

## Have Trade Relations Between the European Union and Mediterranean Countries Promoted Democratic Values in the South?

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#### Abstract

The European Union has taken meaningful steps to position itself as the bearer of 'ethical governance' and promoter of 'fair and responsible trade' in its part of the world. The EU's relations with its southern neighbours have evolved quickly over time. A series of institutional frameworks has been created to manage improving trade relations, forming a complex picture of agreements and objectives for the future. One of the pillars is the European Mediterranean Partnership (EMP) agreement, which aims, among other things, to promote some of the EU's values through trade and mutual investment. This paper argues that improving trade and investment relations between the EU and the Mediterranean region have not contributed to better governance, human rights, the rule of law or increased democracy in the respective Mediterranean partner countries. On the contrary, evidence suggests that while trade and investment have achieved sustained growth, governance and the human rights situation in most of the EMP countries have deteriorated. This goes against the logic of the agreement and should be examined against its stated objectives and how it has evolved. Whether this situation has arisen due to carelessness on the EU side, or as a result of soft and cynical polices adopted to stabilize and perpetuate friendly regimes is open to question.

#### Summary of Recommendations

If the EU is to make an impact on democracy issues, its member states must adopt unified and coordinated policies not only on trade, but also on related issues and especially on aid programmes. Positive conditionality could gradually be introduced to make incremental progress in the right direction. Issues such as the environment and labour standards should form part of trade packages if trade is to be used effectively in this way. In order to improve the link between trade and governance and democracy, we suggest that, like trade-related issues, political decisions and laws passed by the Council of the European Union should be able to pass by a simple majority and not require unanimity. The EU should try to enhance locally active pro-democracy capabilities by targeting these groups with direct initiatives – even through small steps. This should be done indirectly with minimum media attention in order to ensure that efforts are endogenous rather than externally imposed. Instead of focusing on big goals that are not achievable, the EU should promote private small business, local initiatives at council levels, community schools, clinics and other similar activities and encourage good governance at that level. These steps are small, they do not pose any threat to existing regimes and, at the same time, they push the long-term goals of democracy and good governance.

#### 1. Introduction

During the Israeli attack on Gaza in December 2008, two groups of demonstrators marched towards the embassies of the European Union (EU) in Amman, Jordan, and Beirut, Lebanon. The two demonstrations did not demand that the EU member states stop the attack or send peacekeeping troops, they simply asked the EU to adhere to its

In December 2008, two groups of demonstrators marched towards the embassies of the European Union (EU) in Amman, Jordan, and Beirut, Lebanon. They did not demand that the EU member states stop the Israeli attack on Gaza or send peacekeeping troops, they simply asked the EU to adhere to its constitution and its strong references to respect for human rights. The implicit message was that there is a huge gap between what is stated on paper and the policies implemented on the ground, sometimes referred to as the de jure-de facto gap. constitution and its strong references to respect for human rights. The implicit message was that there is a huge gap between what is stated on paper and the policies implemented on the ground, sometimes referred to as the *de jure*-de facto gap. This gap is not peculiar to these specific events in Gaza, it is rather more general and covers issues related to European intentions to promote democracy and good governance in the southern Mediterranean countries that have signed the Euro-Med agreement with the European Union (EU).

By way of background, according to Benita Ferrero-Waldner, the European Commissioner for External Relations and the European Neighbourhood Policy (ENP), speaking on 10 December 2005:

Respect for human rights is one of the most fundamental and universal values of our world. All of us, in our official capacity and in our private lives, have a responsibility to promote and protect the rights of our fellow members of the human family, be that at home or elsewhere in the world. ...Be it in the political dialogues the EU holds with third countries, in the international agreements it concludes, in its development cooperation or its action in multilateral fora such as the United Nations, The European Union seeks to uphold the universality and indivisibility of human rights.

The EU has taken meaningful steps to position itself as the bearer of 'ethical governance' and promoter of 'fair and responsible trade' in its part of the world. After the end of the Cold War it started enlarging its trading bloc by including states from Eastern Europe. While doing so, it created a set of standards, economic and political, that new and existing members must live up to.

The EU has set similar standards in trade agreements with its neighbours. EU member states have concluded that their collective security is best served by encouraging neighbouring countries to adhere to similar values of good governance and the promotion of human rights, and have therefore repeatedly stressed the importance of using both the carrot and the stick.

The EU's relations with its southern neighbours have evolved quickly over time. A series

of institutional frameworks has been created to manage improving trade relations, forming a complex picture of agreements and objectives for the future. One of the pillars is the European Mediterranean Partnership (EMP) agreement, which aims, among other things, to promote some of the EU's values through trade and mutual investment.

