



Efforts by the European Union to promote Democratic Governance in the Arab World

Dr Amor Boubakri, Associate Professor in Public Law
at the University of Sousse (Tunisia)



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Abstract

The European Union has pursued a policy of promoting democratic governance in the Arab world for many years. This paper assesses the success of the policy in the years following the launch of the Barcelona process in 1995. It argues that the results have been disappointing. The EU approach contains various gaps and challenges that have had a negative impact on its democracy promotion efforts in the Arab world. The paper analyses these aspects and suggests a reconsideration of EU policy in order to guarantee positive achievements in the future.

The constraints on EU policy on the promotion of democratic governance in the Arab world are the outcome of three factors: a lack of clarity, a conflict of priorities and a conflict of interests. The EU has preferred to act on a case-by-case basis, favouring pragmatism over a global approach. There are thus different dimensions to European policy based on a geopolitical division of the Arab countries. European policy to promote democratic governance in the Arab world has failed either to overcome the resistance of Arab regimes or to consolidate the local forces of reform.

Summary of Recommendations

The EU should use constructive criticism against the Arab regimes. This would have an effective impact on policymakers and, thus, on reforms aimed at introducing democratic governance. The EU is reluctant to use conditionality in its relations with its Arab partners, but should use constructive criticism to strengthen the reform process, particularly with countries that aspire to achieve Advanced Status – a process which offers significant opportunities for assessing the progress of reforms. The EU, however, prefers to use incentives that spare Arab regimes' sensitivities – a method that has not produced significant results.

Among the objectives of European initiatives on promoting democratic governance in the Arab world is to overcome the weaknesses of civil society. Several capacity-building initiatives have been undertaken with non-governmental organizations (NGOs) with

the goal of improving their potential to play a more proactive role in the reform process. The EU does not need to interfere directly in the affairs of opposition parties. It has the opportunity to support their actions while requiring free and democratic elections and refusing to recognize manipulated elections that do not meet minimum international standards. Such attitudes, which partnerships with several Arab countries could facilitate, would support the forces of change in the Arab world.

The good reputation that EU institutions enjoy in Arab public opinion helps the EU to play a positive role in achieving real political reform in the Arab world. However, to reach this goal, the EU must redefine its role. In order to achieve this, three issues will require further attention: (a) EU action on promoting democratic governance in the Arab world needs to be based on an approach that displays its objectives clearly and sets out its means and methods transparently; (b) EU initiatives need the confidence of all the actors who have any role in the reform processes, including those who fear reform and have become the cause of major obstacles; and (c) the EU's role might gain from broadening the space for dialogue to build mutual understanding.

1. Introduction

Since its creation, the European Union (EU) has set itself a mission to promote democratic governance. In recent years, this has become one of the main pillars of its foreign policy. Commitments to promote democratic principles, the rule of law and human rights are explicitly set out in the EU Treaty (Articles 6 and 11). The policy demonstrates that, beyond the economic interests uniting its members, the EU is an outcome of democratic values emanating from the liberal revolutions of the 17th and 18th centuries which were the origin of the present European Democracies.

However, while the concept of *good* governance has been widely used since the 1990s, *democratic* governance has become established in the EU discourse only recently. This semantic development is not meaningless. It denotes an important change in the EU's perception of governance problems and the emergence of a new approach that incorporates democratic principles, the rule of law and human rights to achieve human development. The European Commission Communication 'Governance in the European Consensus on Development' set out a clear approach to democratic governance for the first time (European Commission 2006).

The EU's understanding of democratic governance converges with that of the United Nations Development Programme (UNDP), which emanates, mainly, from the 2002 Human Development Report (UNDP 2002: 51–61). Thus, democratic governance signifies a mode of government based on respect for democratic principles, the rule of law and human rights, which should enable any society to achieve real human development. Three basic principles form the basis of democratic governance: citizen participation, transparency in public administration and accountability. The major issue at the centre of this concept is how to govern human societies efficiently to enable everyone to effectively enjoy these rights and achieve an acceptable level of welfare.

The Arab world has become a favoured region for EU democracy promotion. Since the launch of the Barcelona process in 1995, European initiatives to introduce a democratic dimension to the archaic governance styles of the Arab countries have increased. European action has gradually accelerated because the need for reform in the Arab

world is perceived as urgent. The debate acquired an unprecedented intensity after the terrorist attacks of 11 September 2001.

