European Master in Human Rights and Democratisation

Promoting Democracy and Human Rights in North African States: which role for the European Union?

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TABLE OF CONTENTS

ACRONYMS....4
ABSTRACT....5
Introduction: the EU as a norm-exporter to North-African countries? 6
Chapter 1 – The European Neighbourhood Policy: Which role for democracy and human rights? 17
1.1 Introduction: the European Neighbourhood Policy as a multi-sectors strategy to face new challenges.... 17
1.1.1 The historical context.... 17
1.1.2 The political dialogue within the ENP 18
1.2 Effective actions: a narrow space for democracy and human rights. 23
1.2.1 The cases of Morocco and Egypt: reforming the justice system to consolidate the rule of law and the democratisation process. 24
1.2.2 The cases of Algeria and Tunisia: the "economy first" approach. 27
1.2.3 EU cooperation with Lybia: an indirect approach to political reform? 29
1.3 Common tendencies of EU democracy promotion under the ENP.... 33
1.3.1 The top down approach of democratic and human rights provisions.... 33
1.3.2 The supposed spill-over between economic development and political change 38
1.4 Towards positive conditionality as consequence of the consensual approach ... 43
1.5 Conclusion: the risk of inconsistency.... 48
Chapter 2 - The European Instrument for Democracy and Human Rights: promoting democracy through civil society. 50
2.1 Introduction: financing Civil Society in order to circumvent the governments' consent.... 50
2.1.1 The local ownership of democratic processes.... 50
2.1.2 Which specific objectives for democracy and human rights? 52
2.2 EIDHR implemented projects in Morocco, Algeria and Egypt: what is the EU trying to export? 53

2.3 Common tendencies of EIDHR implementation in North African States 60
2.3.1 The thematic and geographic selectivity 60
2.3.2 The indirectness of the intervention 62
2.4 The accumulative effect of economic and social development: a gradualist viewpoint on democracy promotion. 64
2.5 Conclusion: a partial strategy for too ambitious objectives? 67
Conclusions 70
BIBLIOGRAPHY 76
Books and articles 76
EU Official documents 81
List of Internet websites 85
Annex I – EIDHR financial allocations 2007-2010. 86
Annex II – Projects funded under the EIDHR (2007-2010) 87
1. Morocco 87
2. Egypt 90
3. Algeria 93
4. Tunisia 95
5. Lybia 96
Annex III - European Neighbourhood and Partnership Instrument: EU commitments 2007-2010. 97
1. Morocco – 2007-2010 NIP 97
2. Egypt - 2007-2010 NIP 98
3. Algeria - 2007-2010 NIP 99
4. Tunisia: - 2007-2010 NIP 100
5. Libya – 2011-2013 NIP 101

ACRONYMS

CSO	Civil Society Organization
EIDHR	European Instrument for Democracy and Human Rights
EMP	European Mediterranean Partnership
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy and Partnership Instrument
EU	European Union
IER	Instance Equité et Réconciliation
MEDA	Mediterranean Development Assistance
NGO	Non-governmental organization
NIP	National Indicative Programme
TEC	Treaty on the Functioning of the European Union
TEU	Treaty on the European Union

ABSTRACT

Revolts and political changes occurred in North African States in the general context of the so-called “Arab spring” since the end of 2010 constitutes an opportunity to start a rethinking about EU democracy promotion activities carried out in North African States so far. Official documents concerning EU relations with its Southern Mediterranean partners are full of references to “democracy”, “human rights” and the “rule of law” as core values to be supported in the framework of cooperation with North African States. But what is the concrete meaning of this EU commitment? And how declared objectives have been translated into coherent sub-strategies?

The aim of this thesis is the one of exposing the EU democracy and human rights policy towards North African States to an empirical enquiry which looks at concrete projects implemented in Morocco, Egypt, Lybia, Tunisia and Algeria under two main instruments: the European Neighbourhood Policy (ENP) and the European Instrument for Democracy and Human Rights (EIDHR). The combined use of qualitative and quantitative indicators to assess the nature of democracy and human rights-related projects shows that EU patterns of action towards North African states have been chiefly characterized by a sort of “economic first” approach under the ENP and by a rather “gradualist” tendency under the EIDHR.

Introduction: the EU as a norm-exporter to North-African countries?

Revolts and political changes occurred in the Arab world and, in particular, in North African countries since the end of 2010 have constituted an occasion for European policy makers to renew a reflection about EU external policies carried out in that area so far. The dynamism and rapidness demonstrated by those uprisings, nevertheless, relies upon their own force and vitality, thus showing the need for the EU to maximize its support to democracy and human rights in North African countries by remaining at the edges of democratization processes.

But the need to rethink about EU external democracy promotion towards south Mediterranean countries has to be based on a full comprehension of the *substance* and the *meaning* of EU democracy promotion strategies carried out by the EU so far.

These strategies have to be understood in the framework of the continuous evolution of the EU way to perceive itself as an international actor and, in particular, as a norm-exporter in its relations with Mediterranean countries.

Since the end of the Cold War, the European Union (EU) has been trying to acquire the profile of an independent actor in the international scene. The external democracy and human rights promotion policy has to be considered as part of that effort and as a sub-strategy in the framework of EU foreign policy.

The EU has actually been among the first international organisations to mainstream human rights, fundamental freedoms, democracy and the rule of law into its agreement with external partners[1].

Furthermore, since the Nineties, democracy and human rights promotion as a core objective of EU external policy has turned to become part of EU primary law. Two different articles of European Treaties make reference to democracy and human rights as core principles on which EU external relations and Common Foreign and Security Policy should be based upon.

[1] Borzel and Risse, 2005, p.1.

The Treaty on the Functioning of the European Union (TEC), in the framework of the provisions for development cooperation declares:

> Community Policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms (Art. 177, 2).

In the same spirit, the Treaty on the European Union (TEU) of 1992 restates:

> The EU has to define a foreign and common security policy covering all areas of foreign and security policy, the objectives of which shall be: (…) to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" (Art. 11 [1],TEU).

> The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the UN Charter and international law (Art. 2[1] TEU).

In relations to Mediterranean countries, the presence of the EU in that area was reaffirmed in the 2003 European Security Strategy, where Member States identified as an objective of EU external policy:

> a particular contribution to stability and good governance in our immediate neighbourhood to promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean"[2].

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[2] See, for example, European Commission, *Barcelona Declaration adopted at the Euro-Mediterranean Conference*, 27-28 November 1995; European Commission, *Europe and the Mediterranean: Towards a Closer Partnership. An Overview over the Barcelona Process*, 2002; European Commission, *Wider Europe – Neighbourhood: A New Framework for relations with our Eastern and Southern Neighbours*, COM (2003), 104, 2003; European Commission, *European Neighbourhood Policy. Strategy Paper*, COM (2004), 373, 2004; Council of the European Union, *A Secure Europea in a Better World. European Security Strategy*, adopted at the European Council on 12 December 2003; Council of the European Union, *Regulation laying down General Provisions Establishind a European Neighbourhood and*

Official documents[3] containing provisions for EU external action towards North African States are full of references to general principles such as "democracy", "human rights", "fundamental freedoms", "rule of law"[4]. The EU thus shows a deep commitment to the attempt of transposing its internal democratic identity into its relations with Southern Mediterranean partners. The underlying idea is that authoritarian countries could and should be refashioned on the basis of EU model of liberal democracy and welfare state. What it is not always specified is the *content* of these labels, namely the kind of norms that the EU seeks to export.

The first objective of this thesis is thus to understand the deep meaning of these concepts by exposing EU official discourse to an empirical enquiry, assuming the EU policy towards North African Countries as a case study.

This work of "deconstruction" of EU discourse will be the necessary basis of a comparison between EU self-representation as a norm-exporter towards the Southern Mediterranean States and the effective actions carried out in this area to support democracy and human rights.

An attentive analysis of EU instruments applied in North African Countries -with particular focus on Algeria, Egypt and Morocco as the main beneficiaries of EU external assistance in this area- should shed the light on the actual substance of democracy and human rights promotion in the Southern Mediterranean area. Furthermore, the empirical analysis will help verify the coherence between EU claim to act as an exporter of values in the Mediterranean and EU demonstrated priorities in the area.

The coherence-assessment will therefore be based on the contribution that EU actions are likely to bring to declared objectives.

Partnership Instrument, Regulation No. 1638/06, 2006; Council of the European Union, *Strenghtening the European Neighbourhood Policy,* Presidency Progress Report 1874/07, 2007.

[3] Idem.

[4] The concept of "Rule of Law" assumes different meanings in relation to different contexts and areas of EU policy. As regard to EU relations with its inner circle of member states, the concept of "Rule of Law" has been developed through the European Court of Justice's case law. A second meaning is the one concerning EU relations with new member states and their accession and which has been formulated mainly by the European Commission in the mid Nineties. Nevertheless, for the purposes of this thesis, we refer here to the meaning of "rule of law" in its external dimension, how it has been formulated by the European Commission as regards external relations, cooperation, aid and trade and by the European Council and by the Secretariat in relation to other foreign policy measures.

As regards the first issue, that is EU self-representation, recourse to primary sources such as EU official documents will enable a deeper understanding of how the EU speaks about itself and how it perceives its role and objectives in southern Mediterranean area. It will also help to clarify EU idea of *which aspects* of democracy are to be exported as well as to what extent democracy and human rights are theoretically perceived as objectives *per se* or as *means* to pursue other interests, priorities and needs related to Mediterranean countries.

This idealist conception of the EU as a democracy promoter will then be interpreted and evaluated in the light of effective actions carried out by the EU towards North African states between 2007 and 2010 as a case study. Programmes that will be considered are the ones taking place in the framework of thematic and geographic instruments that cover North-African countries: the European Instrument for Democracy and Human Rights (EIDHR) and the ENP (European Neighbourhood Policy). The 2007-2010 laps of time has been chosen as the most appropriate period of reference in order to have a more meaningful understanding of recent trends in EU external action towards North African states in the period immediately preceding internal revolts for democratic change. Furthermore, that lapse of time can be considered as a common denominator that allows a comparative approach, being applicable to all North African countries some of which where not targeted by the ENP before 2007.

For the chosen period of time, the countries belonging to North African area (Morocco, Algeria, Tunisia, Lybia and Egypt) were scoring quite poorly with regard to political rights and civil liberties. Comparing available data on each country provided by Freedom House, any progress had been made from 2007 to 2010, the average scores for all countries being quite low (between 5 and 7 for political rights and between 4 and 7 for civil liberties)[5]. Moreover, with the exception of Morocco, defined as "partially

[5] Freedom House's evaluation attributes an annual score to every country of the world on the basis of two issues: political rights (electoral process, level of pluralism and political participation, government functioning) and civil liberties (freedom of expression, of opinion, of association and organization, rule of law, personal autonomy, and individual rights). The score ranges from 1 to 10 (where 1 indicates the maximum level of freedom, while 10 the minimum). From the averages of these two evaluations, it results a score that classifies the country in one of the following categories: Free (from 1,0 to 2,5);

free", the rest of the southern Mediterranean countries (Algeria, Tunisia, Egypt and Lybia) are given the status of "not-free"[6].

One of the most comprehensive concept of democracy is the one provided by Dahl, who assumes that: "A key characteristic of democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals"[7].

In its view, the responsiveness has to be translated in two crucial elements to be provided by the political regime: the public contestation and the right to participate.

As prerequisites for these two conditions to exist, Dahl identifies eight institutional guarantees: the freedom to join and to form an organization, the freedom of expression, the right to vote, the presence of alternative sources of information, the right of political leaders to compete for support, equal eligibility for public office, free and fair elections, institutions aimed at making government policies depending on votes and other expressions of preference[8].

Considering Dahl's minimal criteria for a regime to be democratic, - none of North African countries can qualify as electoral democracies.

Even though dealing with all North-African countries as if they where an uniform bloc would constitute an excessive simplification, some democratic shortcomings are attributable, to different extents, to all North African political regimes.

The most significant features that leave these states away from a democratic model of governance concern mainly the concentration of power in the monarchy (Morocco) or in the Presidency (Algeria, Tunisia, Lybia and Egypt), sometimes worsened by prolonged states of emergency (as in the case of Algeria). The party system appears as fragmented in all North African countries and this situation is complicated by the reiterated exclusion of political parties critical against the monarchy from the political process (as in Egypt through restrictions on the licensing of political parties) and, in general, by the

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Partially free (from 3 to 5); Almost free (from 3 to 5) and Free (from 5,5 to 7). Further details about this methodology at: www.freedomhouse.com.

[6] Freedom House, *Freedom in the world*, available at http://www.freedomhouse.org/.

[7] Dahl R. , 1971, p. 1.

[7] On different definitions of democracy see Friedrich, 1950, pp.157-158; Schumpter, 1954, p.279; Lipset, 1959, p. 71; von Hayek, 1960, p. 132; Popper, 1966, p.179; Dahl, 1991 and 2000; May, 1978, p. 1; Huntington, 1991, pp. 29-30; Schmitter e Karl, 1993, p.50; Przeworsky A., Alvarez M., Cheibub J.A. and Limongi F., 2000; Cunningham, 2002; O'Donnell, 2007, p. 33.

[8] Dahl R., 1971, pp. 2-5.

weakness of opposition parties that have almost no role in the formation of public policy.

As regards civil rights, the restriction of the independent press in law and in practice and the state monopoly over broadcast media are surely one of the most problematic aspect of the lack of freedom of expression, as well as the state's influence over all privately owned publications through its monopoly on printing and distribution[9].

The media environment is thus deeply put in danger by a vast array of legal and political reactions that have an undoubted chilling effect on the expression of dissent[10].

Certainly, these democratic shortcomings and human rights violations assume different levels of gravity in different countries, ranging from lighter forms of pressure in Morocco to the extreme situation of physical violence experienced by journalists in Tunisia in 2009[11].

Other issues contributing to hinder democratic transition and better performance in respecting human rights, is linked to the intolerance against religious minorities (present in different degrees depending on the country) and to the scarce respect for freedom of association (sometimes heavy restricted as in the case of Egypt, or subject to controls about the pro-government nature of the organization as is the case of Tunisia).

The dependence of the judiciary from the executive power and its use as a political arm against the opposition, together with high levels of corruption and the military influence in politics, constitute other elements negatively affecting the potential opening of North African political systems.

Even though the concept of "democracy *assistance*" is not a mainstream in EU discourse, the idea of the "promotion of human rights and democracy" has turned to be one of the most reiterated objectives of EU self-representation as an international actor in the last decades.

[9] Egypt is one striking example of this tendency adopted by the authoritarian regime.
[10] Freedom House, *Freedom in the world*, available at http://www.freedomhouse.org/.
[11] Ibidem.

Democracy promotion is commonly defined as "the sum of all efforts by external actors targeted on changing the patterns of political order and decision-making in a given state to the effect that they satisfy minimal criteria of democratic order"[12].

The European Union has a wide range of instruments at its disposal in order to promote democratic principles in its external relations. Some of them belong to traditional diplomacy such as declarations and demarches as well as resolutions and interventions in the United Nations framework. Cooperation and assistance programmes, together with political dialogues, constitute other tools in the context of human rights and democracy promotion policies.

This research will be mainly aimed at analyzing the so-called "positive" instruments of democracy and human rights promotion, namely projects and programmes conceived in order to support individual actors by means of actions such as economic assistance and support to civil society organizations. Among these tools, political conditionality can also assume a "positive" form, where advantages and benefits are attributed to the partner of an Association Agreement as long as it fulfills economic or political conditions and makes progress in the implementation of pre-defined priority reforms[13]. Different from "negative conditionality", where the aim is to alter the behavior of an actor by mean of pressure or threats, the positive model of conditionality relies on recompenses such as diplomatic recognition or economic aid in retour for conformity to certain political standards.

The EU has evidently devoted increasing importance to North African countries in its foreign policy considerations: as part of its "Global Mediterranean Policy", the EU signed cooperation agreements with Algeria, Tunisia, Morocco (1976) and Egypt (1977)[14].

The launching of the European Mediterranean Partnership (EMP) marked a significant leap forward including political issues along with economic provisions. This new trend

[12] Von Eike, 2007, p.17.
[13] On positive conditionality, see Smith, 1998, pp. 253-274.
[14] Apart from North African states, the Global Mediterranean Policy was also targeting Israel, Lebanon, Jordan, Syria, Greece, Turkey, Malta and Cyprus.

was the result of new security challenges in the Southern Mediterranean arisen after the Cold War.