This paper argues that improving trade and investment relations between the EU and the Mediterranean region have not contributed to better governance, human rights, the rule of law or increased democracy in the respective Mediterranean partner countries. On the contrary, evidence suggests that while trade and investment have achieved sustained growth, governance and the human rights The EU created a set of economic and political standards that new and existing members must live up to. It has set similar standards in trade agreements with its neighbours. EU member states have concluded that their collective security is best served by encouraging neighbouring countries to adhere to similar values of good governance and the promotion of human rights, and have repeatedly stressed the importance of using both the carrot and the stick.

situation in most of the EMP countries have deteriorated. This goes against the logic of the agreement and should be examined against its stated objectives and how it has evolved. Whether this situation has arisen due to carelessness on the EU side, or as a result of soft and cynical polices adopted to stabilize and perpetuate friendly regimes is open to question.

The paper first examines how the institutional framework developed over time and how the issue of democracy has been presented. Section 2 examines the hypothesis that the EU's lack of commitment to its own ideals within trade frameworks has led to deteriorating standards of governance in the Middle East and North Africa. The EU's soft approach to conditionality has had a negative outcome and provides authoritarian governments with the financial resources to help them postpone embarking on a serious political reform programme. Section 3 traces the volume of trade between the EU and its southern neighbours. It also examines what shape relations will take in the near future. Section 4 draws some conclusions and makes some policy recommendations.

#### 2. How the Institutional Framework Developed

Since the end of Second World War, European countries have been working hard to create a safer and more secure continent. One of the most important drivers of that cause was the establishment of a regional framework for closer social, economic and cultural cooperation, starting with the European Coal and Steel Community in 1951. A key objective was to prevent another war between France and Germany. It paved the way for a further and more expansive European integration, which eventually led to a single market, a single currency and a Common Foreign and Security Policy, and is now known as the European Union. Following a meeting of the Council of the European Union in Copenhagen in 1993, a set of criteria was established for entry into the EU:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for, and protection of, minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (Council of the European Union 1993).

In addition to strengthening connections within the continent, the EU as a trading bloc facilitates trade between its members and its immediate neighbours, such as the southern Mediterranean countries. The EU has a range of Association Agreements and Free Trade Agreements (FTAs) with neighbouring countries. On comparing the conditions set out in these agreements with the abovementioned set of criteria and actual implementation, however, it becomes clear that conditionality takes a back seat to the volume of trade.

The groundwork for the Mediterranean partnership was the Barcelona Process. The ENP later enhanced the Barcelona Process. Within these frameworks this paper examines the issue of conditionality and its effect, or lack of effect, on the levels of governance in the southern Mediterranean region. The ultimate aim of the EMP and the ENP is to enhance economic and financial cooperation and share prosperity through socio-economic development. These goals will be pursued by fostering economic transition and by 'favouring the economic conditions of growth, reforming key sectors and establishing a regional free trade zone by 2010'.

In sum, the EU emphasizes the importance of good governance, democracy, human rights and political reform in its dealings with its Mediterranean neighbours. This is stated in its policy papers and documents related to the Barcelona Process and the ENP. The establishment of the ENP marked a clearer commitment by the EU to these principles, and in terms of weight they come close to the Copenhagen Criteria for accession to the EU.

The ENP develops Action Plans for each partner within the framework of improving trade and security cooperation. They are a continuation of the Association Agreements and the EMP. These Action Plans set out the advantages of such cooperation and

Although the rules exist to improve the record of an agreement partner on human rights and governance, in practice the EU, even in its Action Plans, is more interested in the trade liberalization measures and creating a conducive business environment. set conditions, mainly with regard to political reform. An important distinction is that Association Agreements are legally binding while Action Plans are only political documents. The Action Plans generally cover a timeframe of three to five years. Each Action Plan needs to be approved by the relevant Association Council, for example, the EU-Egypt Action Plan needs to be rubber-stamped by the EU-Egypt Association Council. This body monitors the implementation of the Plan and will produce a report after the first two years.

Although the rules exist to improve the record of an agreement partner on human rights and governance, in practice the EU, even in its Action Plans, seems more interested in the trade liberalization measures and creating a conducive business environment. Most of the money channelled from the EU to the ENP is directed towards sectoral activities or allocated to support the troubled finances of the South.

EU officials in some circles clearly believe that promoting trade and the role of the private sector can unleash social forces that increase the demand for democracy in the EMP member countries. This argument is weak since it assumes that the private sector is politically liberal and concerned about issues of governance. Experience in the southern Mediterranean countries has shown that private sector and business elites support economic reform insofar as it strengthens their grip on power and it helps to sustain what tends to be a highly concentrated and monopolistic market structure (Sekkat 2007). The private sector has shown little interest in promoting good governance.