Background

Debates about reform in the Arab world are not new: they date back more than 200 years. In the Mashreq and the Maghreb, incessant calls for reform and modernization were made as a reaction to the bitter Arab defeat during Bonaparte's expedition to Egypt in 1789 and the French occupation of Algiers in 1830. Arab consciousness suffered as a result of the first confrontation with modern European civilization, which highlighted the backwardness of Arab societies compared to the European nations. This accounted for the growing interest of Arab thinkers in tackling the thorny issue of 'Arab backwardness', its origin and how to deal with it.¹ They drew on European constitutionalism as an inspirational model and tried to conciliate European modernity and Arab-Muslim heritage to limit despotic rule and to adapt Arab societies to their era.

The submission of a major part of the Arab world to European hegemony in the 19th century blocked the reform movement and changed priorities. The struggle for liberty became the watchword, while the reform debate was postponed. The Arab world became the scene for liberation wars that were very painful for the people of the region and a major cause of historical misunderstandings between Europeans and Arabs. Furthermore, liberation led to the establishment of authoritarian and totalitarian, and often military, regimes. The authoritarian tendencies in the Arab world were exacerbated by the occupation of Palestine and the creation of Israel in 1948 (Saad Eddin Ibrahim 2004: 9).

A historic opportunity now arises to dispel these misunderstandings and alter the course of history in a positive direction. This paper analyses the EU policy of promoting democratic governance in the Arab world, the reaction to European projects and the extent to which this policy has produced positive effects. Various sources hinder EU policy and its ambitious projects and explain its modest impact on the Arab world. The efforts made to introduce political reform and establish democratic governance have, so far, produced only mediocre results.

2. The EU's Policy Contradictions

The constraints on EU policy on the promotion of democratic governance in the Arab world are the outcome of three factors: a lack of clarity, a conflict of priorities and a conflict of interests.

A Lack of Clarity

The EU's intention to promote democratic governance in the Arab world is set out in the Council of European Union Note *Strengthening the EU's Partnership with the Arab World* (Council of European Union 2003). Before this Note, the intentions of the EU could be deduced only from fragmented documents or from various statements.

¹ Albert Hourani (1991) gives a comprehensive overview of this reformist movement represented by El-Rifaa Tahtaoui (1801–1873), Abd al-Rahman al-Kawakibi (1855–1902), Jamal Al-Din Al-Afghani (1838–1897), Muhammad Abduh (1849–1905), Muhammad Rida Raschid (1865–1935), Khérédine Pasha (1822–1890) to name only the most famous figures.

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The 2003 Note expresses a determination to introduce meaningful political reforms in the Arab world. However, the EU offers only a declaration of principle which has not been followed by an appropriate plan.

This lack of clarity in EU policy stems from a failure to view the Arab world as one region. The EU has preferred to act on a case-by-case basis, favouring pragmatism over a global approach. There are three different dimensions to European policy based on a geopolitical division of the Arab countries.

The first dimension is that concerning the Mediterranean Arab countries: Algeria, Egypt, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria and Tunisia. The EU has signed Association Agreements with all these countries except Libya and Syria.² European policy vis-à-vis this first group of countries fits into the larger framework of the Euro-Mediterranean Partnership (EMP) established by the Barcelona Declaration in 1995. It does not, therefore, differ substantially from that pursued with other EU Mediterranean partners.

The Association Agreements were an important change in European foreign policy that aroused great hopes, inasmuch as they stipulated that the EMP is based on respect for democratic principles and human rights which inspire the domestic and international policies of each party and represent an essential element of their commitment. In the most recent Agreements, concluded with Algeria (2005), Jordan (2002), Lebanon (2002) and Egypt (2001), a clear reference is made to the Universal Declaration of Human Rights. This Clause on Democracy and Human Rights has served as the basis for European policy on promoting democratic reforms in the Arab partner states. The EU, however, has shown only a timid commitment that has not produced a clear or strategic approach to reform. Furthermore, the EU has adopted a selective approach, giving priority to certain issues such as the death penalty, women's rights, torture and a dialogue on human rights and failing to give priority to institutional and global reforms.

The Strategic Action Plans for each country have thus taken precedence over a global strategic approach. It is true that this new methodology enables progress to be made in the countries that are preparing for reforms, especially since the ENP provides for incentives to achieve concrete results. However, this implies the possibility of exempting democratic governance reforms from universal principles of democratic and human rights and, at the same time, allows special accommodations that empty reforms of any significance in the name of alleged socio-cultural specificities.