Conceived in the framework of the 1995 Barcelona Process, the EMP introduced "democracy" as one of the fundamental principles of the partnership with Mediterranean countries[15]. Together with financial and economic cooperation and socio-cultural issues, a third basket was identified and it was meant to cover political stability and security issues. In the context of the latter, human rights, democracy and the rule of law were to be considered as essential requisites for the establishment of a common area of peace and stability.

Participants to EMP ambitiously undertook to:

> "(…) develop the rule of law and democracy in their political system; respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association, freedom of thought, conscience and religion (…); exchange informations on matters relating to human rights, fundamental freedoms, racism and xenophobia; respect and ensure respect for diversity and pluralism in their societies, promote tolerance between different groups in society and combat manifestations of intolerance, racism and xenophobia (…)"16.

Political goals were meant to be implemented and financed through the Mediterranean Development Assistance (MEDA). This implied the adoption of the Copenhagen criteria as principles of reference to assess Southern Mediterranean partners' behavior in relation to democracy and human rights[17]: a channel of political dialogue was thus established under Association Agreements with Tunisia (1995), Morocco (1996), Egypt

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[15] The twelve Mediterranean non-member partners were: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey.

[16] European Commission, *Barcelona Declaration*, *cit.*, 2005.

[17] Established during the 1993 Copenhagen European Council, these criteria constitute the objectives that associated countries in Central and Eastern Europe had to achieve in order to obtain the EU membership: 1) Stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; 2) the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; 3) the ability to take on the obligations of membership including the adherence to the aims of political, economic and monetary union.
Further informations available at the "enlargement" section of the European Commission website (http://ec.europa.eu/enlargement/index_en.htm).

(2001) and Algeria (2002). But the shift from political dialogue to effective results was quite narrow, in spite of high expectations raised by the Barcelona Process[18].

The European Neighbourhood Policy (ENP), launched in 2004, was meant to complement the EMP instrument as a reaction to new geopolitical realities faced by EU in the context of its eastern enlargement process[19]. It indeed offered closer economic and institutional integration with the EU to countries "in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms" with the declared aim to "enable neighbouring countries to share the benefits of EU enlargement in terms of stability, security and well-being"[20]. Among other key priorities of cooperation, the ENP stresses the importance of a political dialogue based on principles of liberty, democracy, respect for human rights and fundamental freedoms as shared values.

> The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member states in a society of pluralism, tolerance, justice, solidarity and non discrimination. The Union's aim is to promote peace, its values and the well-being of its people. In its relations with the wider world, it aims at upholding and promoting these values. (…) The EU wishes to see reinforced, credible and sustained commitment towards democracy, the rule of law, respect for human rights and progress towards the development of a market economy[21].

This two geographical instruments of cooperation and political dialogue with southern Mediterranean countries constitute the framework in which EU started defining its declared profile of a "norm exporter", making direct reference to democracy, human rights, fundamental freedoms, rule of law, good governance, sustainable development and solidarity as policy objectives.

[18] Gillespie and Withehead, 2002; Borzel and Risse, 2005.
[19] For further details about the history of EU Mediterranean Policy, see Gomez, 2003.
[20] European Commission, COM (2004), 373, 2004.
[21] Ibidem.

More directly aimed at addressing democratic concerns was the European Initiative for Democracy and Human Rights[22], as a comprehensive strategy "in support of democratisation, the strengthening of the rule of law and the development of a pluralist and democratic civil society"[23]. The European Instrument for Democracy and Human Rights (EIDHR), conceived with the main purpose of promoting the rule of law and human rights worldwide, replaced the previous initiative and it is based on an even stronger recognition of the civil society as a key actor in the democratisation process.
Civil society organizations, in this perspective, turns to be the main responsible of EIDHR implementation, thus keeping the "local ownership" of political processes as the main foundation of democracy and human rights promotion strategy in third countries.

> Work with, for and through civil society organizations will give the response strategy its critical profile. It will, on the one hand, promote the kind of open society, which civil society requires in order to thrive and, on the other hand, will support civil society in becoming an effective force for dialogue and reform relying on the role of men, women and children as individuals with the power, capacity and will to create development[24].

In order to evaluate the coherence between the EU rhetoric and concrete actions pursued through geographical and thematic instruments, a set of qualitative and quantitative indicators will be used. As of *qualitative* indicators, the empirical analysis will look at dimensions such as: EU diagnosis on North African countries' political situation, political and social issues on which EU has actually tried to exert influence, categories used to describe programmes, eventual coerciveness of instruments applied, directness and intensity of EU actions and programmes, nature and nationality of beneficiary actors, top-down or bottom-up model of supported actions.
As far as *quantitative* measures are concerned, EU budget attributed to North African area, single allocations of funds to each country and to each sector in the Southern-Mediterranean area, number of implemented projects in each country, number of times

[22] The legal basis of the European Initiative for Democracy and Human Rights was provided by two regulations: 1) the Council of the European Union, Regulation N° 975/1999 of 29 April 1999; 2) Council of the European Union, Regulation N° 976/1999 of 29 April 1999.
[23] Council of the European Union, Regulation n° 976/1999.
[24] EIDHR, Strategy Paper 2007-2010, art 17.

conditionality has actually been applied, are indicators that will be used to evaluate EU democracy and human rights promotion strategy.

The cross-analysis of these dimensions should allow drawing some conclusions by answering the following questions: which have been so far the main features of EU approach to democracy promotion towards South-Mediterranean partners? To what extent are EU democracy and human rights promotion actions coherent with EU claim to act as an exporter of norms and values? And up to what point has EU differentiated its framework of action depending to different countries' needs? Have human rights and democracy considerations actually prevailed over other interests and concerns?

For the purpose of including the empirical analysis in a more complete theoretical and critical framework, the use of primary sources (EU and local NGOs documents, databases and archives) will be completed with part of the vast literature existing on the subject of EU relations with Arab States and, in particular, with southern-Mediterranean partners. A wide set of data on which the analysis has been built upon will be provided in final Annexes.

The objective of this analysis will not be the one of evaluating the results or effectiveness of EU approach to democracy promotion towards North African countries, which would be beyond the scope of this thesis. The purpose is rather the one of understanding the nature of that action, the logic behind it and its coherence compared to declared principles, objectives and priorities.

The importance of strengthening the consistency of the EU action towards North African states is, first of all, an objective that would positively affect EU credibility and legitimacy as an exporter of democratic values and, in general, as a global actor on the international scene.

It is bearing in mind this crucial aim that constructive criticism and critical understanding of the past should serve as a base for the future re-thinking of EU patterns of action.

Chapter 1 – The European Neighbourhood Policy: Which role for democracy and human rights?

1.1 Introduction: the European Neighbourhood Policy as a multi-sectors strategy to face new challenges

1.1.1 The historical context

The European Neighbourhood Policy, conceived in 2004 to "enable neighbouring countries to share the benefits of EU enlargement in terms of stability, security and well-being"[25], was meant to constitute a new and complementary policy framework in response to challenges posed by the enlargement process.

In a broader perspective, the ENP is to be interpreted as part of the progressive extension of EU democracy and human rights concerns to the Mediterranean Area, which started with the establishment of the European Mediterranean Partnership in 1995.

While the end of the Cold War fostered EU commitment to democracy promotion towards ACP countries, Central and Eastern Europe and Latin America during the late 1980s and the early 1990s, the Mediterranean Policy continued to be impermeable to democratic priorities. The Barcelona Declaration thus marked a meaningful leap forward in the sense that it brought EU Mediterranean Policy into line with other areas of EU external policy by requiring to its signatories to make commitment to principles of political pluralism. Even tough this new approach still appeared quite narrow, political provisions being quite nebulous differently from the ones related to economic liberalization, the inclusion of the Mediterranean basin within the democracy promotion agenda represented an important historic change, at least from the point of view of EU declared objectives.

[25] European Commission, COM (2004), 373, 2004.

The development of the ENP as a new policy framework thus represented a further step in that direction. It was, first of all, an attempt to face political dilemmas raised by the enlargement of the EU from 15 to 25 member states, especially as regards new neighbours. The principles of this new policy, which was meant to offer a partial integration as a "compensation"[26] to countries without accession perspectives, are enshrined in a general strategy paper which set, as main objectives of the ENP, the strengthening of stability, security and well-being for EU member states and neighbouring countries and the prevention of new dividing lines between the enlarged EU and its neighbours[27].

In this perspective, the ENP was not meant to replace previous frameworks, but rather as a tool to complement and strengthen them to address new challenges by introducing a stronger bilateral dimension to be layered on top of the regional one.

Even though Mediterranean countries are not offered an accession perspective, the ENP foresees a sort of conditional integration, based on the idea that neighbour countries should receive benefit from closer integration with the EU in retour for concrete steps towards political, economic and institutional reforms[28]. Within this general framework, bilateral action plans establish objectives and reform priorities to be agreed with the partner. As the ENP was meant to be based on the legal foundations provided by the EMP, Association Agreements continued to be at the core of its mechanisms.

1.1.2 The political dialogue within the ENP

In spite of the fact that the ENP has been developed more on economic and security matters, political issues are not absent from the EU multi-sector cooperation with its neighbours. Political dialogue on democracy, human rights and rule of law is envisaged as part of the ENP cooperation as is the case for economic development and cooperation on justice and human affairs.

In ENP official documents, indeed, the EU restates its commitment to human dignity, liberty, democracy, equality, the rule of law and human rights as shared values to be

[26] Borzel and Risse, 2005, p.3.
[27] European Commission, 2004, COM (2004), 373.
[28] European Commission, 2003, COM (2003), 104.

uphold in EU relations with its Mediterranean neighbors[29]. In this framework, financial assistance programmes to political, legal and administrative reforms is envisaged. This partnership can thus be considered as one of the so-called "positive instruments" for democracy promotion.

Positive instruments are to be considered as specific projects or broader programmes supporting relevant actors, groups, institutions or, more generally, social developments in a targeted state[30]. This form of support to third authoritarian countries can assume different forms, ranging from financial assistance, exchange of know how, training programmes and support to reform of state institutions which somehow are meant to promote core political principles and norms of the ENP strategy.

In this context, ENP Action Plans constitute the turning point for the translation of ENP objectives into concrete priorities, tailored on different political and social needs of each country. To this aim, they establish priorities for actions to be agreed upon between the EU and each partner state bilaterally. Action Plans, in the ENP framework, have been signed with Egypt, Morocco, and Tunisia.

The articulation of general objectives in specific sub-strategies should be based, as declared by the EU itself, on the principles of joint ownership and bilateral differentiation[31]. To put it otherwise, the establishment of reform priorities has to be done though a consensual process involving EU and the neighbour partner without impositions from any side. Furthermore, according to different levels of ambition and commitment, a logic of meritocracy is introduced in order to differentiate attitudes and policies to be pursued towards different partners[32].

In practice Action Plans agreed with southern Mediterranean countries appear quite similar and standardized in relation to political dialogue and reform provisions.

The comparison between Action Plans for Morocco, Egypt and Tunisia are quite significant in this regard. In Action Plans for Morocco and Tunisia, the Introduction reminds that the "EU Neighbourhood policy sets ambitious goals based on the mutually recognized acceptance of common values such as democracy, the rule of law, good

[29] Idem.
[30] Eike, 2007, p.23.
[31] European Commission, COM (2004), 373, p. 8.
[32] Del Sarto and Schumacher, 2005, p.10.

governance, the respect for human rights, market economics, free trade, sustainable development, poverty alleviation and the strengthening of political, economic, social and institutional reforms"[33].

Among priority actions, both the Action Plan for Morocco and the one for Tunisia emphasize the need to pursue legislative reforms and to apply international human rights provisions[34] as well as the consolidation of reforms which guarantee democracy and the rule of law and the enhancement of political dialogue in the area of democracy and human rights.

As far as Morocco is concerned, provisions regarding democracy and the rule of law as well as human rights and fundamental freedoms are contained under the volet "political dialogue and reforms". The EU declared strategy to face the "democratic needs" of the kingdom of Morocco places the emphasis on the consolidation of the administrative bodies responsible for respecting democracy and the rule of law, together with efforts to facilitate access to justice and the law and to cooperate in tackling corruption.

On the other hand, human rights and fundamental freedoms are to be promoted, according to EU approach, through implementation of international standards, especially with regard to freedom of expression and association and rights of women and children. Provisions in this regards are vague and do not specify timeframes, actors, budget and measurable criteria for the evaluation of progresses. Objectives and actions are just classified depending on their short or medium term nature, thus resulting in a vagueness that has been underscored by the European Parliament itself when it stresses that "human rights clauses implementation mechanisms need to be included in the next generation accords that will be signed between the EU and countries in the southern Mediterranean region"[35].

The same kind of approach is reflected in EU declared priorities in Tunisia. Political dialogue and reforms, in EU perspective, should be aimed at strengthening institutions

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[33] ENP, EU/Tunisia Action Plan and EU/Morocco Action Plan, available at http://ec.europa.eu/world/enp/documents_en.htm.

[35] European Parliament, Resolution of 15 November 2007 (2007/2088 [INI]).

which guarantee democracy and the rule of law, consolidating the independence and efficiency of the judiciary with particular focus on improving prison conditions.

Apart from democracy and the rule of law, respect for human rights and fundamental freedoms constitute another key priority in EU discourse about Tunisia. Concrete actions, as declared by the EU, should be aimed at enhancing respect for human rights and fundamental freedoms pursuant to international conventions, with particular attention to the freedom of association, freedom of expression and media pluralism, as well as women and children's rights.

In the same spirit, in the Action Plan for Egypt, the strengthening of institutions responsible of fostering democracy and the rule of law is considered as one of the priorities to be pursued in the framework of EU-Egypt relations. Promotion and protection of human rights appear as another priority as regard to dialogue between cultures, fight against discrimination, racism and xenophobia. Actions foreseen on this field are similar to the ones envisaged for Tunisia and Morocco: the enhancement of institutions entrusted with strengthening democracy and the rule of law and the improvement of administration efficiency and prison conditions.

Notwithstanding the vagueness of some provisions, the EU declared approach to these three North African counties is rather clear in certain aspects.

A rather strong emphasis is put on civil society's role and responsibility in fostering political change and contributing to democratic transition.

In the Tunisian and Egyptian case, EU stresses the need to encourage the participation of all groups of society in political life and social progress as well as to support political parties in order to strengthen their involvement in the democratic process. The importance of assisting political parties is also stressed in the Moroccan case, where the attention is focused on the "development of the regulatory framework governing political parties"[36].

Under the framework of political dialogue and reforms in the area of democracy and the rule of law, great emphasis is given to administrative reforms, especially with the view of encouraging greater transparency, accountability and contestability. Decentralisation

[36] ENP, EU/Morocco Action Plan, paragraph 2.1 on « political dialogue and reforms », available at http://trade.ec.europa.eu/doclib/docs/2006/march/tradoc_127912.pdf.

and enhancement of the powers of local authorities are particularly stressed in the Moroccan and Egyptian cases as processes needed in order to encourage democracy and the rule of law.

An even deeper attention is attributed to the consolidation of independence and effectiveness of justice administration. In the EU approach, the strengthening of judicial procedures efficiency and the improvement of prison conditions are thus considered as priorities falling under the label of "democracy and the rule of law", as part of an auspicated justice reform in the three countries.

Other common features of EU approach to Egypt, Morocco and Tunisia concern actions foreseen in the area of "human rights and fundamental freedoms". Great attention is attributed to the rights of women and children and to the promotion of their role in social and economic progress as well as to freedom of association and expression, whereas political rights are given less emphasis in Action Plans for each of the three countries.

In the cases of Algeria and Lybia, Action Plans with EU have not been signed. Nevertheless, both of these countries are eligible under the European Neighbourhood and Partnership Instrument[37] and thus EU priorities can be equally gathered from Strategy Papers agreed with the respective governments. These documents mention the role of democracy and human rights among other objectives of EU cooperation with both Algeria and Lybia. In this regard, political reforms in the areas of democracy and human rights are considered as priorities of financial assistance in Algeria even though the focus is overwhelmingly concentrated on the modernisation of the judicial system and on the fighting against corruption.

