# The EU's Policy on Promoting Democracy in the Arab World

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## Abstract

The EU is committed to supporting democracy in the Arab world. Democracy forms part of the main cooperation agreements and platforms between the European Union (EU) and the Arab world, such as the Euro-Mediterranean Partnership and the European Neighbourhood Policy as well as bilateral partnership or association agreements. The EU also has other agendas, most notably the security aspects of the so-called war on terror. When these agendas collide, however, the EU's democracy commitments are perceived to suffer. The author presents recommendations for an improved relationship between the EU and the Arab world, with a focus on a long-term, flexible and credible support for democracy building, emphasizing the need not to let democracy and human rights objectives be subordinated to other agendas, not least because the different sets of objectives are mutually supportive.

## Summary of Recommendations

Democratization in the Arab world is in the long-term interest of the EU. Backing repressive regimes at the expense of defending civil liberties harms the strategic interests of the EU in the long run, not least by alienating public opinion abroad and at home. The need to combat terrorism in a manner that complies with the rights to dignity and justice must be fully understood and accepted by public authorities and civil society. The fight against terrorism must strictly respect the principles of human rights in order to be efficient and legitimate. This is the only way to reduce the terrorist threat and thus consolidate peace and security in the world. Democratization must become a goal in itself, rather than a collateral measure of security policy. Only this separation can prevent a deepening of the negative perceptions of democracy promotion that already exist in the Arab World – especially among opposition forces and the intellectual elite.

The EU needs to establish a long-term commitment to democratization. EU policy should be tailored to each Arab country, taking account of the varying levels of democratic development to determine appropriate timelines for implementation. It is unreasonable to think that an action plan negotiated with and for one country will be

suitable for another. International support for civil society is critical to the development of the democratization process, but the nature and extent of such support must meet the varying needs of each country.

EU policy should also draw a distinction between spreading democracy and holding free elections. Elections constitute only one component of democracy. The issue of Islamist movements and democracy must also be discussed. The views on the concept of democracy perpetuated by these movements vary widely. Some groups reject all forms of violence, and some allow full access to the ballot box and hold truly free elections while others do not. Sanctions imposed based on issues of human rights must be justified by convincing evidence of their utility, that is, the likelihood of achieving a positive impact on the behaviour of the other nation in the area of respect for human rights, and must also be compatible with the principle of proportional punishment in relation to the violations committed.

## 1. The EU and Support for Democracy and Human Rights in the Arab World

The European Union (EU) has attempted to make the issues of democracy and human rights major components of its foreign policy and conditions for trade agreements with third countries. Agreements such as the Barcelona Declaration affirm the EU's emphasis on respect for human rights, democracy and the rule of law as conditions for the establishment of a secure and stable neighbourhood region.

The relations between the EU and the southern Mediterranean countries in the Arab world are captured by a number of instruments, such as the Euro-Mediterranean Partnership (EMP) based on a number of bilateral partnership agreements; the European Neighbourhood Policy (ENP), funding from the European Initiative for Democracy and Human Rights (EIDHR) or support channelled from individual EU member states.

### The Euro-Mediterranean Partnership

The Euro-Mediterranean Partnership, formerly known as the Barcelona Process (1995-2007), was relaunched in 2008 as the Union for the Mediterranean. It was originally established between the EU and a number of the Mediterranean Arab countries through the conclusion of bilateral partnership agreements covering economic, political and social dimensions. Every agreement contains different requirements, but all have similar aspects related to political dialogue, respect for human rights and democracy.

The EMP stipulates that respect for human rights and democracy shall be essential elements of any bilateral partnership agreements (a so-called human rights clause). The agreements allow measures to be taken, including the suspension of the agreement, in case of a serious breach of human rights or democratic objectives. Cooperation is made conditional on improvements in human rights practices and procedures. This constitutes an asset for human rights defenders, as well as for people suffering from human rights violations

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and injustice. On the other hand, conditionality of this kind is rejected by the EU's partner governments for reasons of national sovereignty and non-interference in internal affairs.