Association Agreements have been compared to an unconsummated marriage because the sincerity of commitments to democratic reform is, at the very least, doubtful (Hibou and Martinez 1998: 7–8). Moreover, opinions are almost unanimous about the failure of the EMP political dimension 10 years after the launch of the Barcelona process (Amirah-Fernández and Youngs 2005: 14). The European Commission reported this failure in its Communication 'Reinvigorating EU Action on Human Rights and Democratization with Mediterranean Partners' (European Commission 2003).

² An Association Agreement was concluded between the EU and Syria in 2004, but did not enter into force for political reasons. A new version was agreed in December 2008. Negotiations between the EU and Libya have been under way since the normalization of diplomatic relations.

Almost all the promises of reform were broken. Those Arab countries that did implement them did not go beyond the initial phase of the process. A change in European policy was thus seen as crucial by the EU. A new European Neighbourhood Policy (ENP) was adopted in 2004 to give greater importance to the EU's commitment to promote democratic governance in its relationship with Arab partners. The Regulation of the European Parliament and the Council of 24 October 2006 clearly and firmly expresses this new willingness: '[The] Promotion of political, economic and social reforms ... in the Mediterranean will be further pursued within the Mediterranean strand of the Strategic Partnership with the Mediterranean and the Middle East' (Preamble: § 9). The major imperfection of the ENP, however, is its preference for a differentiated policy, which takes separate approaches on a case-by-basis. The Strategic Action Plans for each country have thus taken precedence over a global strategic approach. It is true that this new methodology enables progress to be made in the countries that are preparing for reforms, especially since the ENP provides for incentives to achieve concrete results. However, this implies the possibility of exempting democratic governance reforms from universal principles of democratic and human rights and, at the same time, allows special accommodations that empty reforms of any significance in the name of alleged socio-cultural specificities.

The second approach concerns the Arab African countries outside the Mediterranean area: the Comoros, Djibouti, Mauritania, Somalia and Sudan. EU policy here aims to achieve the eight Millennium Development Goals. Economic and humanitarian assistance are therefore the main components. EU policy is governed by the 2000 Cotonou Agreement concluded with the African, Caribbean and Pacific (ACP) states. Unlike the Association Agreements concluded with the Arab Mediterranean countries, the Cotonou Agreement provides for conditionality of financial aid, which is dependent on the application of political reforms that should lead to the establishment of democratic governance. The strategy papers prepared for each country, apart from Sudan, identify programmes and reforms to be introduced, which are subject to regular assessment. Yemen should also be included in this approach, even though it is not covered by the Cotonou Agreement, because the EU pursues the same objectives towards this country and uses the same means.

The third approach concerns the states of the Gulf Cooperation Council (GCC), which are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. Relations with the EU are governed by a Cooperation Agreement concluded in 1989 that focuses on trade and economic issues. The Annual EU-GCC Joint Council and Ministerial Meetings produce only a modest statement that makes only passing reference to respect for human rights and democratic principles. The promotion of democratic governance is not on the European policy agenda vis-à-vis the GCC countries.

In Iraq, which does not come under any of the policies listed above, the EU has preferred a wait-and-see policy since the 2003 invasion. Chaos and instability have kept this country beyond the reach of European initiatives, even though the EU has often expressed its wish to see an Iraq that is independent, democratic and respectful of human rights.

Conflicting Priorities

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governance in the Arab world. The EU struggles to strike a balance between security concerns, management of migration flows and energy policy while seeking to promote democratic governance. It goes without saying that attempting to achieve all these goals is quite legitimate. The important role played by Arab states in all these issues, however, increases the need for the EU to arbitrate between different and often conflicting priorities.

Experience has shown that when the EU has to arbitrate between conflicting priorities, more often than not it is action to promote democratic governance that is sacrificed. Priority is given to urgent constraints to the detriment of a strategic vision that could contribute to real and permanent stability in the Arab world. This demonstrates the limits of European action, as well as its contradictions. The EU

sometimes remains silent about serious abuses of human rights committed by authoritarian regimes to safeguard important economic and trade interests. EU Annual Reports on Human Rights, for example, list improvements in the GCC countries, while the most serious violations are simply omitted (e.g. Council of the European Union and the European Commission 2007: 81). A number of European diplomats have argued that the EU cannot afford to sacrifice its vital interests in the Arab oil monarchies for the democratization cause (Youngs 2008: 5). European policy admits the possibility of constraints according to circumstances, and consequently its credibility is strained.