In the Libyan case, EU approach appears much more cautious, as reference to democracy and human rights is just mentioned under "cross cutting issues" and after specifying that "there is a need to build trust and a clear political understanding before launching more ambitious cooperation projects with Libya in this domain"[38].

[38] ENPI, Lybia Strategy Paper and National Indicative Programme 2011-2013, p. 20, available at http://ec.europa.eu/world/enp/documents_en.htm#1.

This synthetic overview of common aspects and trends of EU approach to democracy and human rights promotion in North African countries which are part of the ENP is of the utmost importance in order to understand the nature of EU discourse in its relations with southern Mediterranean countries. A deep understanding of declared priorities and objectives, indeed, is necessary in order to compare that discourse with effective actions. This work of deconstruction, which is part of the purpose of this thesis, will help identify the substance of EU external human rights policy in the North-African area as well as the coherence of EU policies with declared strategies and objectives.

1.2 Effective actions: a narrow space for democracy and human rights.

The analysis of EU declared objectives will now serve as a basis in order to evaluate the coherence of concrete actions pursued by the EU under the ENP framework between 2007 and 2010 (with the exception of Lybia, where some form of cooperation under the ENPI financial instrument has only started in 2011).

For the purposes of this thesis we will here look at positive instruments of economic assistance, which are provided by the ENPI financial instrument[39], associated to the implementation of the European Neighbourhood Policy objectives.

The intensity and deepness of EU action in promoting democracy and human rights under the ENP instrument is certainly limited because of the consensual nature of the Neighbourhood Instrument. Objectives, priorities, budget and programmes under the Neighbourhood Policy, indeed, have to meet the consent of the recipient country and that makes unlikely the implementation of projects seriously affecting the distribution of powers. Nevertheless, an overview of the nature, consistence and substance of implemented projects is still useful in order to verify the actual meaning of the EU external cooperation on political matters and EU willingness to exert its leverage in order to promote more audacious reforms in Morocco, Algeria, Tunisia, Egypt and Libya.

[39] Until 2006, financial assistance to Mediterranean countries which are part of the ENP was provided by the MEDA instrument. As of January 2007, the ENPI has became the new budgetary roof, established by the Council of the European Union, Regulation N°. 1638/2006 of 24 October 2006.

1.2.1 The cases of Morocco and Egypt: reforming the justice system to consolidate the rule of law and the democratisation process.

In the Moroccan case, coherently with the "need to promote better governance, the promotion and improved protection of human rights and the democratisation under way in the country"[40] , governance and human rights are one of five cooperation priorities identified by EU in the framework of financial cooperation[41].

In the 2004 Country Report on Morocco, the EU identifies the most problematic political issues characterizing the Moroccan kingdom, stressing the excessive concentration of powers in the hands of the king, the blurred separation of powers, the poor administrative capacity and high rates of corruption as the main causes of the country's economic backwardness, the uneven implementation of legislation concerning human rights and fundamental freedoms, the limitations still existing on freedom of association and expression and the low female participation in politics.

But how this awareness has been effectively translated into concrete actions? Which actors have benefited from EU support and financial assistance and which issues have been addressed? And to what extent democratic issues have gained an independent profile, important as the one attributed to others priorities of the cooperation framework?

Out of 654 million euro allocated to Morocco for the period 2007-2010, the "governance/human rights priority" is attributed the sum of 28 million euro, being the 4,28% of the total budget attributed to Morocco under the European Neighbourhood Policy (see annex III)[42].

In order to simplify this analysis, here we will just look at objectives and effective measures that in EU discourse fall under the label of "good governance, democracy, human rights". The reality of assistance and cooperation programmes is certainly more complex, considering the existence of policies formally falling under other categories even though they could affect the democracy and human rights situation of an

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[40] ENPI, Morocco, Strategy Paper 2007-2013, available at http://ec.europa.eu/world/enp/documents_en.htm#1.

[41] Other priorities indentified by the Strategy Paper 2007-2013 for Morocco are: development of social policies, economic modernization, institutional support, environmental protection.

[42] ENPI, Morocco, 2007 – 2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#1.

authoritarian regime in an indirect way[43]. Despite of this limit, the analysis of what is formally categorized as "human rights and democracy promotion" policy turns to be useful to facilitate a comparative perspective and to have an understanding of EU less indirect forms of assistance. Furthermore, the choice of adopting EU use of categories is meant to help a better overview of EU discourse in itself, which is one of the objectives of this analysis.

In the case of Morocco, financial assistance directly related to the "governance and human rights priority" envisages two main actions: measures to support the Ministry of Justice and support for the implementation of the recommendations issued by the Fairness and Reconciliation Commission (*Instance de Equité et Réconciliation*, IER)[44].

The support to the Ministry of Justice, accounting for 20 million out of 28 allocated for governance and human rights priorities, has been articulated into two main components: the modernisation of the prison system and the training of court staff dealing with minors and families[45].

As for the first component, the objective of improving the performance of the prison system and the condition of detention is supposed to be achieved through training programmes, reintegration and the protection of prisoner's rights, staff training and modernisation of prison administration. On the other side, the training of court staff is considered as an issue favouring the improvement of the overall legal system through training of judges and administrators and support for family courts.

Together with this strong focus on the reform of the judicial system as an unavoidable component of the rule of law, EU approach towards Morocco stresses the importance of memory and reparations for past abuses as part of the democratisation process. The

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[43] This can be the case of EU cooperation in the social, environmental or agricultural sector, indirectly affecting economic, social and cultural rights and, therefore, human rights in a broader sense.

[44] The Fairness and Reconciliation Commission is an independent body established by the King Mohamed VI with the following three tasks: 1) clarify the truth about human rights abuses, especially forced disappearances and arbitrary detentions, committed between 1956 and 1999 during the reign of his father, King Hassan II; 2) Explain the context of these violations by clarifying their institutional, socio-economical, political, judicial and legal causes with a view to avoid that they will be repeated; 3) Preserve memories as form of reparation and education in citizenship.
The mandate of this commission included also the preparation of a final report about these violations and the establishment of forms of compensation and reparation for the victims of abuses (the final report has been presented on November 2005).

[45] ENPI, Morocco, 2007 – 2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#1.

support to the Fairness and Reconciliation Commission, which is provided with 8 million euro to pursue its activities, is thus meant to underpin the overall process of democratic transition by helping the commission to carry out its activities of preserving memories[46]. To this aim, the EU foresees as expected results: the creation of a Moroccan Institute of Contemporary History, the promotion of a modern policy on public and private archive, the creation of a national history museum aimed at publicizing progresses in national historical research[47].

Furthermore, in the framework of ENP cooperation with Morocco, a sub-committee on "democratisation, human rights and governance" has been established as a unique case of institutionalized political dialogue in North African countries. It thus represents an important evaluation mechanism, which is meant to assess progresses and verify the existence of political and legal obstacles related to the rule of law, democracy, good governance, the adoption at the national level of international conventions on human rights and the strengthening of institutional and administrative capacity[48].

The crucial role played by the justice system as a core issue of democratic processes is equally stressed in EU cooperation framework agreed with Egypt. Nevertheless, in this case, EU approach seems to be more differentiated and comprehensive, including a wider range of issues to address in order to face democracy and human rights-related political shortcomings in the Egyptian context.

Indeed, cooperation in the field of democracy consists of different components: support to decentralization process as a way to deepen citizens' sense of belonging and foster their participation in decision-making, reform of the electoral system, increasing of public accountability and transparency, the establishment of mechanisms for fighting corruption.

For the promotion of human rights and fundamental freedoms, EU attention gravitates mostly on the protection of women's and children's rights and on the strengthening of civil society's role through the promotion of the rights to assembly and association and the improvement of legal frameworks concerning freedom of expression.

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[47]ENPI, Morocco 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm.

[48] Von Eike, 2007, p. 58.

Still under the label of democracy and human rights-related reforms, the modernisation of justice's administration and enhancement of security acquire an independent profile, being aimed at reinforcing cooperation between Egypt and the EU on the management of legal and illegal migration flows[49].

Out of 558 million euro attributed to Egypt under the ENPI instrument, just the 7% is devoted to democracy and human rights, including the security component that can hardly be conceived as directly contributing to the declared objective of promoting democratization and human rights promotion.

It is worth underlining, at this regard, that the inclusion of security issues under the same category of EU efforts in promoting democracy and human rights raises a matter of misleading use of categories where projects aimed at completely different purposes are falling under the same label. This ambiguous use of categories require a scrupulous empirical analysis that looks at the substance of programmes in order to identify which actions are actually coherent with declared objectives.

1.2.2 The cases of Algeria and Tunisia: the "economy first" approach.

With the same objectives in mind as the ones declared for Morocco, the strategy envisaged for Algeria stresses the role of political reforms in the areas of human rights, the rule of law and good governance among other priorities of cooperation[50].

In this regard, EU diagnosis on Algerian situation is quite lucid when, under the label of "political reforms in the area of democracy, human rights, the rule of law and good governance", it stresses that "Algeria needs to make progress. The legal system is distrusted in Algeria, and many high-ranking officials were recently charged with corruption. The judicial system needs modernization and it is expensive, often out of reach for the typical Algerian businessman, and the courts are ill-equipped to deal with the backlog of cases. The administration is badly paid and demoralized (…)"[51].

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[49] ENPI, Egypt Country Strategy Paper 2007-2013, available at http://ec.europa.eu/world/enp/documents_en.htm.

[50] ENPI, Algeria Strategy Paper 2007-2013 and National Indicative Programme 2007-2010, available at http://ec.europa.eu/world/enp/documents_en.htm.

[51] Idem.

Among other human rights and democracy related political shortcomings, EU also identifies the problematic implementation of pluralism and fundamental freedoms guaranteed by the Algerian Constitution, the scarce independence of the justice system and the restriction of the freedom of assembly because of the State of Emergency Act in force since 1992.

Nevertheless, this diagnosis has not been translated into response strategies with a view of addressing political issues, also because of the lack of an agreed Action Plan. The 2007-2010 National Indicative Programme for Algeria, which is meant to clarify *how* declared objectives have to be realized, does not mention any project directly related to democracy and human rights, the total budget for cooperation being allocated among the following priorities: business competitiveness, modernization of the prison system, diversification of the economy, reorganization of the health system, employment, support for the public administration, waste-water treatment programme[52].

Any of these projects, then, can be considered as being part of EU declared efforts to promote democracy, all of them being rather aimed at modernization measures, economic development and improvement of the judicial system.

The indirect effect that these issues may have on democratic transition and the improvement of human rights situation can not be underestimated. Nevertheless, it is an approach whose direct contribution to EU ambitious objectives about democratisation is difficult to prove.

Another example of the difficult translation of EU declared priorities into coherent actions in the area of human rights and good governance is represented by the case of Tunisia. Elaborated in 2005, the EU-Tunisia Action Plan confirms, as in the official documents related to other neighbour countries, the EU commitment to the pursuit and consolidation of democratic reforms as one of the objectives of cooperation.

To this aim, actions perceived by the EU as the most appropriate to foster political reforms in the Tunisian context consist in the strengthening of institutions guaranteeing democracy and the rule of law, the consolidation of the judiciary independence and

[52] Idem.

efficiency and the improvement of prison conditions. Furthermore, as in the case of Morocco, the reform of the justice system is considered as the cornerstone of a genuine democratic transition. Analogue commitment is stressed as far as human rights and fundamental freedoms are concerned, where the need to ensure the compliance of Tunisian legislation with international standards and to promote and protect the rights of women and children encounters EU strong commitment[53].

Nevertheless, the implementation of projects coherently related to these objectives seems to have been proven rather difficult, if we look at allocations for Tunisia under financial assistance programmes. Indeed, out of 300 million euro attributed to Tunisia under the European Neighbourhood and Partnership Instrument, any fund has been delivered to projects falling under the category of democracy and human rights in the period 2007-2010. The whole financial support, indeed, has been channeled towards programmes in the field of energy and environment, economic governance and competitiveness, facilitation of trade, employment, research and innovation, economic competitiveness[54].

1.2.3 EU cooperation with Lybia: an indirect approach to political reform?

While it clarifies the overall aims of EU external policy, namely the developing and consolidation of democracy and rule of law and the respect for human rights and fundamental freedoms, the EU cooperation framework with Lybia does not foresee any priority related to political reform. EU declared cooperation objectives for Libya are thus much less ambitious then in other North African countries.

The EU Strategy for Lybia, which is meant to be realized between 2011 and 2013 (any cooperation framework existed before), clarifies that the overreaching objective of cooperation is "Lybia's integration into the rules-based international and political system"[55]. The condition of international isolation experienced by Lybia is to be considered as one of the deepest causes of the lack modernization and know-how in

[53]ENP, EU/Tunisia Action Plan, available at ec.europa.eu/world/enp/documents_en.htm#2.

[54] ENPI, Tunisia Strategy Paper 2007-2013 and National Indicative Programme 2007-2010, available at http://ec.europa.eu/world/enp/documents_en.htm#2.

[55] ENPI, Lybia Strategy Paper and National Indicative Programme 2011-2013, available at http://ec.europa.eu/world/enp/documents_en.htm#2.

different fields, that in EU perspective is perceived as an essential requisite of reform, also in the areas of human rights and democracy.

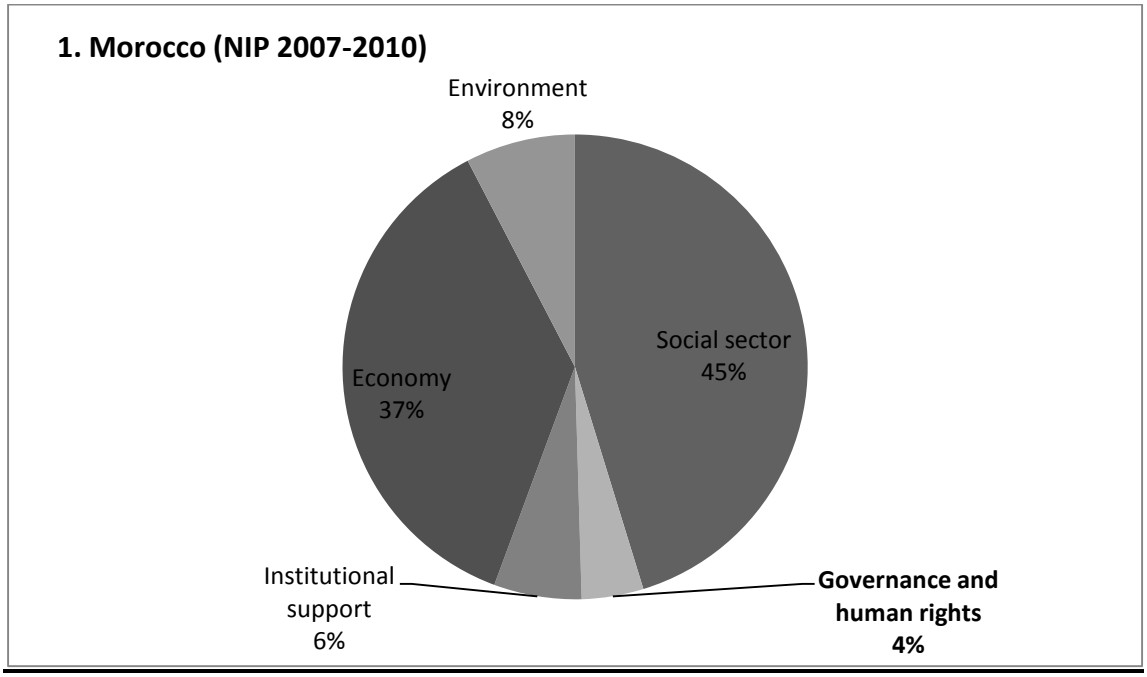
This rather indirect approach to democratic transition, which deems economic and social development as an unavoidable pre-requisite of democratisation, is rather explicitly confirmed as part of EU strategy when it stresses "To accelerate its modernization and establish a successful partnership with the EU in key areas of common interest - fighting illegal immigration in the Mediterranean or terrorism (…), improving fundamental freedoms and human rights - Libya needs to adopt modern administrative and management techniques, strengthen its capacity to plan and implement complex strategies, build up institutions and administrative capacity and develop its legislative and regulatory framework"[56].