The European Commission memorandum of May 2001 'The role of the European Union in the promotion of human rights and democracy in other countries' clearly signals the need to consider suspending these agreements only as a last resort (European Commission, 2001). The Commission's 2003 memorandum 'The revival of the activities of the EU in the field of human rights and democratization with Mediterranean partners', however, emphasizes that the application of a human rights clause in accordance with the agreements is in the positive interests of the EU in the long run.

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However, in spite of earlier commitments to support and involve Mediterranean civil society in the democratization process and in the improvement of the human rights situation, some EU Action Plans with Mediterranean partners have already been elaborated and negotiated between the EU and Mediterranean governments without any consultation of civil society. This was the case, for example, in Egypt, Jordan and Tunisia.[1]

### *EU Enlargement and the European Neighbourhood Policy*

The EU entered a new historical phase in May 2004 when 10 countries joined to give it 25 member states. This expansion enhanced the EU's status on the international stage and helped to unify the voice of Europe. At the same time, the enlargement raised the need to reconsider the EU's relations with its neighbours, a need reflected by the adoption of policies aimed at creating 'alliances' of friends through the deepening of both political and economic cooperation with new and old neighbours.[2] In addition, the EU's Mediterranean neighbours believed that EU expansion would affect negatively the EU's efforts to strengthen Euro-Mediterranean cooperation. The EU wanted to allay these fears by providing a new strategy to move towards more comprehensive cooperation with its partners south of the Mediterranean.

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In 2003 the EU launched a new ENP aimed at preventing 'the emergence of new dividing lines between the enlarged EU and its neighbours' and 'to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation' (European Parliament and Council of the European Union, 2006). The ENP aims to meet the challenges posed by EU enlargement, and to involve neighbouring countries in the benefits of the expansion of the EU. Its objectives also include promoting security and stability for the people of these neighbouring countries. The ENP offers its neighbours a privileged relationship with the EU

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[1] In the case of Egypt, for example, see EMHRN (2006).
[2] See e.g. Ingham and Ingham (2003).

based on a mutual commitment to common values in the fields of the rule of law, good governance, respect for human rights (including minority rights), the promotion of good neighbourly relations, and the principles of a market economy and sustainable development (European Parliament, 2006: 310–12).

This new approach, which is supposed to complement the Euro-Mediterranean Partnership (EMP), is welcome in so far as it might present new opportunities for the promotion of democracy, the rule of law and human rights in the Mediterranean region. The ENP is an evolution in the European position on the issue of human rights compared to those of previous policies, such as the Barcelona Process and the EMP.

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A reading of EU policy documents show that the ENP is serious about its emphasis on reform and the human rights situation, and could work to implement positive conditionality. The European Neighbourhood Policy is more specific and precise than previous programmes and its progress, or the lack of it, can more easily be measured, including the provision and efficiency of new democracy- and human rights-related incentives for the southern Mediterranean countries.

The most important aspect of the ENP is the institutionalization of dialogue on human rights through the establishment of sub-committees. This has been welcomed by the European Parliament as well as by non-governmental organizations working in the field of human rights. Civil society is to be involved in these subcommittees in order to better provide means to monitor the human rights situation in the southern Mediterranean countries.

The funding instrument for the ENP is known as the European Neighbourhood Policy Instrument (ENPI). Although the ENPI has for the first time allocated significant funds for political reform, the focus remains overwhelmingly on economic governance and capacity-building to support state institutions. Approximately one-third of the ENPI funding for 2008–2013 has been allocated for democracy and good governance activities (Youngs, 2008).

### Other EU Support

Neither the ENP nor the EMP is enough on its own. They only cover a limited scope of the full extent of the cooperation between the EU and the Arab world. The Mediterranean countries also benefit from political, economic and social cooperation with the EU in other formats and by other means.