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The issue of illegal migration also illustrates the point. European migration policy involves two rules: exclusion and prohibition. Its cooperation with the Arab Maghreb countries to curb illegal migration has suggested a certain contempt for human rights (Betts 2006). The management of migration has led the EU to consolidate authoritarian regimes that cooperate to safeguard borders and thwart attempts to gain illegal access to EU territory (Weinzier and Lisson 2007: 29–30). For this purpose, Readmission Agreements are being negotiated between the EU and Algeria, Morocco, Syria and Tunisia, and bilateral agreements of this kind have already been signed between Spain and Italy and some Arab countries (Spain with Algeria, Mauritania and Morocco; Italy

with Algeria, Morocco, Tunisia and probably with Libya; see: Betts 2006: 660–661). The EU and its member states often disregard the implications for asylum seekers returned to Arab countries that have not ratified the 1951 Geneva Convention relating to the Status of Refugees. The countries that have ratified this Convention do not offer minimum guarantees for fair and equitable treatment of asylum applications. The United Nations High Commissioner for Refugees (2002) and several non-governmental organizations (NGOs) have condemned bilateral agreements, which do not respect recognized international standards in this field (Human Rights Watch 2006: 14–18; Oxfam 2005: 41–42).

The EU has distinguished itself in the fight against terrorism waged since the attacks of 11 September 2001 by taking a position that is respectful of the principles of international human rights law. Nonetheless, the image of Europe has been tarnished by the activities of some EU member states involved in renditions and the secret US detention operations made public by the former US President, George W. Bush.

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The fight against terrorism has led some EU member states to adopt legislation that is curtailing liberties, such as the 2001 Anti-Terrorism, Crime and Security Act in the United Kingdom.

The above set a bad example to the authoritarian Arab regimes that the EU seeks to reform. Contradictory EU policies seriously damage the credibility of any attempt at reform in the Arab world as it becomes difficult to convince the general public and political leaders of the relevance of the EU's proposals.

Conflicts of Interest

European policy on promoting democratic governance in the Arab world faces a third major challenge – from rival US initiatives. The United States has been involved in an unprecedented democratization undertaking since the events of 11 September 2001. The US initiative has aroused great suspicion in the Arab world linked to the military intervention in Iraq, its conduct of the 'war on terrorism' and tensions generated by the Arab-Israeli conflict. Recent polls of Arab public opinion confirm the negative reception accorded to reform proposals that emanate from outside. Such proposals are viewed as a form of interference with hegemonic aims rather than as sincere democratic assistance.

Despite agreement on the diagnosis, the EU undoubtedly disagrees with the US method of introducing reform in the Arab world. There was noticeable discord between the two parties during the 2004 G-8 Summit, at which the Greater Middle East Project was launched. The EU made clear that its methods of encouraging Arab countries to introduce democratic reforms differ from US policy. Many observers believe that transatlantic coordination and unified reform efforts would increase effectiveness (Asmus et al. 2005; Amirah-Fernández 2007: 32; Kühnhardt 2003; Yacoubian 2004). Such proposals, however, reveal an ignorance of recent events in Arab societies, in which anti-Americanism has reached unprecedented proportions. Any action that joined US and EU projects would have very little chance of success.

3. The Reduced Impact of European Policy

European policy to promote democratic governance in the Arab world has failed either to overcome the resistance of Arab regimes or to consolidate the local forces of reform.

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The Reform Issue in the Arab World

Democratic governance reform is the issue that stirs up the most turbulent controversies and arouses the most contradictory positions in the Arab world. The existence of a chronic democratic governance deficit that is plaguing the Arab world is widely acknowledged.

Béatrice Hibou (2006) examined deep social and economic factors to explain the lasting authoritarianism in Tunisia after the creation of the 'New State' on independence. Her analysis, which could certainly be extrapolated to all Arab societies, is that the democratic deficit in the Arab world is not destiny but a social phenomenon generated by circumstances which the West itself is partly responsible for – because of its support for authoritarian regimes over long periods. The complicity of Western democracies with such regimes has been strongly denounced by democratic activists in the Arab world. European policy has been frankly accused of 'criminal hypocrisy' by some authors (Ben Sedrine and Mestiri 2004: 9–10; see also Burgat 2006: 8).