EU discourse on Lybia thus turns to be rather cautious in that it leaves aside sensitive issues related to governance, considered as a less urgent aspect of cooperation compared to other sectors where there are "clear and urgent joint priorities"[57].

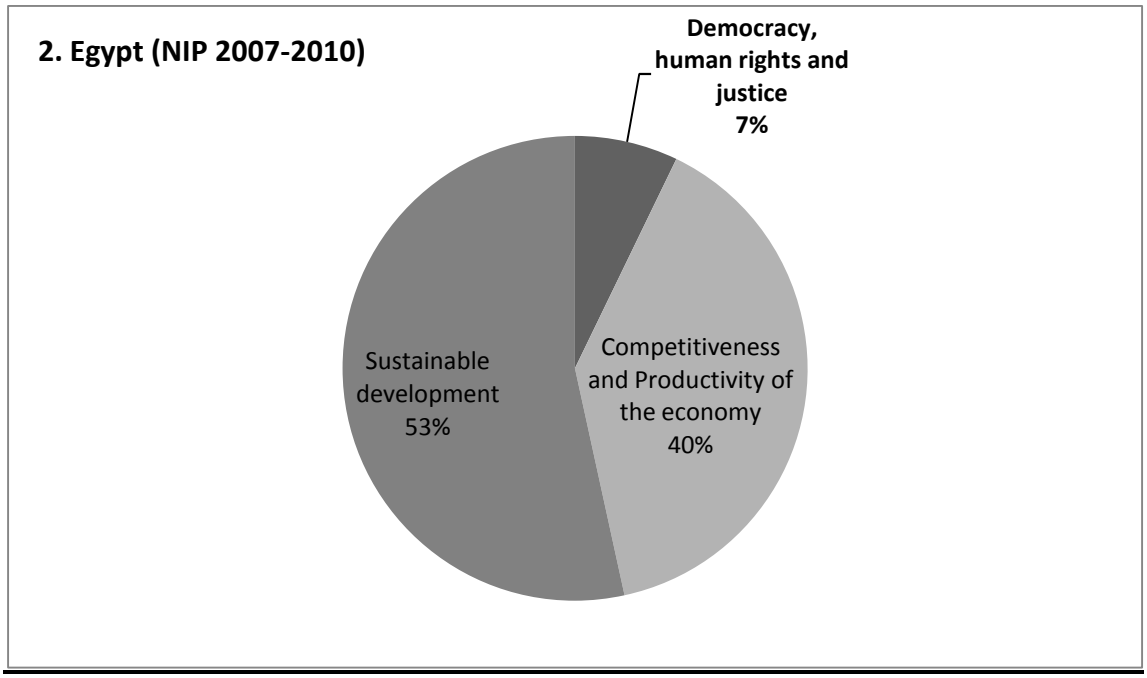
Coherently with this cautious approach, actions foreseen for Lybia before the 2011 revolutions started were meant to respond to three main priorities: the improvement of quality of human capital, the sustainability of economic and social development and the management of migration flows without any explicit reference to any form of bilateral dialogue on political reforms.

[56] Ibidem.
[57] Ibidem.

Sectors of EU financial commitments towards North African States under the ENPI.

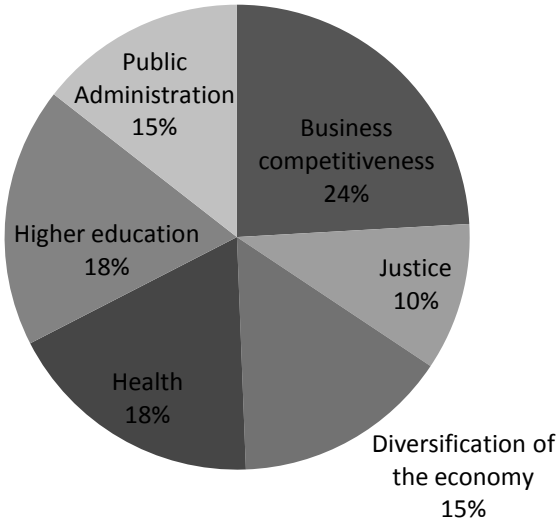


(Source: ENPI, 2007-2010 Morocco National Indicative Programme, available at http://ec.europa.eu/world/enp/index_en.htm).



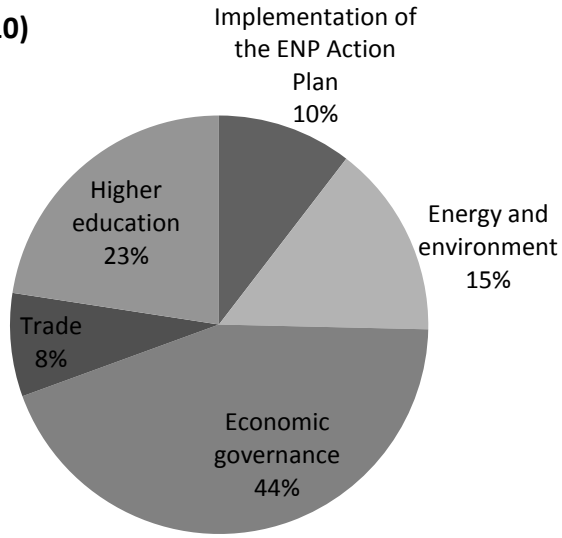
(Source: ENPI, 2007-2010 Egypt National Indicative Programme, available at http://ec.europa.eu/world/enp/index_en.htm).

3. Algeria (NIP2007-2010)

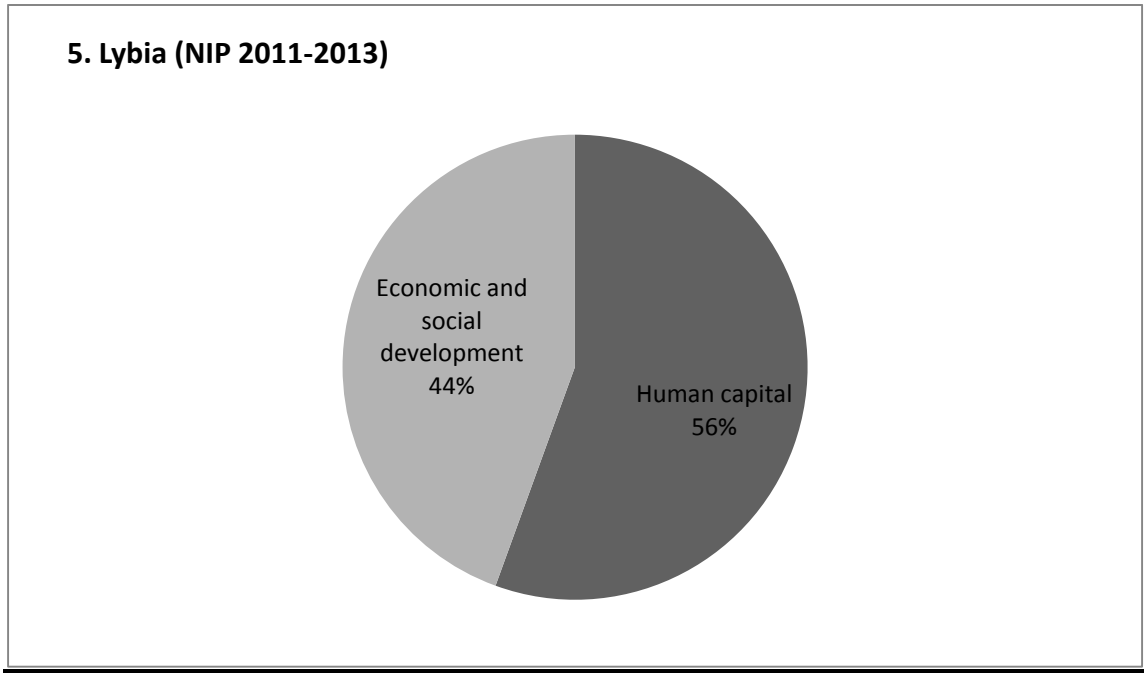


(Source: ENPI, 2007-2010 Algeria National Indicative Programme, available at http://ec.europa.eu/world/enp/index_en.htm).

4. Tunisia (NIP 2007-2010)



(Source: ENPI, 2007-2010 Tunisia National Indicative Programme, available at http://ec.europa.eu/world/enp/index_en.htm).



(Source: ENPI, 2007-2010 Lybia National Indicative Programme, available at http://ec.europa.eu/world/enp/index_en.htm).

1.3 Common tendencies of EU democracy promotion under the ENP

1.3.1 The top down approach of democratic and human rights provisions

The comparison between the different case studies provides for a better understanding of EU approach to democracy promotion in North Africa, thus allowing for some generalizations.

One of the most meaningful features of EU action in the field of human rights and good governance under the ENP consists in the *top-down* nature of financed projects. The latter, indeed, are chiefly directed at the establishment and strengthening of state institutions with a view of fostering a deeper respect for human rights.

In the cases of Morocco and Egypt, which are the only countries in which some actions related to democracy and human rights have actually been implemented under the ENP, projects to be supported by the EU mainly consists on top-down reforms in the field of modernisation of justice administration.

They are ambitious reforms, being meant to start a process of rationalisation of the management of the central administration and the courts, to improve access to justice

and the simplification of legislation and regulations. The justice sector, considered as one of the main aspects of good governance, it is apparently privileged in the context of financial assistance, accounting for a high percentage of the total budged allocated respectively for Morocco and Egypt between 2007 and 2010 (20 million euro out of 28 are allocated to Morocco in order to support reforms carried out by the Ministry of Justice, while 10 million out of the total budget of 40 is allocated to Egypt in order to support the reform of justice and other 10 million for the decentralisation reform)[58].

The support attributed to the Ministry of Justice in Morocco (accounting for 20 million euro out of 28 foreseen for democracy and human rights) is thus based on the idea that the beneficiary institution is of crucial importance for the rule of law and, indirectly, for the separation of powers.

The importance of these reforms for the improvement of the system of governance in North African Countries can not be underestimated and, in EU perspective, it constitutes a first step for a true democratisation of the political system.

Nevertheless, from the viewpoint of EU commitment to democracy promotion, the support provided to these reforms appears as being rather selective and more cautious then it seems. Administrative reforms in Morocco do not address issues of transparency and government accountability, which could represent more substantive, even though indirect, forms of democratic promotion.

Furthermore, supported reforms both in the case of Morocco and Egypt were already part of ruling elite's plans of modernisation and controlled political liberalisation conceived in a view to eliminate administrative efficiencies. EU support, therefore, strictly follows recipient's country priorities without introducing new and more audacious criteria for political reforms.

If we deem as *direct* tools of democracy promotion those kinds of reforms aimed at strengthening the rule of law and parliaments, or at reducing state corruption and promoting decentralisation[59], the projects foreseen in the framework of the ENP can hardly been considered as direct instruments. Indeed, in the case of Morocco, the EU

[58] ENPI, Morocco 2007-2010 National Indicative Programme and Egypt Country Strategy Paper 2007-2013, available at http://ec.europa.eu/world/enp/documents_en.htm.

[59] On direct instruments of democracy promotion, see Carothers, 2004, p.240.

support to the modernisation of the justice sector is limited to priorities already established by the ruling elite: the improvement of the prison system and the training of court staff dealing with minors and families. These measures have most of all human rights implications, being aimed at improving prisoners' rights and at better implementation of the family law. On the other hand, they are just partially addressing rule of law –related issues, in that they do not deal with matters of public authorities' corruption and transparency and the independence of the judiciary. The Egyptian case, as it has been underscored above, offers a wider example of democracy promotion policies, which ranges from support to the reform of the electoral system to decentralisation programmes, promotion of transparency and measures to combat corruption.

Criticism has often been raised about the top-down nature of reforms supported by the EU. In the view of some, indeed, these reforms would seem to replace, instead of providing support, for a genuine process of democratic transition[60]. Processes of reform started by authoritarian regimes, indeed, can often be interpreted as a way to make cautious steps toward liberalism in order not to loose power and political privileges[61].
According to actor-centred theories, which focus on the micro-level of actors in democratization processes, authoritarian governments dominated by soft-liners are often committed to liberalizing reforms which are not aimed at truly opening the political system but rather at increasing its legitimacy and stability[62]. Through this process of reform, the eventual lifting of some restrictions in a strictly top-down fashion would not been symptomatic of a genuine democratic transition.

As it has been analyzed so far, projects implemented in Morocco and Egypt in areas of good governance and human rights, under the label of political priorities, conceal a substance that is rather apolitical and more oriented to modernisation measures, equipment, capacity building, exchange of know-how and technical aspects of

[60] Kausch, 2008, p. 8-9.
[61] Heydemann, 2007, p.2.
[62] O' Donnell and Shmitter, 1986, pp.15-17.

governance. EU programmes are chiefly aimed at improving the efficacy and efficiency of state institutions and government bodies, without any direct link to democracy promotion.

Genuine political issues tend not to be addressed, also because of the difficult process of consensus-building that need to be reached with the authoritarian country about reform priorities. Hence the partiality and selectivity of projects supported by the EU, which do not affect more sensitive political aspects responsible of democracy and human rights-related shortcomings of recipient countries. Indeed, any of the reforms supported by the EU can be considered as comprehensive reforms acting at the systemic or structural level and altering the balance of different powers or the effective implementation of political rights.

Indeed, funds provided by the European Neighbourhood and Partnership Instrument (ENPI), as if it was for precedent MEDA funds, have to be channelled through government bodies[63].

This characteristic makes it unlikely that projects in the area of good governance and human rights, when implemented, could bear a bottom-up approach to the reform process. Involvement of civil society through ENP projects is therefore rather unusual, while state authorities, as well as local and regional entities are the main actors as partners of EU programmes.

On the other hand, the need to reach the consent of the recipient country makes the geographic instrument a tool entirely non coercitive, which is an undeniable advantage for diplomatic relations, while being responsible of a substantial lowering of EU declared ambitions in the Southern Mediterranean area.

Action Plans issued under the European Neighbourhood Policy contain objectives, principles and priorities that are supposed to guide EU external action in partner countries. Nevertheless, these official documents remain rather vague as far as

[63] The MEDA financial assistance instrument has been set up in 1996 in order to support the implementation of Association Agreements with Southern Mediterranean Partners. The launching of the ENP has been accompanied by the establishment of a new tool of financial assistance: the European Neighbourhood Policy Instrument (ENPI). Both the old MEDA and the new ENPI provide for funds that are principally delivered to state authorities and government institutions, while Civil Society is rarely targeted for the delivering of funds.

implementation tools, evaluation mechanisms, actors and timeframes for each action are concerned. Lack of implementation and evaluation mechanisms, on the other hand, has been criticized by EU Parliament itself as one main shortcoming of cooperation frameworks with authoritarian countries[64].

EU detailed assessment on economic, social and political situation of partner countries, usually contained in country reports issued under the ENP, does not always pave the way to coherent response strategies when it comes to define actors, timetables and instruments through which actions can be truly implemented.

The characteristics of the ENP as a geographical instrument of EU cooperation with Southern Mediterranean countries, especially the consensus that it needs from the recipient countries, contribute for gradualism to be one of the key characteristics of EU actions in promoting democracy, human rights and fundamental freedoms.

This gradual approach, that avoids addressing directly political shortcomings, has been the cause of some criticism by local NGOs in Morocco and Egypt which are doubting about the effectiveness of EU aspiration to back full political freedom and democracy. Some argues that EU is giving priority to the stability of the region by keeping a cautiously reformed status quo that would not seriously overcome national constitutional boundaries nor undermine current distribution of powers[65].

The European Parliament itself, in a 2006 resolution on the ENP, was somehow denying this supposed EU tendency to maintain unaltered the *status quo*. It stressed, as EU main objective, "the aim not to settling for the *status quo* but of committing the EU to support the aspirations of the peoples of our neighbouring countries to full political freedoms"[66]: But in concrete actions, reforms aiming at directly fostering political freedom and democratic transition by addressing issues like the separation of powers, the independence of the judiciary and of the parliaments or the opening of the reserved political domain have not been envisaged so far.