The policymaking process promoted by the EU indirectly encourages a selective approach to reform and lacks both transparency and a more participatory approach when deciding on trade- or investment-related issues. The trade reform agenda was depoliticized and left to technical trade experts to arrange, with minimal involvement from various stakeholders. The EU rarely becomes directly involved in EU officials in some circles clearly believe that promoting trade and the role of the private sector can unleash social forces that increase the demand for democracy in the EMP member countries. This argument is weak since it assumes that the private sector is politically liberal and concerned about issues of governance.

serious debate with recipient countries about the issues of democracy or good governance.

Some argue that the EU has little leverage to influence its southern Mediterranean partners. The level of trade and investment is low compared to EU trade with other regions, so the EU has preferred to leave the political arena to the United States and take a back seat – even in the Middle East peace process. This explains the notion of the EU role as a 'payer and not a player'. In addition, there is no consensus among EU member states regarding the promotion of governance in the Mediterranean Partner Countries (MPCs). Hence, the MPCs have managed to expand trade relations despite their deteriorating governance records. The EU prefers to sustain the status quo and to deal with incumbent governments for fear that Islamists might win elections and change the rules of the game. It is, we argue, a short-sighted approach to prefer stability

over sustainability, and it is not clear what the outcome will be in the long term – or how this could enhance EU security. The issue of conditionality was not neglected by the EU out of ignorance, but deliberately in a process that it was hoped would lead to some political opening up in the MPCs. We do not question the EU's good intentions at this stage, but it is clear that its record on democracy and governance is not at all encouraging.

There is no consensus among EU member states regarding the promotion of governance in the Mediterranean Partner Countries. Hence, they have managed to expand trade relations despite deteriorating governance records.

In July 2008 the French President, Nicolas Sarkozy, launched the Union for the Mediterranean, which encompasses all the states located on the Mediterranean. It has several aims, including fostering better relations. It was particularly important for Sarkozy to have Israel sitting at the same table as the Arab countries, and he lauded this as a sign of hope for improving relations. The new union is not as explicit as the Barcelona Process in addressing political challenges such as reform and governance. Instead, it focuses on immigration and security issues, cleaning up the Mediterranean coast, renewable energy and facilitating trade. It is still unclear how successful the Union for the Mediterranean will be, but its main priorities do not include using conditionality to encourage political reform.

Clearly, the way the institutional framework has evolved does not indicate that the EU desires to change its soft attitude towards a deteriorating level of democracy and governance in the MPCs. On the contrary, the new initiative by President Sarkozy considers that democracy and human rights issues are too controversial and must be deferred until the less contentious issues are resolved. This has not been explicitly stated, but can be easily deduced from the initiative.

#### 3. Trade Volumes are What Matters

Trade relations have been improving between the EU and the Middle East and North Africa. The EU has signed FTAs or Association Agreements with most of the Mediterranean countries. The EU has also devised financial aid packages to facilitate trade, first of all through the MEDA programme, which evolved from the EMP, and then through the European Neighbourhood and Partnership Initiative (ENPI). The ENPI is the financial arm of the ENP. It replaced the MEDA programme in January 2007 and provides financial assistance to the MPCs. The ENP has a wider mandate that includes countries that border the EU on its eastern side. Its main objective is to avoid new dividing lines after EU enlargement.

The EU is the principal trading partner for many Mediterranean countries, regularly making up more than half their trade volume. Taking all the non-EU Mediterranean countries together, the EU absorbs about 50 per cent of their exports. Trade between the EU and Egypt was worth about EUR 16.8 billion in 2006, whereas trade between the USA and Egypt was worth around USD 6.5 billion. This illustrates the economic weight of the EU and, from the perspective of the Mediterranean countries, the importance of maintaining good trade relations with the EU. EU exports to Mediterranean countries

The Med countries are far more dependent on trade with the EU than vice versa. Equally significant is the fact that trade between the non-EU Mediterranean countries is around 5 per cent of the total trade conducted.

The situation is complicated by the different levels of trade between MPCs and northern and southern EU member states. Some countries prefer to maintain trade relations with the Mediterranean countries despite their record on democracy. In the absence of a common EU policy on the issues of democracy and governance, it is up to each country and its domestic constituencies to decide how far it can exert pressure on trade partners. are worth around EUR 120 billion and account for 9.7 per cent of total EU exports. EU imports from Mediterranean countries, on the other hand, are worth around EUR 107 billion, accounting for 7.5 per cent of total EU imports. The Med countries are far more dependent on trade with the EU than vice versa. Equally significant is the fact that trade *between* the non-EU Mediterranean countries is around 5 per cent of the total trade conducted.