Foreign assistance can be interpreted as interference in the domestic affairs of the Arab countries and could produce effects that are opposite to those which are intended. For this reason, the Council of the European Union has repeatedly stated that reform can succeed only if it comes from inside the Arab world.

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It is in this general context that the EU was led to reconsider its policy vis-à-vis the Arab world, and to give more importance to necessary political reforms for the establishment of democratic governance. Foreign assistance, however, can be interpreted as interference in the domestic affairs of the Arab countries and could produce effects that are opposite to those which are intended. For this reason, the Council of the European Union has repeatedly stated that reform can succeed only if it comes from inside the Arab world (Council of the European Union, 2003: 7; 2004: 1). This inside reform formulation is particularly cherished by Arab leaders – or so they claim every time they are given the opportunity (King Abdullah II, 2004: 72).

The Resistance of Arab Regimes

EU efforts to promote democratic governance in Arab regimes have not yielded the expected results. These regimes are extremely reticent when it comes to implementing the political reforms supported by their partnership with the EU. The League of Arab states Summit in 2004 is an eloquent testimony. This summit, which was organized under the reform label, had to be indefinitely postponed due to serious differences between Arab leaders on the issue of political reforms.

Indicators of the resistance to change of Arab regimes can be deduced from recent constitutional reforms and electoral processes. Constitutions have long been modified to perpetuate the reign of one person, while elections give results that reinforce the

domination of a single 'state party'. Paradoxically, reforms tolerated under the influence of EU initiatives have resulted in a consolidation of authoritarian regimes. Reluctant to introduce democratic measures, these regimes were able to safeguard the foundations of authoritarianism that lie in a corrupt *nomenklatura* and gigantic military and security services as compensation for apparent concessions. The EU has, in other words, curiously contributed to the perpetuation of authoritarianism in the Arab world by agreeing to be part of a labyrinthine game of reform. Compliance with cosmetic reforms ultimately allows a regime to remain in power for a longer time. It therefore achieves two objectives at the same time: reviving eroded legitimacy through reforms and protecting the ruler against stronger protest.

However, this does not mean that the EU should refrain from intervening in the ongoing process of reform in Arab countries. Such an attitude would not be sustainable – either politically, in the context of strategic partnership, or ethically. The EU should use constructive criticism against the Arab regimes. This would have an effective impact on the policymakers and, thus, on reforms aimed at introducing democratic governance. This criticism, which could be exercised in different ways, cannot be perceived as interference in the internal affairs of Arab countries because those countries should recognize that strategic cooperation with the EU would normally involve a certain degree of constructive criticism (Youngs 2006: 6).

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The EU, which is reluctant to use conditionality in its relations with its Arab partners (Grant 2006: 52–53), should use constructive criticism to strengthen the reform process. This is all the more possible for the countries that aspire to achieve Advanced Status. Morocco was awarded this status in October 2008 and Tunisia has recently commenced negotiations with this aim. The EU, however, prefers to use incentives that spare Arab regimes' sensitivities. This method has not produced significant effects, as is illustrated by the results of Morocco's reforms

The Difficulties faced by the Forces of Reform

The signs of overwhelming discontent are easily discernible in the Arab world. Several recent demonstrations in Arab countries reveal an authentic yearning for reform among the Arab populations (Malki *et al.* 2007). The Egyptian reformist movement *Kifaya*, which translates as 'That's enough!', is telling in this regard. Over 20 opinion polls conducted in Arab countries between 2000 and 2006 confirm the real and insatiable thirst of Arab peoples for democratic change (Jamal and Tessler 2008).

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However, Arab societies have so far failed to generate the social forces that would be able to take on the major issues of reform. Among the objectives of European initiatives on promoting democratic governance in the Arab world is to overcome the weaknesses of civil society. Several capacity-building initiatives have been undertaken with NGOs with the goal of improving their potential to allow them to play a more proactive role in the reform process.

It is possible to attribute the benefits of this positive effect on civil society to the partnership between Arab countries and the EU. This has become possible thanks to the established reputation of European institutions among Arab NGOs, which promotes a positive climate for cooperation.

