to a differentiation between human rights such as fundamental women’s and children’s rights as opposed to more political rights. Again, the only points of reference to define the norms and principles at hand are international human rights law. Another focus of cooperation with governments in the Mediterranean is judicial reform, but mostly in the sense of basic capacity-building measures that are not directly linked to questions of the independence of the judiciary. Beyond these region-wide aspects of differentiation, there is a significant variation across countries. First of all, there is a sub-regional differentiation due to the Middle East conflict, as all democracy promotion efforts are overshadowed by the humanitarian and security situation. But also across the other countries, variation concerns the timing as well as the intensity or ‘quality’ of cooperation. The latter can be seen in the openness of political dialogue, funding levels and the smoothness of implementation of democracy assistance projects with state and non-state actors.

## Conclusion

The paper has shown how the EU’s objective to promote democracy in international relations is a particular attempt at external governance. Following a predominantly cooperative approach, the EU has applied its global provisions for democracy promotion to the Mediterranean since the early 1990s. Building on a joint regional commitment to shared values, this has resulted in a Euro-Mediterranean framework for cooperation on democracy and human rights. The achievements of the EU’s efforts at external governance should not only be measured in terms of their impact on domestic institutions and practices, but also in terms of the outcome of



regional and bilateral cooperation in the first place. On the one hand, the EU's democracy promotion policy does not clearly specify norms and standards for approximation, let alone a European model. On the other hand, the fundamental nature of domestic change implied in the objective of democracy promotion, namely democratic regime change, makes approximation extremely costly for authoritarian regimes.

Nevertheless, the EU and the MPC have developed cooperation on human rights and democracy at various levels, including multilateral, transnational, and bilateral initiatives. The focus definitely lies on bilateral activities, including political dialogue, democracy assistance, benchmarking, and conditionality. This implies a high degree of geographical differentiation. However, bilateral cooperation is complemented by a range of truly regional initiatives. Overall, cooperation on democracy promotion in Euro-Mediterranean relations is marked by strong sectoral differentiation, and the diffuse standards for approximation necessarily imply normative differentiation. According to the EU's global democracy promotion policy and the joint commitments in the Mediterranean, the complete package of liberal, representative democracy is at stake, but in regional and bilateral cooperation, there is a strong focus on specific human rights that do not directly undermine the regimes' basis of power. In a similar vein, the EU occasionally refers to international human rights law for specification, but never to specifically European or EU norms or standards. Despite the significant geographical variation at country level, including a sub-regional bias due to the Middle East conflict, there are some signs of convergence in the intensity and content of cooperation across countries. In addition, multilateral dialogue and an evolving transnational dimension of Euro-Mediterranean relations create a truly regional dimension of cooperation on these highly sensitive issues. In line with the findings for other issue areas, findings for cooperation in the field of democracy and human rights suggest "differentiation as the only way to make some progress in intensifying cooperation and working towards limited policy convergence" (Barbé and Herranz Surrallés 2010: 143). The EU has clearly not achieved the ambitious objectives of the EMP in terms of value-based region-building through multilateral partnership, but even if the engagement of MPC in the EU's democracy promotion efforts is purely strategic, democracy and human rights are by now anchored on the agenda of Euro-Mediterranean cooperation: This might not be much, but it is more than nothing.

## Notes

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<sup>[2]</sup> Cyprus and Malta joined the EU in 2004 and Turkey has been an accession candidate since 1999, so that today nine of the original 12 MPC remain without an EU membership perspective: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian territories, Syria, and Tunisia.

<sup>[3]</sup> Forth both the Treaty on the EU (TEU) and the Treaty on the EC (TEC), the paper refers to the consolidated versions based on the Treaty of Nice (2003) reforms.

<sup>[4]</sup> Of this, €343.3m were committed for regional cooperation with MPC and another €260,8m for programmes open to all ENP countries.

<sup>[5]</sup> While the project was originally not assigned to any of the three baskets of the EMP in 2002, it was subsequently included in the third (2005) and first (2007) baskets.

<sup>[6]</sup> Its up to today 11 meetings were usually linked to Euro-Mediterranean Conferences of Foreign Ministers, issuing declarations and recommendations addressed at the politicians. The organisation of the Civil Forums used to lie in the responsibility of the governments hosting the EMC, which co-operated with selected NGOs (Huber 2004: 14). Funding was in part provided by the European Commission under the MEDA programme, considering the Civil Forums as a regional initiative in the third chapter of the Barcelona Process.

<sup>[7]</sup> Information on these meetings is scarce, but for most meetings at least some documents such as agendas, statements, or minutes are available in the Council registers. Since 2004, the EU's Human Rights Reports also contain some information on political dialogue (cf. Presidency of the EU, European Commission, and Council of the EU 2008, Council of the EU and European Commission 2007, Council of the EU 2006, Council of the EU 2005, Council of the EU 2004).

<sup>[8]</sup> Israel and Palestine only have subcommittees on political dialogue and cooperation, but for Israel there is an additional informal working group on human rights. The conduct of political dialogue with the Palestinian Authority has been severely hampered by the Arab-Israeli conflict.

<sup>[9]</sup> For reports on the early implementation of the EIDHR, see European Commission 1992, 1994, 1995b, 1996a, 1996b.

<sup>[10]</sup> For different overviews of projects funded under the EIDHR since 2000, see European Commission 2000b, 2001c, 2001b, 2008c, 2008b.

<sup>[11]</sup> This covers only seven of the nine MPC under consideration here. Israel had not been eligible for bilateral MEDA funds due to its level of socio-economic development. While the EU is a major donor for the Palestinian Authority under diverse budget headings, the situation on the ground has never allowed drawing up regular country strategy papers and national indicative programmes.

<sup>[12]</sup> Data was compiled for the seven countries eligible for bilateral MEDA funding and for which National Indicative Programmes for 2002, 2005, and 2007 are available.

<sup>[13]</sup> All AP are available on the ENP website of the European Commission, see European Commission 2009e. This section is based on a content analysis of the final versions of the AP agreed with Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian territories, and Tunisia.

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