This leaves the EU in a good position to emphasize conditionality in its trade with its MPCs. However, this situation is complicated by the different levels of trade between the MPCs and northern and southern EU member states. Some countries prefer to maintain trade relations with the Mediterranean countries despite their record on democracy. In the absence of a common EU policy on the issues of democracy and governance, it is up to each country and its domestic constituencies to decide how far it can exert pressure on trade partners.

Libya, for example, has one of the worst records when it comes to democracy. Despite this fact, the EU and some of

its heavyweight leaders, such as the French President, visit Libya to negotiate commercial deals. Clearly, the interests of the French business community take priority over EU agreements. The role played by some private sector leaders in pushing their governments to open trade and investment relations and ignore issues related to democracy and governance is not transparent. This behaviour starkly contradicts official EU statements and commitments to support human rights values. This weakens the credibility of several local non-governmental organizations (NGO's) in the EMP countries, which work closely with the EU in its efforts to promote democratic values.

There are a number of further examples where the EU could impose tougher conditionality

on its trading partners but has failed to do so. The other conduit to promote democracy is the direct financial support provided for such activities. Reviewing how much has been allocated to endeavours such as democracy and good governance suggests that this issue has never been a top priority for the EU.

There is a level of inter-European politics at play when developing trade agreements. Northern Europe is more interested in creating closer ties with the eastern fringes of Europe, while southern Europe has a larger stake in better relations with the Mediterranean countries. The new ENP and its financial arm, the ENPI, are part of the EU External Relations Directorate, out of which the Barcelona Process was born. The EU Enlargement Directorate is more linked to the interests of northern Europe. Those interests can be described mainly as economic, whereas southern Europe's ties with the Mediterranean countries are set in a more political and historical context.

The EU Enlargement Directorate has set out an 'Acquis Communautaire', a 350-point guideline for future EU member states. These guidelines focus on detailed reform programmes in both the political and the economic spheres. The ENP adopted some of these guidelines in their agreements. The Acquis, as it is commonly known, is divided into several chapters, but the diluted version presented to the EU's Mediterranean neighbours was designed to allow the MPC to pick and choose reform points, which often led to painful political reforms being discarded in favour of agreeing to economic reforms aimed at liberalizing markets.

#### Human Rights Violations and the Development of Trade Relations

Some examples from a selection of the Mediterranean countries can better illustrate what is described above.

#### Israel

Israel has signed an Association Agreement with the EU, legally binding it to uphold human rights in the territories it controls which includes the Palestinian territories. Due to its military actions in Gaza, the EU decided to delay upgrading Israel's status in its relations with the EU. The decision followed several focused protests led by NGOs. This could be the first occasion in which the EU chooses to uphold its commitment set out in a human rights clause of an Association Agreement. However, previous consistent human rights violations by the Israelis in the Palestinian territories did not lead the EU to alter its relations with Israel. Trade with Israel gradually increased after the agreement entered into force in June 2000. However, Israel has since engaged in numerous human rights violations in the Palestinian territories, especially in its conduct of military operations which exact a heavy toll on civilians (Amnesty International 2008a).

#### Tunisia

Among the first priorities of the EU-Tunisia Action Plan is 'the pursuit and consolidation of reforms which guarantee democracy and the rule of law'. The Action Plan signed between the EU and Tunisia does not refer to any legal document covering adherence to human rights. Human Rights Watch condemned Tunisia in a 2008 report for its harassment of human rights activists, the lack of an independent judiciary, condoning torture, cracking down on political opposition and discouraging freedom of speech (Human Rights Watch 2008). Tunisia has seen some level of improvement on many of these fronts, but it still has a long way to go. In terms of government effectiveness, the rule of law, regulatory quality and control of corruption, Tunisia has improved over the period 2000–2006. Its accountability levels, however, have deteriorated sharply over the same period. This includes citizen participation in forming a government, freedom of expression, freedom of association and a free media.

The President of Tunisia, Ben-Ali, has given himself the opportunity to extend his mandate in 2009 and even has the right to stay in his current position for life. There is a clear discrepancy between the deplorable levels of governance and human rights, and improving trade relations. Trade with the EU has been steadily increasing and in January 2008 Tunisia became the first Maghreb country to sign an FTA with the EU. The ENPI will continue in parallel with the free-trade agreement until 2010. The EU is Tunisia's biggest trading partner by far, accounting for 70 to 85 per cent of Tunisia's total trade even before the free trade agreement was signed.