This rather problematic translation of declared objectives into consistent strategies, let alone concrete projects, may derive mostly from diplomatic priorities which have to be

[64] European Parliament, Resolution of 6 September 2007, (2007-2001 [INI]).
[65] Kausch, 2008, p. 5; and Idem, 2010.
[66] European Parliament, Resolution of 18 June 1987, (2004/2166 [INI]).

taken into account in the framework of geographical cooperation. Nevertheless, the lack of sub-strategies in the area of human rights and good governance, especially in the cases of Tunisia, Algeria and Lybia, appears quite deep especially when compared with declared purposes, which are set in the ENP documents themselves.

Projects in area of good governance and human rights, when implemented, have been concentrated in improving the efficiency of state institutions or in tackling issues of corruption and justice administration, thus proving to be rather partial if compared with the broad objective of consolidating democracy, the rule of law and human rights across North African states.

1.3.2 The supposed spill-over between economic development and political change

The empirical analysis on ENP cooperation framework with North African countries has widely shown the clear priority attributed by the EU to the economic development of its southern Mediterranean neighbours, which absorbs a much higher budgeting than the one foreseen for political reforms in general and democratic provisions in particular (see Annexes III).

This prioritization of economic issues is particularly striking in the cases of Algeria, Tunisia and Lybia where economic provisions are not balanced by some forms of political dialogue related to good governance and human rights.

This non-translation of EU discourse on democracy promotion into coherent sub-strategies could be optimistically explained in light of a sort of "economic-first approach" to democracy promotion, concealed under an apparent exclusive focus on economic development and cooperation[67].

But which is the theoretical assumption behind this EU way to seek political reforms within its Mediterranean neighbourhood?

What seems to be implicit within this apparent failure of the EU to actively pursue policies directly aimed at fostering democratic transitions is a conception of economic development as a fundamental prerequisite of political liberalization.

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[67] On the "economic first approach" see Burnell 2004; Carothers 2004 and 2007.

It is thus licit to wonder how this supposed spill-over effect between the economic and political sphere of cooperation can be credible and which theoretical assumptions can justify this EU logic.

The supposed positive effect of economic development on democratization perspectives would be justified by scholars supporting structural theories of democracy promotion as a way to avoid a too active interference on internal political processes, which is deemed to be too risky to be pursued. A the core of the choice of a rather passive strategy would be the idea that promoting democracy proactively by addressing political issues responsible of democratic shortcomings would violently push authoritarian countries towards a transitional phase that they would not be able to face[68]. Accordingly, in order to be able and ready to "democratize", a country should possess some requisites which are considered as propaedeutic to establish, consolidate and preserve a stable democratic form of governance.

A rather comprehensive list of elements that should exist in order for a country to democratize is the one provided by structural theories.

It is thus interesting to look at these supposed pre-requisites of democratization with the aim of verifying if they belong to the same area of actions commonly prioritized by the EU when allocating funds for cooperation under the ENP. An understanding of this theoretical approach, indeed, could allow interpreting the logic behind the indirectness of EU instruments and effective actions towards North African States.

Among structural approaches, which seem to be the ones more appropriate to explain EU paths of democracy promotion, Lipset's modernization theory provides a quite comprehensive overview of conditions required for a society to enter in a phase of democratic transition, followed by consolidation and preservation[69]. At the core, is the idea that there would exist a close and strong correlation between economic well-being of a country and the likelihood for a state to be democratic. The importance of the economic development as a factor explaining the emergence of democracy in a country, indeed, would not depend on economic growth in itself but more on social

[68] For some deeper insights on this theoretical approach, refers to Zacharia, 2004; Manfield and Snyder, 2005; Burnell, 2004; Carothers, 2004.
[69] Lipset, 1959.

consequences entailed by economic development. These intermediate variables, namely a rising levels of education and urbanization, an higher vertical social mobility, a growing middle-class, a stronger lower-class, a more egalitarian set of values and a mounting level of civic engagement in organization and associations, would positively affect political attitudes and values of citizens and long-term perspectives of democratization. The rising political participation, indeed, would foster democratic values and limit the ruling class' grip on power and restriction of civil and political freedom[70].

If we interpret what is foreseen in the context of ENP Action Plan in light of this logic, therefore, the lack of direct form of intervention in areas of democracy and human rights can be justified as required by the need to pursue, first of all, economic and social dimensions of a country's development.

In the Moroccan case, the social priority[71] accounts for the 45% of EU cooperation budget for the period 2007-2010, while the economic one represents the 36% of funds.

A similar path is followed in the cooperation framework with Egypt, where the economic priority (40%) is more then balanced by some sort of social provisions such as support for the education and public health reforms.

On the other hand, in the case of Tunisia, apart from the absence of any programme related to human rights and democracy, the EU cooperation framework does not include direct support to social phenomena, thus leaving economy as the only field of cooperation with the country.

While structural theories would justify this "economy first approach", the limitation of EU cooperation to the economic governance in its strict meaning sounds particularly striking compared to the declared objectives which, far from clarify the intention to pursue an "economic first approach", are rather ambitious and addressing democratic discourse in a quite direct way.

To give an example, the Country Strategy Paper for Tunisia, elaborated under the ENP, mention medium-term political reforms concerning democracy, human rights, the rule

[70] Lipset, 1981, pp. 39-51.

[71] The social priority comprises support for the National Human Development Initiative (alleviation of poverty and social exclusion and reduction of social risk factors), for the national literacy, for the education policy, for the consolidation of basic medical cover and for the health sector.

of law and sound institutional governance as one of the main EU's strategic priority objectives for 2007-2013[72].

While the difficulty to start a dialogue on democracy and human rights with authoritarian countries can not be underestimated, it still persist a matter of coherence on EU objectives when it comes to their translation into consistent sub-strategies and actions. The problem of the coherence, indeed, is first of all related to the credibility of the EU as an international actor seriously willing to foster genuine democratic transitions. Furthermore, the neighbours partners' perception of this EU credibility and willingness is of the utmost importance as a first factor of success of political dialogue on human rights and democratic issues.

The EU choice of avoiding addressing democratic shortcomings by going directly at the political dimension of the problem has assumed different forms. In the Moroccan case this attitude has been translated in a strong support on moderate political reforms which where already part of the authoritarian government agenda, while in the cases of Tunisia, Algeria and Lybia democratic and human rights aspects have been clearly put off of the agenda when it came to translate statements of purposes into effective actions.

In the light of the theoretical framework analyzed so far, the EU orientation under the ENP would be the one of "playing the wait game"[73], aan engagement limited at a mere support of economic competitiveness and growth of the partner country which would hopefully generate domestic pressure for political liberalization. In that way, the democratic opening would become a long, more solid and rooted process more likely to consolidate.

Nevertheless, even though modernisation theories are founded on a strong statistical evidence on the positive impact of economic growth on democracy[74], some arguments can also contradict this deterministic logic.

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[72] See ENPI, Tunisia Strategy Paper 2007-2013 and National Indicative Programme 2007-2010, available at http://ec.europa.eu/world/enp/documents_en.htm.

[73] Burnell 2004, p. 104.

[74] The statistical correlation between economic development and democratic perspectives has been tested by some scholars by use of indicators such as the gross domestic product per capita and the number of democratic regimes. See, for example, Przeworski, Alvarez, Cheiub *et al.*, 2000; Boix and Stokes, 2003.

At this regard, some scholars argue that the alleged automatic correlation between socio-economic preconditions and democratic openings of an authoritarian regime can not be given for granted and it is weaker than it seems[75].

On one hand, indeed, factors favouring democratisation can not be considered as necessary and unavoidable conditions while on the other, we can not assume that the attainment of certain social conditions will mechanically bring democratisation.

As underscored by Huntington, indeed, there is a significant number of cases in which the democratic process has started in correspondence with low level of economic growth while, in other circumstances, authoritarian political systems have persisted despite of rising level of economical growth[76].

Furthermore, the economic first approach, as one example of the so-called "sequentialist" tendency to democracy promotion, has been criticized as a sort of ill-funded logic which would be meant to downplay democracy promotion in order to maintain friendly relations with autocracies[77].

As it will be discussed further on, a more viable alternative is considered to be the *gradualist* approach, which can be considered as characteristic of the EU pattern of democracy promotion under the EIHDR and that "aims at building democracy slowly in certain contexts, but not to avoiding it or putting it off indefinitely"[78].

In this perspective, the main risk of the economic first model, that is funded on the optimistic belief that economic development could bring directly to rule of law reform, is that authoritarian leaders would commit to socioeconomic progress but without any democratic purposes. The economic development of their respective countries could serve as a tool to hold their power by enriching themselves, favouring certain social groups or decreasing the number of political rivals[79]. Eventual forms of rule of law entailed by economic development could therefore be limited to the ones necessary to create a functional commercial system, without including essential component of

[75] Lipset, 1981, p.28.
[76] Huntington, 1991, p. 63.
[77] Carothers 2007, p.13.
[78] Ibidem, p. 14.
[79] Idem.

genuine rule of law improvements: civil and political liberties, a political power bound to the law and the independence of the judiciary.

Without these core-components of political change, economic development could thus serve the purpose of strengthening, instead of weakening the authoritarian elites' hold on power.

The incompleteness of the "economic first" approach, which has been the main criteria of EU policies towards its neighbours, should not entail an entire underestimation of the economic and social conditions that can positively influence the likeliness of a country to be democratic.

Nevertheless, even tough some economic and social factors of democracy do exist, thus justifying the EU choice to intervene primarily on economic priorities, they have to be considered more as facilitators then as preconditions. Addressing these conditions, therefore, is not to be considered as an alternative to a direct intervention on core elements of democratization.

1.4 Towards positive conditionality as consequence of the consensual approach

The European Neighbourhood Policy, besides providing the basis for financial assistance, includes conditionality as a further instrument of democracy promotion.

From a theoretical view point, conditionality has been defined as "the linking by a state or an organisation of perceived benefits for a state to the fulfilment of conditions by that state"[80]. At the basis of this instrument, lays the idea that the behaviour of an actor can be influenced through the attribution of rewards or punishments according to their eventual compliance with political conditions.

The principle of conditionality towards North African states is enshrined within Bilateral Association Agreements, envisaged in the framework of the European Mediterranean Partnership as one of the outcomes of the Barcelona Process.

Democratic principles and human rights as core-principles of this new partnership are underscored in the Barcelona Declaration when it commits all participants to the general

[80] Smith, 1998, p. 253-274.

objective of "turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity, which requires a strengthening of democracy and respect for human rights, sustainable and balanced economic and social development, measures to combat poverty and promotion of greater understanding between cultures, which are all essential aspects of partnership"[81].

Nevertheless, this commitment to the promotion and spreading of democratic norms and respect for human rights and fundamental freedoms is not meant to represent a coercitive imposition of norms. According to the Barcelona Declaration, indeed, Mediterranean partners should "develop the rule of law and democracy in their political systems, while recognizing in this framework the right of each of them to choose and freely develop its own political, socio-cultural, economic and judicial system"[82].

To this aim, Association Agreements signed with Algeria, Tunisia, Morocco and Egypt, enshrine a sort of conditionality clause when they remind that the respect for democratic principles and human rights constitutes an "essential element" of the agreement, which should inspire internal and international policies of the EU and the partner country[83].

Therefore, in case of violation of principles agreed in the context of political dialogue, partners of the agreement could take "appropriate measures"[84], which are supposed to be punitive. The model of conditionality thus applied is, therefore, a negative one in that it envisages possible sanctions as a response to non-compliant behaviour.

Further confirmation of principles which are expected to govern the EU partnership with its Southern Neighbours, is provided by the ENP Strategy Paper when it underscores "the mutual commitment to common values principally within the field of the rule of law, good governance, the respect for human rights, the promotion of good neighbourly relations and the principles of market economy and sustainable

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[81] European Commission, *Barcelona Declaration*, cit., 1995..

[82] Ibidem.

[83] Full texts of Association Agreements signed with Mediterranean partners are available at the EU website, in the section devoted to relations with third countries (http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r14104_en.htm).

[84] See, for example, art 90,2 of the Association Agreement with Morocco, available at http://eur-lex.europa.eu/.

development (...). The level of ambition of EU's relationships with its neighbours will take into account the extent to which these values are effectively shared"[85]. Notwithstanding this ambition, "joint ownership of the process, based on the awareness of shared values and common interests, is essential. The EU does not seek to impose priorities or conditions on its partners"[86].

This declaration of principles expresses EU willingness not to impose unilaterally certain development policies nor, more specifically, any actions in the field of democracy and human rights. This rather "consensual approach" implies that principles, objectives and purposes of cooperation are supposed to be formulated and agreed in consensus with the partner country of cooperation frameworks. Evaluation mechanisms are also to be carried out on the basis of mutually accepted indicators and benchmarking criteria.

The establishment of the ENP, therefore, has added an element of *positive* conditionality, compared to the one envisaged by the EMP.

Through the drafting of Action Plans, indeed, reform priorities become the result of a consensus-building process which is aimed at highlighting shared values and principles. Into this framework, additional rewards are expected to be delivered depending on progresses made on the implementation of reform priorities[87].

Notwithstanding, it can be argued that political conditionality, rather then being purely based on joint ownership, is based on an asymmetrical relation between the EU and partner countries. Even though reform priorities and purposes have to be agreed through a consensus-building process, only those countries that will commit themselves to a process of political reforms will receive benefits from the Neighbourhood Policy[88].

Accordingly, the ENP do not contain any suspension clause. This sort of political clauses of conditionality, as described by Borzel and Risse, "tries to manipulate cost-benefit calculations through creating incentive structures"[89].

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[85] European Commission, COM (2004) 373, 2004.
[86] Idem.
[87] Eike , 2007, p.45.
[88] Del Sarto and Schumacher, 2005, p. 23.
[89] Borzel and Risse, 2005, p. 19.

The model of conditionality which applies to Northern African states is an incentives-based one, which is commonly defined as "positive conditionality". It is indeed characterized by the attribution of advantages to the partner country provided it achieves political and economic conditions and makes progresses on the implementation of priority political reforms[90]. The conditionality, therefore, is "positive" to the extent that the behaviour of an actor, when consistent with required political standards, is awarded with incentives such as an increasing of economic aid[91].

This EU attitude constitutes a meaningful reversal of the sanction approach, represented by negative conditionality, in favor of a sort of constructive dialogue. *Cooperation* is, therefore, the new key principle of EU cooperation with its neighbours, to whom the EU is reluctant to impose sanctions, as is demonstrated by the fact that sanctions have never been applied in any of the countries here analyzed[92].

According to some literature[93], the cooperative approach, while being an undeniable advantage, would present some limits because of the lack of clear and well defined criteria as a basis to evaluate compliance with declared principles on democracy, fundamental freedoms, human rights and the rule of law[94].

The positive conditionality is thus expression of this constructive approach which is one of the main trends of development policies in the last decades, as outlined in the Council Resolution on Human Rights, Democracy and Development in 1991[95].

According to this pattern of cooperation, the best way to promote the respect for human rights and fundamental freedoms, as well as to foster democratic transition, would be to engage in an open and constructive dialogue with third authoritarian countries instead of pressure them into compliance.

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[90] On the concept of positive conditionality, see Smith K., 1998, pp. 253-274.

[91] In general, other possible rewards that can be attributed to a partner country in the context of "positive conditionality" are diplomatic recognition, free trade and membership to an organization.

[92] Negative conditionality is commonly based on the decreasing of financial assistance, suspension of new projects, suspension of membership in an organization, embargo measures or, in the most serious cases, military intervention.

[93] Smith,1998, pp. 253-274; Del Sarto and Schumacher, 2005; Schimmelfennig and Scholtz, 2008.

[94] Borzel and Risse, 2005, p.5

[95] Council of the European Union, Resolution of 28 November 1991, OJ EEC 11-1991, 122ff.

One example of positive conditionality is the "Governance Facility", a system of additional allocations delivered by the EU to countries effectively making steps in the field of democracy and human rights[96]. The underlying assumption behind this approach is that the evaluation of processes made by partner countries towards democratisation should be based on the rewarding of relative progresses rather than criticism about democratic and, in general, political shortcomings[97].

But this consensual approach could reveal too few ambitious for certain countries.

The EU, indeed, under the multi-sector framework of ENP, deals with partners countries which, as it has been shown when analyzing different case studies, are characterized by quite different levels of authoritarianism and different levels of democratic opening.

Nevertheless, the positive approach, being based on an underlying principle of "managed compliance", has been supported by scholars of the so-called Management School in International Relations as being more effective than the unilateral enforcement of sanctions[98]. The latter solution, instead, has been rather supported by power and interested base approaches, such as realism.