The European Initiative for Democracy and Human Rights (EIDHR) generally funds no more than a handful of projects in each country, providing small amounts of democracy and human rights assistance. However, the general trend for the European Commission and individual EU member states is for an increasing share of development aid to be given through direct budgetary support, which flows directly into the governments' coffers, rather than investing significantly in other forms of democracy support.

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world. Overall, the EU is failing to meet the challenges posed by a more complex international environment for democracy and human rights.

## 2. Between Security Policy and Democracy Promotion

The events of 11 September 2001, as well as the terrorist attacks in Spain and the United Kingdom and existence of Islamist groups accused of involvement in their planning and implementation, gave rise to the so-called war on terror.

Coupled with the failure of projects to integrate Muslim immigrants into European societies, these events have contributed to, among other things, increased resistance to Islamic immigration in many EU member states. Many view illegal immigration as a reservoir that feeds terrorism. Migration is discussed in terms of border controls and anti-terrorism measures rather than as an asset to building diverse and vibrant democracies or in terms of human resources. EU policymakers have prioritized stemming illegal immigration from and through Morocco, for example, over democracy support, although invariably without a clear notion of why a less authoritarian system would contradict the objective of reducing illegal and dangerous migration. These reactions have not been supportive of building neighbourly relations.

The war on terror has also affected the EU's actions to promote democracy building in the Arab world. The EU and EU member states are perceived as taking actions that are counterproductive or even blatantly opposed to the democracy building agenda. Governments with little democratic credibility are seen to be supported by Europe in exchange for participation in counterterrorism activities and strategies. In other cases, such as in Lebanon, the EU's focus has been on conflict resolution instead of systemic political reform, and the links between democracy building and peace building are perceived to be neglected (Youngs, 2008:25). It seems clear that the EU's expressed intentions of defending human rights and supporting democracy building as core objectives of EU foreign policy are not, in practice, being transformed into reality when other agendas are also on the table.

Arab governments have also in the past eight years been seen to develop methods for suppressing political opponents under the pretext of combating terrorism. The crime of terrorism has been redefined in order to undermine political opposition in general, and opposition from Islamist militants in particular. Arab states have not only used the cover of counterterrorist measures as a justification for repressive actions and policies of repression, prohibition and prevention. They have also exploited the tensions arising from the foreign occupations of Arab countries to justify the imposition of additional restrictions on freedoms in the Arab world. Authoritarian regimes have strengthened their positions by reinforcing a sense of fear of chaos in the already tense environment in the region. All the countries of the Arab region are actively engaged in counterterrorism activities that, to some extent, violate due process and standards on fair trials as well as the absolute ban on torture or

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guarantees set up the by United Nations human rights protection mechanisms to prevent torture.[3]

The questions of the use of torture or the resort to other exceptional measures that contradict basic human rights in the context of the fight against terrorism are often debated in the media as well as in academic and political circles. Many today consider that some practices that blatantly violate fundamental principles of human rights can be legitimate in the context of the war on terror. However, while fighting terrorism can be both legitimate and necessary, it must not jeopardize respect for civil, political, cultural, economic and social rights in either the EU or the Arab world. Perpetrators of acts of terrorism must be prosecuted in strict compliance with universal standards of human rights.

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## 3. Policy Recommendations

Democratization in the Arab world is in the long-term interest of the EU. Backing repressive regimes at the expense of defending civil liberties harms the strategic interests of the EU in the long run, not least by alienating public opinion abroad and at home. This illustrates the dual motivations of democratization: both the strategic interests of the external partner and the political system undergoing transformation stand to benefit.

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Public opinion in both the EU and the Arab world needs to be sensitized and debates must occur between public authorities and civil society. The need to combat terrorism in a manner that complies with the rights to dignity and justice must be fully understood and accepted by public authorities and civil society. No exception to these principles should be tolerated under any circumstances: the fight against terrorism must strictly respect the principles on human rights in order to be efficient and legitimate. This is the only way to reduce the terrorist threat and thus consolidate peace and security in the world. The debate over whether and how to balance counterterrorism and respect for human rights must take place in all parts of the world.