#### Algeria

Algeria signed an Association Agreement with the EU in December 2001. According to the Association Agreement: 'Institution-building and strengthening the rule of law are the cornerstones of action in this field.' Amnesty International has voiced its criticism of the Algerian Government's policies on unfair judicial proceedings, secret detentions, large-scale human rights abuses and harassment of journalists and human rights defenders. Even in 2001, Dick Oosting, director of Amnesty International's EU office, said with reference to Algeria's Association Agreement with the EU that 'the EU's human rights clause is virtually defunct' (Amnesty International 2001). President Bouteflika has initiated an amendment to the Algerian Constitution to allow him to run for a third term. Trade with the EU has increased gradually since the agreement was signed in 2001. Trade with the EU makes up around half of Algeria's total trade.

#### Egypt

Egypt's Association Agreement with the EU entered into force in June 2004. In the Action Plan for Egypt, the EU stated that among the key priorities were to 'promote the protection of human rights in all its aspects', 'enhance the effectiveness of institutions entrusted with strengthening democracy and the rule of law and consolidate the independent and effective administration of justice'.

According to Amnesty International, a series of constitutional amendments were rushed through parliament in 2008, which have given the police and security forces sweeping powers (Amnesty International 2008b).

The above mentioned examples clearly indicate that governance and democracy are not in practice linked to trade volumes. If the EU intends to send a strong message regarding its commitment to better standards of democracy, it can use trade as one tool, along with other measures that might be more important. However, using trade as a democracy promotion tool has serious limitations, since trade is conducted through private sector agents and private companies with varying perceptions and interests that are not necessarily compatible with those of EU officials in Brussels. As such, there is an alignment problem that needs to be addressed. Issues such as the environment and labour standards should form part of trade packages if trade is to be used effectively in this way.

### 4. Conclusions and Policy Recommendations

It is clear that increased trade has not played a significant role in promoting democracy or good governance. In itself, trade can play a minor role, but even this minor role has not been utilized effectively.

Developments in the institutional framework that govern relations between the EU and the southern Mediterranean countries suggest that the issues of democracy and governance are taking a back seat. There is no united EU policy with regard to such issues and while advocates of such a policy are scattered among the EU constituencies, its opponents and advocates of free trade are more organized and can put pressure on EU policymakers.

This explains why trade has been sustained, and in a few cases expanded, while democracy and governance indicators have been deteriorating in several of the MPCs. If the EU is to make an impact on democracy issues, its member states must adopt unified and coordinated policies not only on trade, but also on related issues and especially on aid programmes. Positive conditionality could gradually be introduced to make incremental progress in the right direction.

If the EU is to make an impact on democracy issues, its member states must adopt unified and coordinated policies not only on trade, but also on related issues and especially on aid programmes. Positive conditionality could gradually be introduced to make incremental progress in the right direction.

One of the main obstacles to the EU enforcing a stricter adherence to human rights and governance clauses is the fact that there needs to be a unanimous decision by all 27 EU member states in order to take action. This simplifies the lobbying efforts of any Mediterranean country that would rather not see the EU enforce such clauses. Another major obstacle is that the current Action Plans, although strongly worded, are not legally binding.

Unfortunately, new EU initiatives, such as that introduced by the French President, indicate that the issue of governance is not a top priority when it comes to determining the extent of relations between the EU and the southern Mediterranean countries. Human rights activists are likely to try to distance themselves from EU rhetoric – a trend that is not necessarily helpful for EU security.

Given the above, in order to improve the link between trade and governance and democracy, we suggest that, like trade-related issues, political decisions and laws passed by the Council of the European Union should be able to pass by a simple majority and not require unanimity.

Moreover, lobby groups need to shape their strategy around pressurizing individual EU member states, and not view them as a whole. If the EU can impose sanctions or freeze upgrades in relations in trade-related disputes, it should be able to do so with regard to democracy and governance issues. The example of Israel, following recent events in Gaza, is a case in point.

The EU should try to enhance locally active pro-democracy capabilities by targeting these groups with direct initiatives – even through small steps. This should be done indirectly with minimum media attention in order to ensure that efforts are endogenous rather

New EU initiatives indicate that the issue of governance is not a top priority when it comes to determining the extent of relations between the EU and the southern Mediterranean countries. than externally imposed. Instead of focusing on big goals that are not achievable, the EU should promote private small business, local initiatives at council levels, community schools, clinics and other similar activities and encourage good governance at that level. These steps are small, they do not pose any threat to existing regimes and, at the same time, they push the long-term goals of democracy and good governance.

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