The EU attitude towards a non-coercitive pattern can be defined as one of soft diplomacy, which has been transferred from Association Agreements with Asian, Caribbean and Pacific States (ACP countries) into other areas of EU's external relations with third countries.

But to what extent is this approach credible?

According to the "external incentive model", dimensions to be taken into account when evaluating the effectiveness of conditionality policies of international organisations are the following: the size and speeds of rewards, the existence of well determined and clear conditions, the credibility of conditionality and the highness of compliance costs for the third country[99]. The credibility of conditionality, according to this theoretical approach, would depend principally on the costs of delivering the incentive for the international

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[96] European Commission, COM (2006) 726, 04/12,2006.

[97] This approach is also underlined in the European Commission non-paper, *Principles for the implementation of a Governance Facility under ENPI*, 22/02/2008.

[98] For further information about this theoretical approach, see Chayes and Chayes, 1995.

[99] Schimmelfenning and Sedelmeier, 2005, p7.

actor - which have to be relatively low – and on the consistency of the conditionality policies, in that they do not have to be perceived by the target country as subordinated to other priorities by the international actor.

Equally important are the costs for the target country to engage in a liberalisation process: the higher they are, the less likely will be the compliance to political standards and democratic principles.

In the absence of an eventual membership perspective, for North-African states it can be argued that possible benefits deriving from compliance with political standards could not be enough for the partner authoritarian country to engage in the reform process. Indeed, the internal costs of compliance with democratic principles and human rights could be perceived as too high, thus resulting in a *de facto* inefficacity of conditionality as an instrument of democracy promotion.

1.5 Conclusion: the risk of inconsistency

The enquiry carried out on financial assistance and conditionality, as the two main instruments available for the EU to implement its declared objectives on democracy promotion under the ENP, has shown some strengths and at the same time weaknesses of EU action.

As regards strengths, the existence of a complex framework like the ENP which is provided with high budgeting for financial assistance to North African countries is surely an aspect that could pave the way for more substantive support for democratic reform. Furthermore, the growing importance attributed to democratic concerns in the Southern Mediterranean area is, in itself, a meaningful leap forward in EU strategic thinking.

At the same time, the space available for democracy and human rights within the geographical instrument seems to be rather tight and subjected to two main constraints: the entirely top-down approach of democratic initiatives and the almost exclusive focus on economic priorities which governs EU relations with the hardest states.

With regards to the first element, the EU tendency to strictly support reforms already started by authoritarian governments risks to provide them with a sort of alibi not to commit to a genuine political liberalization.

As hilighted by Gillespie and Withehead, "without ostentatiously repudiating the EU pro-democratic agenda, North African governments have contrived either to nullify its impact or to reorient it towards projects compatible with their own objectives. This does not mean that EU actions are entirely unlikely to bring about democratic changes in North African countries in the long term, but that support to democracy under geographical instruments should use political leverage to be more audacious and not be limited in supporting what authoritarian regimes have already decided to do"[100].

While concrete actions to promote democratic reforms towards North African states are understandably studded with obstacles and difficulties, the EU discourse on democracy promotion remains very ambitious, thus raising a problem of consistency. The latter risks, therefore, to generate expectations and to lower EU credibility when ambitious objectives clashes with realistic constraints, which exist especially when it comes to deal with states less willing to open to political liberalization.

In relation to conditionality, the selectiveness of its concrete application can run against credibility as well. While the consensual approach could be constructively used to foster democratic change in a non-conflictual way, in the reality it seems to have been interpreted just as a way to minimize political risks.

The likeliness of more "apolitical" instruments, such as the thematic ones, to balance this tendency though a bottom-un approach to democracy promotion will be dealt with in the next part.

[100] Gillespie and Withehead, 2002, p. 192.

Chapter 2 - The European Instrument for Democracy and Human Rights: promoting democracy through civil society

2.1 Introduction: financing Civil Society in order to circumvent the governments' consent

2.1.1 The local ownership of democratic processes

In the previous chapter we have analyzed the role of democracy and human rights promotion in the framework of the European Neighbourhood Policy as a geographical instrument of EU cooperation with Southern Mediterranean countries.

As it has been highlighted, one of the limits of that cooperation framework is the need for the EU to reach an agreement with the recipient - authoritarian - country in order to set political reform priorities. Furthermore, under ENP, funds are unlikely to be delivered to civil society, which is thus excluded from the reform process in the area of democracy, good governance and human rights promotion.

The consensus-building process, through which EU financial assistance to political reforms has to be agreed, makes the ENP, in essence, an instrument subjected to diplomatic constraints. In this context, the determination of democratic principles as terms of reference for political conditionality turns to be a political and diplomatic process. The latter factor accounts for the exclusion, from EU Action Plans, of the most sensitive political issues. As it can be argued by looking at Action Plans for Morocco, Tunisia and Egypt, core democracy and human rights-related issues such as political rights, parliaments' independence and government accountability are not addressed when it comes to define EU response strategy[101].

[101] Full texts of Association Agreements signed with Mediterranean partners are available at the EU website, in the section devoted to relations with third countries (http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r14104_en.htm.

Partially meant to overcome these obstacles, the original European Initiative for Democracy and Human Rights, while reiterating the EU objective of promoting the rule of law and human rights worldwide, further stressed the recognition of civil society as a key actor of the democratisation process[102]. Civil society's actors understood as those entities acting "to make the political and economic system more accountable and transparent"[103] became then eligible to obtain funds, with the view of fostering their capacities as promoters of bottom-up democratic reforms.

The new Instrument for Democracy and Human Rights (EIDHR), which has replaced the original one, keeps the same principles as source of inspiration and *raison d'être* of financial assistance to local and international Non-governmental Organisations[104].

It therefore falls into the category of positive instruments of democracy promotion which, as it has been already reminded, are concrete forms of support to targeted actions in third countries considered as favouring democratic transition[105].

According to the EU reiterated principle of "local ownership of the development and democratisation process", the EIDHR is thus an instrument conceived as to support processes, projects or reforms that are already part of the targeted state's civil society agenda[106]. It is therefore an approach that places the EU at the margins of locally driven processes which are deemed to need some support.

In EU discourse, indeed, "work with, for and thorough civil society organisations will give the response strategy its critical profile. It will, on the one hand, promote the kind of open society, which civil society requires in order to thrive and, on the other hand, will support civil society in becoming an effective force for dialogue and reform relying

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[102] Established in 1994, the European Initiative for Democracy and Human Rights has its legal basis in two regulations: 1) the Council of the European Union, Regulation No 975/1999 and 2) Council of the European Union, Regulation No 976/1999.

[103] Gershman, 2004, p. 29.

[104] Launched in December 2006, the European Instrument for Democracy and Human Rights has been established by the European Parliament and Council of the European Union, Regulation n°. 1889/2006.

[105] For a deeper analysis on positive instruments of democracy promotion, see Burnell, 2000.

[106] The European Parliament and Council of the European Union, Regulation No. 1889/2006 underscores several times the need to "strengthen civil society activities" (Art.1, point 2.a) and to reinforce an active role for civil society through support for civil society organizations (Art.1 and 2). Furthermore the EIDHR Strategy Paper 2007-2010, art.6 stresses the "continuing concern about the need to maintain a clear priority for civil society, as compared to support for intergovernmental bodies". On the same line, Art 11 reiterates "the continuing importance of supporting civil society and human rights defenders to help empower citizens, allow them to claim their rights and build and sustain momentum for change and political reform".

on the role of men, women and children as individual with the power, capacity and will to create development"[107].

In contrast to the geographical Neighbourhood Policy, the EIDHR financial initiatives do not require the recipient government-consent to be applied, thus allowing for a greater involvement of local civil society in the process of democracy promotion. It could thus be applied in whatever authoritarian country, unless extremely harsh internal constraints would impede forms of actions coming from the civil society. The EU plays, therefore, a role of mere facilitator of democracy and human rights projects. This trend is confirmed by the fact that actions are financed through Call of Proposals, thus in an indirect and reactive way which is meant to just select among different applicants eligible for funds. The latter can be delivered for three different kinds of projects: Micro-projects with a maximum budget of €100,000 (aimed at supporting local NGOs' initiatives in the area of human rights and democratisation on a small-scale through a call for proposals), macro-projects with a budget of no less then €300.000 (delivered through a call of proposals which exclude from application national an international governmental organizations or institutions) and targeted projects.

2.1.2 Which specific objectives to promote democracy and human rights?

The Strategy Paper of the European Instrument for Democracy and Human Rights spells out the objectives to be met though the financing of civil society's activities worldwide:

> 1) Enhancing respect for human rights and fundamental freedoms in countries and regions where they are at most risk;
>
> 2) Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation;
>
> 3) Supporting actions on human rights and democracy issues in areas covered by EU Guidelines including on human rights dialogues, on human rights defenders, on the death penalty, on torture and on children and armed conflict;

[107] EIDHR, Strategy Paper 2007-2010.

4) Supporting and strengthening the international and legal framework for the protection of human rights, justice, the rule of law and the promotion of democracy;
5) Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation[108].

The fact that the EIDHR can be implemented with partners other than national governments, in particular with local and international organizations and NGOs, and without the need of the recipient country's government consensus should allow the EU to bypass diplomatic constraints and political considerations[109].

These intrinsic characteristics of the EIDHR as a horizontal, thematic instrument of EU democracy assistance worldwide would raise high expectations on the EU use of the wide margin of actions that the EIDHR seems to provide.

But have effective actions been consistent with EU purposes and objectives towards North African states? And *which* democratic principles and dimensions is EU aiming to export toward its neighbours?

The following part will analyse the nature of EU democracy promotion strategy and the substance of effective projects financed under the EIDHR from 2007 to 2010 in North Africa. A comparative overview will thus help understanding the meaning of EU approach to democracy promotion by looking at the directness of financed actions, the actors involved, the intensity of the aid delivered, the political issues addressed.

2.2 EIDHR implemented projects in Morocco, Algeria and Egypt: what is the EU trying to export?

According to EU declared purposes, activities to be supported under the EIDHR should be the ones *directly* contributing to ameliorate situations related to the freedom of thought, opinion and expression, and the right of assembly, association and movement[110]. With regard to the selection criteria for countries to be targeted, the

[108] Idem.
[109] Equally eligible for funding are national, regional and local authorities as well as EU-based organizations, as clarified in Council of the European Union, Regulation No. 2240/04 and Regulation No. 2242/04.
[110] EIDHR, Strategy Paper 2007-2010.

purpose would be the one of focusing on situations where there is a "serious lack of fundamental freedoms, where human rights defenders are most under pressure, where civil society operates with difficulty and where there is little room for political pluralism"[111]. Accordingly, situations targeted should be the ones characterized by serious limitations on the right to freedom of peaceful assembly, on the right to freedom of expression, to information and to communicate, on the right to life and physical and mental integrity as well as on the right to a fair trail and due process.

Beside the thematic dimension, country-based support schemes are foreseen in countries with a relatively open society allowing for the development and activities of civil society organisations but where the latter may be without much organisational capacity, influence and cohesion or where there is a well-funded need for more effective actions by civil society organisations in the field of human rights and democratisation.

Civil society is thus conceived as "a substantial force for positive change and reform", even though other specific priorities could be established "on the basis of EU policy considerations"[112].

Under this framework, a considerable number of projects have been implemented in Morocco, Algeria and Egypt between 2007 and 2010[113].

They are manly described in EU official documents as falling under the following categories: human rights, democratic participation, capacity building of organisations, constitutional and legislative reforms, fight against corruption, access to information and transparency, access to justice, torture prevention, urgent responses to protection needs, peaceful conciliation, human rights education and awareness raising, women rights (their equal participation in civil society, fight against gender-based violence, political participation), children's rights, access to education, adoption of international

[111] Ibidem.

[112] Ibidem. It is worth highlighting that targeted countries for the EIDHR are approved by member states in the Council of the European Union, thus allowing for some margin of discretion depending on political influences.

[113] Other then being eligible for macro projects, Egypt, Algeria and Morocco have been identified as focus countries, thus targeted for micro-projects as well.

legal standards, promotion of core labour standards, constitutional and legislative reforms, women's political participation[114].

At least from a formal point of view, the use of these categories is symptomatic of a quite complex approach to democracy and human rights promotion, which is conceived as a broad commitment to be pursued through an all-encompassing approach to political transitions.

The EU democracy promotion framework that can be deduced from the EIDHR Strategy Paper encompasses political and civil rights, as well as economic, social and cultural rights. It also focuses on children and women's rights as a core issue deserving deep attention and affirmative actions. Being a horizontal instrument, individual strategies tailored for different countries' needs do not exist. Therefore, in order to verify which patterns of democracy and human rights promotion have actually been applied and if they have been diversified according to different political needs, an empirical analysis of actions financed by the EU is required.

The analysis of implemented projects in North African countries between 2007 and 2010 will take into account some dimensions which are particularly relevant: the issues and political shortcomings addressed by different actions, the eventual local ownership of projects (nationality of beneficiary organisations), the category used by the EU to subsume the action, the coherence between the substance of the projects and declared objectives and use of labels.

Projects funded by the EU, cover a wide range of problems, actors and areas and can generally be classified as contributing to social and economic development, as well as human rights awareness raising activities promoted by grass-roots civil society organisations.

Projects which have been funded under the label of "human rights" have addressed issues such as: the reintegration of ex-migrants - women in particular - in the economic

[114] A detailed list of projects implemented from 2007 to 2010 in North African Countries under the EIDHR instrument can be found on the Europe Aid website by selecting the title "human rights and democracy" on the general database of all development cooperation projects (database available at http://ec.europa.eu/europeaid/work/funding/beneficiaries/index.cfm?lang=fr&mode=SM&type=grant Can you).

life at the regional level (Morocco), the promotion of international conventions (Convention on the Rights of Persons with Disabilities, Optional Protocol to the Convention Against Torture), the fight against xenophobia (Morocco), the reinforcement of civil society in the field of democratic practices (Morocco, Algeria), the strengthening of trade union's role in promoting workers rights, the abolition of death penalty (Morocco, Algeria), the protection of Human Rights Defenders (Morocco, Algeria, Egypt), peace building and strengthening of reconciliation capacities at the regional level (Algeria), training programmes for peace educators (Algeria), promotion of disabled people's rights (Morocco, Algeria)[115]

The importance of women and children rights is notably stressed in projects aimed at fighting against gender-based violence (Morocco, Algeria, Egypt), promoting gender equality (Morocco, Algeria), reducing violence in schools (Algeria, Egypt), promoting children's rights and rehabilitating children victims of terrorism (Algeria), respecting economic and social rights of disabled children (Egypt), awareness raising about negative implications of tribe's marriage (Egypt), support for women leadership and public participation (Egypt) and, in general, awareness-raising activities about children and women rights.

In all the three case studies, a significant role is attributed to the rule of law and to the justice sector as priority areas where the respect for human rights and democratic practices has to be institutionalized. In Morocco, as well as in Egypt and Algeria, the institutionalization of a human rights approach to the justice system, the independence of the judiciary, the enhancement of young peoples' role in combating corruption and the promotion of a gender based approach in the justice area constitute the core objectives of reform projects.

This prioritization of action and reforms related to the justice sector, as it has been highlighted in the previous chapter, is also a main feature of projects implemented

[115] List of projects provided by EU Delegations in Morocco, Egypt and Lybia websites (http://www.eeas.europa.eu/delegations/web_en.htm).

under the European Neighbourhood and Partnership Instrument in Egypt and Morocco[116].

In EU perspective, the improvement of democratic practices and respect for human rights in the justice sector, as an aspect of the rule of law, seems to play a central role as a fundamental requisite of democratic transitions. In Morocco, out of 24 projects implemented between 2007 and 2009, 8 are directly related to the field of justice, either in the form of the institutionalization of human right approach through training of judges, or through the improvement of prison conditions, or the fight against corruption at the local as well as at the national level. To a lesser extent, in Egypt, out of a total of 18 implemented projects, 4 foresee the mainstreaming of human rights in the field of justice or the promotion of the democratic process through the training of prosecutors and judges. In general, a considerable number of programmes, even when not directly related to the field of justice, envisage the involvement of judges, prosecutors and lawyers as targets of training activities or exchange of know-how.