Arab perceptions of democratization efforts became embroiled in the war on terror and the invasion of Iraq, leading to the belief that democratization policies were ultimately violating the right to national sovereignty and against Arab interests. Instead of linking the spread of democracy to stability and economic prosperity, many Arabs now consider it to be a US or 'Western' facade to justify the invasion of Iraq, as well as an element of the US campaign against international terrorism. Democratization must become a goal in itself, rather than a collateral measure of security policy. Only this separation can prevent a deepening of the negative perceptions of democracy promotion

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[3] Counterterrorism measures that do not comply with human rights provisions include restricted access to health services in police custody or preventive detention, and the resort to exceptional procedures that violate the requirements of a fair trial, as well as the absence of records on prisoners kept in detention, difficult or late access to a lawyer, the existence of detention centres that are not subject to the control of the Ministry of Justice, the grant of exceptional powers to the police, and so on.

that already exist in the Arab World – especially among opposition forces and the intellectual elite.

The EU needs to establish a long-term commitment to democratization. Unstable Arab regimes are incapable of implementing internal or regional reforms on their own. Lasting stability requires a clear differentiation between the state and the ruling party through constitutional, legislative, judicial and political organizations. Recently, Arab regimes have practiced an abridged form of democracy, exercising democratic processes but replacing political alternatives with flowery discourse. By preserving EU interests while simultaneously maintaining an outward appearance of stability, Arab regimes perpetuate the belief that real political alternatives do not exist.

EU policy should be tailored to each Arab country, taking account of the varying levels of democratic development to determine appropriate timelines for implementation. It is unreasonable to think that an action plan negotiated with and for one country will be suitable for another. Countries that have already taken steps towards political and economic openness, such as Morocco and to a lesser extent Egypt, should not be subjected to the same requirements as regimes that continue to exercise state control over the entire public sphere, such as Syria, Tunisia and Libya. The same principle applies to civil society. International support for civil society is critical to the development of the democratization process, but the nature and extent of such support must meet the varying needs of each country.

EU policy should also draw a distinction between spreading democracy and holding free elections. Elections constitute only one component of democracy. Democratic governance also encompasses a system of values – liberty, equality, tolerance, accountability, transparency and respect for others – as well as democratic political institutions, including a constitution, legislative institutions, judicial institutions and the existence of human rights organizations.

The issue of Islamist movements and democracy must also be discussed. The views on the concept of democracy perpetuated by these movements vary widely. Some groups reject all forms of violence, and some allow full access to the ballot box and hold truly free elections, while others do not. History illustrates that political systems more open to integrating Islamist movements make greater progress with democratization and, subsequently, that Islamist movements within such systems become more receptive and committed to political, constitutional and judicial institutions. In some countries, such as Morocco and Kuwait, these groups have even come to protect and defend democratic institutions.

It is appropriate for the EU to push for the incorporation of moderate democratic Islamist forces that recognize the authority of elections. It may also be in the interests of the EU to accept the results of free elections that favour Islamist movements as such groups may provide legitimacy through their experience of Islamic governance.

When it comes to activities and policies to support respect for human rights, these do not necessarily require a negative or punitive approach. Human rights protection can be based on dialogue and cooperation between partners, for example, through the promotion of joint actions aimed at supporting democracy and human rights, including the effective application of international human rights conventions and prevention of

crises through the establishment of ongoing collaborative relationships over the long term. A political decision to suspend an agreement as a punitive measure imposes a significant burden in terms of providing a legal justification. Sanctions imposed based on issues of human rights must be justified by convincing evidence of their utility, that is, the likelihood of achieving a positive impact on the behaviour of the other nation in the area of respect for human rights, and must also be compatible with the principle of proportional punishment in relation to the violations committed.

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