These efforts have achieved undeniable results. Indeed, several previously inactive forces have been mobilized and oriented towards reform projects that have generated a real dynamism within civil society. This has helped to expand the areas of freedom of expression and action. It is therefore possible to attribute the benefits of this positive effect on civil society to the partnership between Arab countries and the EU. This has become possible thanks to the established reputation of European institutions among Arab NGOs, which promotes a positive climate for cooperation.

Nevertheless, and despite their importance, the above results remain below expectations. NGOs are often limited to theoretical training activities for a small number of citizens, while the necessary means for action have been removed by the Arab regimes, revealing their fear that such organizations could one day become a real force. Thus, to neutralize these forces of change, which are potentially formidable, the Arab regimes resort to authoritarian methods. It is common for NGOs subservient to Arab regimes to be created to act in the same manner as any governmental agency. In several cases, the EU has been obliged to deal with such organizations. As a result, the projects entrusted to them have reproduced the government line and destroyed any political challenge. In this way, civil society is transformed from a potential force of challenge and change to a force for maintaining the status quo.

When NGOs display a firm attachment to their independence, they face all forms of harassment that can amount to repression until their capacity for action is destroyed.

A typical example of this is the Tunisian League of Human Rights, which had to resign itself to the cancellation of two major projects funded by the EU in 2004 because of the refusal of the Tunisian authorities to authorize the disbursement of funds allocated to them.

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In all Arab countries arbitrary practices are, *mutatis mutandis*, similar when it comes to dealing with independent NGOs. Unfortunately, the EU has shown an apparent laxity over this situation. The EU could not, and probably did not want to, use its influential position to ask its Arab government partners to fulfil their commitments not to impede the free actions of civil society.

Moreover, democratic opposition parties, where they are legally acknowledged, suffer from difficult working conditions that limit them to a closed sphere of supporters and reduce their horizons to the mere publication of opinions. The EU has so far been hesitant about working with these parties because the rule on neutrality towards political actors has to be observed (Youngs, 2006). Such an argument is controversial, since the EU has not observed this neutrality in all circumstances, for example when Islamist parties win an election. When the Palestinian elections in 2006 favoured the Islamist Movement, Hamas, the EU response was to deliver aid, initially destined to the government, to the Presidency of the Palestinian Authority, thereby encouraging the internal rift between Hamas and Fatah – the party of the Palestinian President, Mahmud Abbas.

The EU does not need to interfere directly in the affairs of opposition parties. On the contrary, it has the opportunity to support their actions while requiring free and democratic elections and refusing to recognize manipulated elections that do not meet minimum international standards. Such attitudes, which partnerships with several Arab countries could facilitate, would support the forces of change in the Arab world.

4. Conclusions

The EU's efforts to promote democratic governance, whatever else might be said of them, were never going to be a panacea that would rapidly transform the Arab world. Reform is a long-term undertaking that can happen only within a historical process. The results will probably not be enjoyed by those who launch the project. However, it is essential to strive for an effective initiation of the process and to avoid erroneous beginnings that would doom the whole process to failure. The instigators of reform should be aware of the importance of this phase of their undertaking and its impact on the future. This requires a considerable amount of good will, patience and modesty from both the EU and the Arab world.

The EU can provide effective support to political change in the Arab world. The good reputation that EU institutions enjoy in Arab public opinion helps the EU to play a positive role in setting up real political reform there. However, to reach this goal, the EU must redefine its role. In order to achieve this, three issues will require further attention:

1. EU action on promoting democratic governance in the Arab world needs to be based on an approach that displays its objectives clearly and sets out its means and methods transparently. Clarity and transparency will be required by the various actors to determine their attitude to EU initiatives.
2. Furthermore, EU initiatives need the confidence of all the actors who have any role in the reform processes in the Arab world, including those who, for one reason or another, fear reform and, because of that fear, have become the cause of major obstacles.
3. Finally, the EU's role may gain from broadening the space for dialogue to build mutual understanding.

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About the Author

Dr Amor Boubakri is Assistant Professor at the Faculty of Law, Economics and Politics, the University of Sousse, Tunisia. He is also a Cooperating Professor at some other Tunisian academic institutions, lecturing on Public Law subjects. He has previously worked as a consultant with UNHCR, primarily doing research on the Refugees Status in Tunisia. Dr Boubakri holds a PhD in Public Law, from the University of Sousse, Tunisia. He regularly publishes papers and articles, especially on constitutional law, women's rights issues, refugees' rights and human rights in the Arab world generally. His most recent works include a report on the death penalty in Tunisia.