The important role played by the rule of law on EU projects is generally coherent with EU discourse on democracy promotion, where the rule of law is emphasized as one of the core component of political liberalization. From a theoretical point of view, this strong belief on the rule of law as the leading force of democratization is uphold by arguments in favour of a sort of "democratic sequencing"[117]. According to this way to interpret democratic transition and, as a corollary, democratic promotion, the rule of law would be one of the cardinal pre-requisites for democracy to succeed in a certain political system.

On the other hand, the accentuated focus on the access to justice and the rule of law in EU funded projects has not corresponded to an equal attention to the *political* aspects of democratisation. As it will be discussed further on, this approach to democracy promotion has been accompanied by some criticism which considers the indirectness of EU supported projects as a cause of ineffectiveness.

[116] On this topic, see paragraph 1.3.
[117] Carothers, 2007, p. 12.

It can also be argued that the concept of "democracy", which is underscored and emphasized within official documents related to the EIDHR, tend to be rather blurred in the wording used for concrete projects. The latter tend to be focused on protection of vulnerable groups, while actions explicitly mentioning "democracy" are relatively few and generally tend to promote "human rights" and "democracy" as interchangeable principles. The use of categories can thus turn to be misleading as for example in the Moroccan case where, four projects formally aimed at "democratic participation" are actually targeting small realities and groups (disabled people in Casablanca, rights of prisoners, development of social capital in rural areas)[118]. The Algerian case is rather representative of this partial approach. Between 2007 and 2008, just two projects have been financed under the EIDHR budget. Both of them subsumed under the themes of "democratic participation" and "human rights", one was addressing the exclusion of disabled people from social exclusion and the other the rehabilitation of children victims of terrorism. While being meaningful projects for the improvement of social inclusivity, their link to the democratic process appear less direct and evident.

The limited thematic and geographical reach of some projects concerns also the Egyptian case, where a consistent number of projects are implemented in the context of small communities or regions[119].

On the other hand, coherently with EU conception of democracy assistance as a support to *locally* owned processes, the majority of projects are carried out by local organizations in all the three case studies, with some exception represented by transnational programmes implemented by international NGOs or agencies.

In the cases of Lybia and Tunisia, any project has been funded under the EIDHR between 2007 and 2010. Analogously with the case of the ENP, these two countries provide a "negative" example of EU democracy assistance, meaning that any NGO's

[118] Data provided by the EU delegation in Morocco (.http://eeas.europa.eu/delegations/morocco/index_fr.htm).

[119] For example, in the Algerian case, the project "strengthening capacities for a better action", aimed ad setting up a peaceful and non-violent culture, is limited to the Kabylia region; similarly, the project "strengthening civil society capacities in advocating and protecting human rights" concerns just the collectivities of Tizi-Ouzou and Bejaia. Analogously, in the Egyptian case, projects aimed at promoting gender equality and rights of the child are mostly limited to rural communities.

activity in the area of democracy and human rights has been implemented or at least targeted through call of proposals.

Indeed, the only projects that have been financed under the Instrument for Democracy and Human Rights in both Tunisia and Lybia are hardly conceivable as having democratizing effects, being principally aimed at achieving a joint management of migration flows[120].

This immobility of EU action in those two countries, which also represent the ones most problematic for their democracy and human rights situations[121], is in contrast with the EIDHR declared purpose of "enhancing respect for human rights and fundamental freedoms in countries and regions where they are at most risk"[122].

This apparent gap between objectives and the elaboration of coherent sub-strategies can be attributed to the economic (and security) first approach that seems to inspire the EU when it comes to formulate standards of cooperation with the "hardest" states. This attitude is clearly explained in official documents, as in the ENPI strategy paper for Lybia, where, in a rather realistic perspective, the political dialogue and EU engagement with Lybia is defined as "very recent and fragile". In EU perspective, therefore, a step-by-step approach is the strategic response to be adopted because "mutual knowledge and trust need to be strengthened before an ambitious and far-reaching programme of cooperation, dealing with very sensitive issues, in particular in the governance area, can be envisaged"[123]:

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[120] See EuropeAid Database on Development Cooperation at http://ec.europa.eu/europeaid/work/funding/beneficiaries/index.cfm?lang=fr&mode=SM&type=grant Can you.
Another project that has included both Lybia and Tunisia is aimed at supporting and strengthening the capacity of human rights defenders. Nevertheless, it has been carried out abroad, by a Danish organization, and it is addressed more generally to the whole Euro-Mediterranean region.

[121] For the year 2010, on the basis of Freedom House evaluation criteria (see footnote n°1), Tunisia was given the scores of 7 for political rights and 5 for civil rights, while Lybia was attributed, the score of 7 for both dimensions (out of 10 which represents the least degree of freedom).

[122] EIDHR, Strategy Paper 2007-2010.

[123] ENP, Lybia National Indicative Programme 2011-2013, available at http://ec.europa.eu/world/enp/documents_en.htm.

2.3 Common tendencies of EIDHR implementation in North African States

2.3.1 Thematic and geographic selectivity

The analysis carried out on projects supported by the EU under the EIDHR budget, has revealed that no one of them can be considered as supporting civil society's direct action to push for democratic reform and exert pressure on state authorities. Differently from the declared objective of supporting activities that *directly* contribute to improve the freedom of thought, opinion and expression, and the right of assembly, association and movement[124], activities financed under the EIDHR from 2009 to 2010 can be considered as rather indirect forms of democracy promotion. Civil and political rights tend to be excluded from this approach, while economic, social and cultural right are prioritized through rather apolitical measures targeting vulnerable groups such as disabled people, migrant women, children in schools, nomad populations, marginalized producers.

On the other hand, financed activities are far from supporting core political issues that are responsible for the extreme concentration of political power that characterize North African regimes. The dominant attitude is the one of supporting the economic and social development, as it is also the case under the ENP, even though the latter envisages an entirely top-down approach that is only partially compensated by the support to civil society organizations provided by the EIDHR.

As it has been underscored in the previous paragraph, according to the principle of the "local ownership" of the democratisation process, EIDHR funded projects are formulated locally and identified through call for proposals. This characteristic of the democratic promotion through civil society places the EU at the edges of the process, thus limiting its role into the one of selecting projects that are perceived as the most likely to contribute to EU objectives. The partiality and selectivity of some of EU funded projects in Morocco, Egypt and Algeria can not, therefore, be considered as merely intrinsic to EU approach.

Nevertheless, by looking at sectors prioritized by EU within Call of Proposals, some limits of selection criteria can be deduced. This selectivity concerns both thematic and

[124] EIDHR, Strategy Paper 2007-2010.

geographical choices. To give an example, in the 2008 call for proposal for Morocco, which general objective is to "strengthen civil society's role in promoting human rights and democratic reforms", the fields in which civic organisations have to concentrate in order to be eligible for funds are the promotion of human rights in the field of justice, the improvement of prisons' condition, the promotion of worker's rights, the abolition of death penalty, good organization of parliaments, fight against corruption, disabled peoples' involvement in civil society, professional training for journalists, civil society monitoring of EU-Morocco Action Plan.

The Call for Proposals further stresses the priority that will be given to projects involving children, women and disabled people. This confirms the tendency on shifting the attention to the prioritization of social rights, while leaving aside actions pushing for political reforms through pressure on state authorities. Indeed, matters of accountability of political authorities and transparency are not addressed, with the exception of parliament's organisation that can be considered as a way to strengthen the independence of the legislative power. In the Egyptian case, eligible actions in 2010 where the ones aimed at providing legal advice and assistance, intervening on prisons conditions, monitoring the pre-electoral phase. Also in this case, any civil society's activity aimed at directly exerting pressure on state authorities for priority political reforms was planned to be financed[125].

In relation to geographical selectivity, any call of proposal from 2007 to 2010 has targeted Tunisia or Lybia in the framework of macro-projects or country-based support schemes. This gap should not be explained by the situation of bilateral relations, since projects launched under the EIDHR do not need the consent of the third country. However, it can be argued that when the choice of targeted countries does not respect the principle of "regions where human rights and fundamental freedoms are at the most risk", other criteria and priorities have prevailed that could have been perceived as incompatible with actions with democratic merits or, rather, as propaedeutic to them. Without any further explanations, the EU itself mentions "policy considerations" as one

[125] A data base of all call of proposals launched under the EIDHR is provided on EuropeAid web site (http://ec.europa.eu/europeaid/work/funding/index_fr.htm).

of the criteria that can be applied in the context of countries selection for democracy and human rights promotion activities to be financed[126].

2.1.2 The indirectness of the intervention

The cross-analysis of actions envisaged and implemented under the EIDHR budget in Morocco, Algeria and Egypt has evidenced that, as a common feature, actions financed represent rather *indirect* contributions to the declared objectives of democratic promotion. The main approach, therefore, is the one of supporting local processes that contribute to political change in a remote way. While these projects are deeply focusing on social and economic rights of vulnerable groups and on the general improvement of the access to justice, they tend not to address fundamental freedoms that in the normative framework of the EIDHR are defined as priority areas of action: freedom of thought, conscience and religion, freedom of opinion and expression, freedom of association and assembly, freedom of movement[127].

Theoretical approaches to democratisation processes, for example the one formulated by Carothers, consider the following as elements that need to be addressed for democracy promotion actions to be *direct*: respect for political and civil rights, broadening of the domain of political contestation to the whole range of political actors which accept to act according to the democratic rules, respect for the rules of fair political competition, reduction of the reserved political space[128]. Using this framework as a point of reference, none of the projects implemented in Morocco, Algeria or Egypt under the EIDHR can be subsumed under the category of direct instruments of democratic assistance. Indeed, they do not foresee financial aid to political forces or support for civil society's efforts to put governmental authorities under pressure for political reforms.

Nevertheless, some projects can be considered as less indirect forms of supporting social groups, as in the case of Morocco, where programmes falling under the label of

[126] EIDHR, Strategy Paper 2007-2010.
[127] Idem.
[128] Carothers, 2004, pp. 245-246.

"elections" targeted young people and women in order to foster their political participation and promote democratic principles and electoral transparency.

Even though the EIDHR; as a thematic instrument targeting civil society organizations, does not need consent of the government, it appears not to have been too ambitious.
The fact that the EIDHR budget is far lower then the one available under the ENPI makes funding for local NGOs insufficient to balance the top-down course of political reforms initiated by some North African regimes in the context of a controlled political liberalization. These top-down reforms are, on the other hand, conspicuously funded by the EU itself, as it has been argued in the first chapter. Two meaningful examples of this unbalanced EU financial commitments are represented by the Moroccan reform of justice, which had been supported by the EU from 2007 and 2010 accounting for 20 million euro out of 28 attributed to the "good governance and human rights priority" under the ENP[129] and the reform of the public governance, supported by the EU with a 73 million grant. On the other side, the total funds provided for Moroccan civil society from 2007 to 2010 under the EIDHR amounted to 3 million[130].
The direct funding to local civil society organizations certainly contributes to foster their role in social and political change. It is furthermore coherent with the principle of the "local ownership" of political transitions that have to come from indigenous forces and social dynamics. Nevertheless, low funding levels available under the EIDHR is inconsistent with the declared need to involve civil society in a decisive way, as it has been stressed by the European Parliament itself when it reminds the importance of civil society "regardless of the degree of willingness of partner's countries' governments to cooperate"[131].

[129] Morocco National Indicative Program 2007-2010, available at http://ec.europa.eu/world/enp/documents_en.htm.
[130] For further informations about financial allocations to CSOs of each country see EuropeAid website, section "beneficiaries", available at ec.europa.eu/europeaid/work/funding/beneficiaries/index.cfm?lang=fr.
[131] European Parliament, Resolution of 15 November 2007, (2007/2088 [INI]).

2.4 The accumulative effect of economic and social development: a gradualist viewpoint on democracy promotion.

As it has been demonstrated by use of qualitative and quantitative indicators, both financial assistance provided by the European Neighbourhood Instrument and the one available under the European Instrument for Democracy and Human Rights tend to prioritize social and economic aspects of development instead of political ones.

Under the ENP this is demonstrated by the much higher allocation of funds to social and economic needs compared to the one attributed to issues linked to good governance and human rights. In the cases of Algeria, Lybia and Tunisia economic and social aspects of cooperation with the EU are not even accompanied by provisions on political dialogue.

Even though in the context of a completely different framework, social and economic development continues to be the central focus of EU action in North Africa also under the EIHDR. Compared to the ENP, the EIDHR provides for a deeper focus on equitable growth and social equality in the form of projects targeting vulnerable groups.

Examples of action is this field are projects directed at improving nomad people's access to health care, raising awareness about disabled people's rights, contributing to the socio-professional insertion of young people (Algeria), as well as actions aimed at promoting marginalized producers' rights and raising awareness about the negative implications of some tribe's traditions (Egypt). With the same aim, in the Moroccan case, part of EU efforts to promote democracy and human rights are focusing on issues of economic and social empowerment, such as the strengthening of migrated women's role in promoting the economic development, the support to the creation of enterprises through the mobilisation of Moroccan diaspora established in Europe, the reinforcement of trade union's role in promoting workers' economic and social rights.

If we adopt theoretical approaches to democracy promotion, the EU attitude appears as falling into the so-called indirect or *gradualist* viewpoint on international support to democracy. This EU way to act at the edges of political processes in third countries would be justified by structural theories of democratisation, which establish a direct relation between economic well-being, social development and democratic opening of

an authoritarian regime[132]. As it has been said with regard to the economic first approach, social phenomena such as a more equal income distribution, rising levels of education, growing urbanization and higher level of civic engagement in civil society's organisations, would affect positively the likelihood of a state to be democratic by inducing democratic political values and attitudes[133].

By addressing economic and social aspects of development, therefore, the EU financial assistance would, in the long run, positively affect the level of political participation and contribute to the spreading of democratic values. Hence, even though core issue of political contestation are not directly addressed by the EU approach, modernization measures envisaged both under the European Neighbourhood Policy and the Instrument for Democracy and Human Rights could entail a sort of "accumulative effect" with some consequences on the ruling elites' ability to monopolize power resources and restrict civil and political freedoms.

This priority attributed to social and economical aspect was almost absolute in previous instruments of cooperation, as it is clearly stated in the regulation establishing the MEDA II instrument, where the European Council reminds that "the Community shall implement measures that (Mediterranean partners) will undertake to reform their economic and social structures, improve conditions for the unprivileged, and mitigate any social or environmental consequences that may result from economic development"[134].

This original pattern of EU external cooperation with Southern Mediterranean partners has certainly evolved towards a more direct reference to democracy promotion and the establishing of separate budget lines expressly meant to support democratic transitions in the authoritarian neighbours' countries. Nevertheless, the original approach has persisted within new instruments in the form of an extreme gradualism and caution in the promotion of political change, in the sense that almost any pressure is placed on the authoritarian government to start a course of political reforms.

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[132] Among structural approaches, modernization theories had the largest influence. At this regard, see Lipset, 1959.

[133] Lipset, 1981

[134] Council of the European Union, Regulation n° 2698/2000 amending regulation (EC) n° 1488/1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structure in the framework of the Euro-Mediterranean partnership.

It is nevertheless worth distinguishing between different degrees of indirectness in EU actions[135]. Programs financed under the ENPI are surely to be considered more indirect, by addressing pure economic issues as in the case of Algeria and Lybia, without any commitment related to a more equitable growth or sustainable development. Even in the cases of Morocco and Egypt, where some actions are actually envisaged in the area of good governance and human rights, there is a strong unbalance in the allocation of funds, the ones addressed to social and economic priorities being deeply higher.

The EIDHR offers a rather different panorama, where projects supported by the EU can be considered as *less indirectly* addressing democratic shortcomings of the concerned countries. It is the case for projects aimed at supporting associational life and at strengthening civil society capacities to act within the public sphere, as well as the ones related to participation, citizenship, good governance, human rights culture, reconciliation, rights of women, children and disabled people, professionalism of the media.

While the focus on economic development has led to an almost entirely passive democracy promotion strategy by the EU under the ENP, the financing of civil society actions is expression of a gradualist approach rather then an immobile one.

As an approach to democracy promotion, the gradualist strategy is considered by some literature as being a more sustainable alternative to a mere "economic first approach".

In the words of Carothers, the gradualist path of democracy promotion is a process in which "political space and contestation are progressively broadened to the point that democracy is achieved (...). It thus does not entail putting off for decades or indefinitely the core elements of democratisation – the development of fair and open processes of political competition and choice. It involves reaching for the core elements now, but doing so in iterative and cumulative ways rather then all at once"[136]. Accordingly, "while gradualism is a different way of engaging in or pushing for democratization now, in service of a belief in democratic possibility, sequentialism is a method for putting off democratization until some uncertain future time, rooted in scepticism about democracy's value and chances".

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[135] von Eike , 2007, p.24.
[136] Carothers, 2007, p.25.

Applying this theoretical framework to EU patterns of democracy promotion, we could thus assume that apolitical measures most commonly supported by the EU under the EIHDR, as well as within its cooperation framework with neighbour countries, could in the long run benefit democratisation in an indirect way by influencing social conditions considered as pre-requisites of democratic transitions.

Nevertheless, the indirectness of this approach, together with the partiality of the issues addressed, the selectivity of third countries involved and unbalanced financial allocations, raise a matter of coherence between the ambitiousness of declared objectives and the narrow space available for effective actions.

2.5 Conclusion: a partial strategy for too ambitious objectives?

As it has been shown through the empirical analysis on EIDHR projects, the gradualist approach to democracy promotion pursued by the EU under the thematic instrument has the merit of intervening on the so-called precursors of democratization through a process of dissemination of democratic values and human rights principles. As assumed by structural theories, whose main insights have been presented above, fostering social aspects of development is likely to entail in the long run the spreading of democratic values and attitudes, a sort of so-called "norm dissemination"[137].

From 2007 to 2010 the financing of projects through the EIDHR has been trying to foster the rule of law in Egypt and Morocco, as well as to strengthen CSOs capacities and promote a more equitable growth.

The idea that an authoritarian country must reach a certain standard with regards to social-economic requisites and the rule of law as propaedeutic steps before democratization is explained by the logic of the "sequentialist" approach, as it has been spelt out on the first chapter.

Nevertheless, the establishment of a well functioning rule of law is just one of the components of democratic transition. The latter is to be interpreted as a much more complex phenomena which included a serious political opening as well as fair, transparent and free elections, which are elements that have not been addressed in a

[137] Youngs, 2002, p.3.

systematic way by the EU framework of intervention towards North-African states so far. From a general overview of actions implemented under EIDHR, it seems that what has been addressed are specific human rights issues rather then a comprehensive strategy to promote democracy.

Furthermore, the absence of Tunisia and Lybia among countries in which projects have been financed and implemented is the proof of the limited margin of action that the EIDHR has to face when dealing with the hardest states in terms of human rights and democracy situation. Notwithstanding the diplomatic and political obstacles to an EU action in favor of democracy and human rights in these countries, the EIDHR, has an apolitical tool, would be expected to find ways of actions that could overcome these limits.

Nevertheless, it should not be underestimated that the narrowness of EIDHR field of action depends in part of the *reactive* nature of this instrument. Being meant to finance projects activated locally through Call for Proposal, a direct and *ad hoc* support of groups identified as protagonists of democratic transition is not envisaged. The latter factor can thus result in an impossibility to identify different political and social issues that in each country would need to be addressed to improve democratic perspectives and potentialities[138].

Another argument that could be brought to explain these gaps concerns the fragmentation, weakness and lack of dynamicity of civil society organizations in North African States. This factors surely account to large part of the lack of funded projects within a framework, as it is the EIDHR, that mostly relies on call for proposals, thus depending on projects concretely presented to obtain funds.

Nevertheless, rather then being a reason to give up with the idea of financing local CSOs by delivering funds just to state institutions and international NGOs, the weakness of local organization should be addressed as part of the effort to promote

[138] Some forms of ad *hoc measures* are foreseen but just as regards the protection of human rights defenders, as enshrined in the EIDHR 2007-2010 Strategy Paper and under article 9(1) of European Parliament Regulation (EC) No 1889/2006 (the Community should also be able to respond in a flexible and timely manner to the specific needs of human rights defenders by means of ad hoc measures which are not subject to calls for proposals).

democratic reform and remain coherent with the principle of the "local ownership" of democratic processes.

While a "genuine democratization" approach "undermining the very foundations of autocracy"[139] would not be realistic under an instrument of mere financial assistance, the extreme limitedness of funds available and the indirectness of intervention render the EIDHR unlikely to contribute substantially to declared objectives as regards North Africa.

The impression is that the EIDHR has been informed by the same spirit of the "waiting game" that characterizes much part of the democracy promotion strategy under the ENP. Inspired by the logic of gradualism, the EIDHR instrument seems thus to have been applied to North African States in a rather limited manner, almost as a way to avoid the negative effects of too sudden democratic changes.

[139] Brumberg, 2004, p.5.

Conclusions

The empirical enquiry carried out in this thesis has made possible an exercise of "deconstruction" of the EU discourse on democracy promotion towards North African states, which constituted the main aim of this dissertation.
The analysis of the substance and nature of positive instruments of EU democracy and human rights policy towards North African states has indeed allowed for some generalizations about EU attitude towards its Mediterranean neighbours. Furthermore, the use of five case studies, by enabling a cross-analysis of relevant dimensions and indicators, has turned to be a useful instrument to verify eventual divergences concerning the translation of objectives into coherent strategies.

The analysis has showed that the main feature of the EU approach in sustaining the development of democracy in North African states has been mainly the one of respecting the "local ownership" of political processes. The logic behind this pattern of action is thus the one of intervening at the margins of democratic transitions without imposing norms and rules in a coercitive way to avoid any conflict by opting for a consensual approach.
This *modus operandi*, even tough it has been translated in different forms, can be considered as a common feature of all EU instruments of democracy promotion, especially as regards financial assistance and conditionality policies.
The principles of local ownership of political reforms, as well as the consensual approach, have taken the form of financial support to government's administrative reforms in the framework of the geographical instrument of cooperation (ENP) or to local NGO's projects in the case of the thematic instrument (EIDHR).
Nevertheless, the undeniable advantage of supporting locally driven forces by avoiding any form of coercion, has in the other hand entailed the tendency to support reforms which were already part of the governmental agenda (under the ENP), thus failing to introduce more audacious reforms addressing sensitive political issues.

Even though in a different fashion, this trend has continued to be characteristic of EU actions under the EIDHR. The financing of projects through call for proposal has been aimed at supporting democracy and human rights in North African states in a rather indirect way. The impression is that, even under an instrument that would not need the government consent, the EU approach has been gradual and less audacious than it could have been. This has resulted in a sort of geographical and thematic selectivity of action that is in contrast with the ambitiousness of declared objectives.

In this respect, if we consider the notion of *strategy* as a calculated equilibrium between means and large objectives, we can as a first conclusion evidence the inexistence of a comprehensive strategy of democracy promotion towards North African States, but rather a sort of "learning by doing" attitude.

The most evident result of this approach is the existence of a gap between the complexity and broadness of EU discourse on democratic promotion towards North African States and the effective actions, which appear to be as rather partial.

Furthermore, the huge imbalance between funds provided under the ENP and the ones attributed to the EIDHR, which are much lower, entails that the chiefly top-down nature of political reforms is just in part compensated by the financing of civil society's initiatives.

While the cases of Morocco and Egypt provides for some meaningful examples of the EU attempt to promote democratic values and norms through the rule of law as a core element of democratic transitions, the cases of Lybia and Tunisia leave a lot to be desired. The absence of policies falling under the "democracy and rule of law" volet, can hardly be justified only by a sort of "economic first" approach. While the latter would be supported by structural theories, which believe in a direct link between economic development and democratization transitions, it results nevertheless too indirect to contribute to EU objective of promoting "a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean".

The strong focus on economic and social rights, in the EU perspective, would entail a sort of accumulative process favouring democratic transition in the long term. Nevertheless, in the short term, the exclusion of political issues, that are the big

responsible of democratic shortcomings, appears in contradiction with EU declared willingness to deal with political and civil rights to the same extent of economic and social rights.

The importance increasingly devoted by the EU to its southern Mediterranean partners, therefore, has not been accompanied by a proportional broadening of the democracy promotion approach, which fails to address core issues such as the extension of the reserved political space, the freedom of expression, the separation of powers.

It seems, therefore, that EU democracy promotion programmes have been carried out up to the point that this support would not create potentialities of conflict with the recipient government. The attempt to avoid any form of conflict is thus one of the causes of the extreme cautiousness of EU approach that generally tries to minimize political risks.

The latter tendency is attributable to EU democracy promotion towards the whole North African area, without particular differentiation according to individual country's specific needs. To the contrary, the hardest states (Lybia and Tunisia) have been *de facto* excluded by the reach of action of EU democracy and human rights policy.

The empirical analysis, while being chiefly concentrated on issues of democracy and human rights in the external dimension of EU policy, has collaterally evidenced the existence of others priorities that are privileged within the elaboration of strategies and budgets. This is the case for priorities such as social development and economic competition of partner countries, which in EU perspective is propaedeutic to democratic transition, but also for other issues that are less directly connected to the role of the EU as a norm exporter. The role of priorities such as stability, security and management of migration flows accompanies constantly EU discourse: an inextricable link is established between good governance, prosperity, stability and peace.

As highlighted by Young, "the EU pursues interests within an intensely normative framework and it is only thorough an understanding of this dynamic process that external policies can be analyzed (...)[140]".

[140] Youngs, 2004.

To put it otherwise, policies aimed at pursuing democratic change can be considered both idealist and pragmatic. While promoting democracy is to be considered as an idealist objective for the undeniable advantages in terms of freedoms and rights, it is a realist objective as well. In EU perspective, indeed, democracy is rarely described as an objective *per se*, but rather as linked to other considerations such as political and economic stability as well as security. From this viewpoint, then, promoting democracy becomes a mean rather then just a normative objective: it is a realist end in that in EU conception of its relations with Mediterranean neighbours the exportation of liberal democracy contribute to the need for stability and security.

The need to promote democracy in North Africa as part of a broader security strategy is a core element of EU discourse itself, as it is spelt out in the 2003 Security Strategy when it states: "the integration of acceding states increases our security but also brings the EU closer to troubled areas. Our task is to promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations where security and democracy are considered as two components of the same holistic approach"[141].

While being symptomatic of a far-sighted way to deal with security concerns, the risk of the holistic attitude could be the one of "securitizing" the concept of democracy and consequently adopting a too accommodating attitude towards authoritarian states in light of security priorities.

The idea of democracy promotion as a way to enhance security and stability is constantly present in EU official discourse as a *leit motif* of EU perception of its relations with Southern Countries.

While the connection between political liberalization and strategic stability can not be underestimated, a rethinking of democracy as an autonomous value to be pursued in itself would certainly help the cause of democratization. The risk, otherwise, would be to consider a too audacious political opening as a threat to stability.

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[141] Council of the European Union, *A Secure Europe in a Better World. European Security Strategy*, adopted at the European Council on 12 December 2003.

The need to deal with other priorities in parallel with human rights and democracy external policy, indeed, compels the EU to behave first of all as a diplomatic actor.

The diplomatic dimension of EU action is probably one of the causes of the geographical and thematic selectivity of the EU way to promote democracy. The latter, indeed, ends up being subjected to the state of bilateral interactions with the third authoritarian country concerned or, in some cases, to the need of preserving friendly interactions. The attempt to avoid addressing more sensitive political issues and democratic gaps is a natural consequence of these considerations.

On the other hand, the need for the EU to pursue other priorities could run against EU leverage in pushing authoritarian partner countries to engage in processes of democratic reforms. The credibility of negative and positive conditionality, which have rarely been applied, also depends on third country's perception of the importance the EU would attribute to democracy and human rights and to political change.

Third countries' commitment to political change, indeed, would also depend on how much political reform is considered as the only way to receive rewards from the EU or to avoid the imposition of sanctions.

The success of the EU in dealing with political changes occurring in North African states and in helping them to pave the way for a democratic transition will thus depend on EU ability to back financial assistance with an adequate diplomatic leverage. Indeed, a more ambitious approach could take advantage of some countries' willingness to obtain closer political and economic relations with EU as well as enhanced integration.

Nevertheless, the need to rethink the EU role as a democracy supporter towards North African states should not be interpreted as a way to underestimate the definitive and primary importance of *internal* impulses to democratization.

Revolutions and demonstrations occurred in 2011 in all North African States have shown that the quest for democracy is first of all an indigenous process before being a dimension of EU external action. These last events have shown, indeed, that the primary push towards a more open political system has to be brought about by citizens' societies, before being part of an international effort. In this perspective, domestic actors decide what they want to achieve, before any international pressure can influence the

eventual success or failure of democratic pressures. International actors can not be the main protagonists of democratic change, while they can and should support locally driven processes.

As an international actor as it aspires to be, the EU should thus face the main challenge of dealing with North African states' internal processes by formulating aid programmes carefully tailored on different countries' specificities.

The elaboration of a broader approach to democracy promotion in Southern Mediterranean countries would therefore need to take into account core issues of political contestation as well as new strategies of action that North African civil societies have shown to be able to launch. An all-encompassing approach to democracy promotion should, therefore, be able to deal on an equilibrated way with top down as well as bottom up pressures, any of them being sufficient in itself to bring about democratic change. This is the main challenge which the EU has to face when formulating its democracy promotion patterns of actions, together with the need to render democracy a more attractive option for southern Mediterranean neighbours countries.

The importance of pursuing a coherent democracy promotion policy acquires an important meaning in the context of ongoing EU effort to legitimize its presence on the international sphere and to build its identity as a global diplomatic actor. The EU human rights and democracy promotion policy is, therefore, to be interpreted as a crucial part of that general effort, thus deserving particular attention and credible strategies of intervention.

EU credibility, which is one of the main issue at stake, does not only rely on the success of democracy promotion policy but, first of all, on EU ability to be bounded by its own rhetorical discourse.

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List of Internet websites

Centre for European Policy Studies	http://www.ceps.eu/
European Instrument for Democracy and Human Rights	http://www.eidhr.eu/
Europe Aid	http://ec.europa.eu/europeaid/index_it.htm
European Election and Observation Mission	http://www.eueom.eu/
European External Action Service	http://www.eeas.europa.eu/
European Neighbourhood Policy	http://ec.europa.eu/world/enp/index_en.htm
Freedom House	http://www.freedomhouse.org
FRIDE – Fundaciòn para las Relaciones Internacionales y el Diàlogo Esterior	http://www.fride.org/

Annex I – EIDHR financial allocations 2007-2010.

Objective	Indicative financial allocation (in € million)				Total in € million (rounded % of grand total)		Regions	Indicative regional share (in%)
	2007	2008	2009	2010				
Objective 1 Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk	14.0	14.0	14.0	14.0	56.0 (10.1)		ENPI and Middle East	35
							Central and Latin America	15
							ACP	25
							Asia/Central Asia	25
Objective 2 Strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and consolidating political participation and representation	30.0*	37.0*	44.6*	49.8*	161.4* (29.1)	Country-based support schemes	Western Balkans/ Candidate countries	25
							ENPI and Middle East countries	30
							Central and Latin American countries	15
							ACP countries	15
							Asian and Central Asian countries	15
	15.5	12.5	10.5	8.5	47.0 (8.5)	Transnational and regional activities	Western Balkans and Candidate countries	10
							ENPI and Middle East	20
							Central and Latin America	20
							ACP	25
							Asia and Central Asia	25
Subtotal (Objectives 1 and 2)	**59.5**	**63.5**	**69.1**	**72.3**	**264.4 (47.7)**		**Global**	-
Objective 3 Support to EU Guidelines								
Human Rights Dialogues	0.5	0.5	0.5	0.5	2.0 (0.4)		Global	-
Human Rights Defenders	4.0	4.0	4.0	4.0	16.0 (3.0)		Global	-
Death Penalty	2.0	2.0	2.0	2.0	8.0 (1.5)		Global	-
Torture	11.0	11.0	11.0	11.0	44.0 (8.0)		Global (including EU)	-
Children and Armed Conflict	1.7	1.7	1.7	1.7	6.8 (1.2)		Global	-
Subtotal (Objective 3)	**19.2**	**19.2**	**19.2**	**19.2**	**76.8 (14.1)**		**Global**	-
Objective 4 Supporting the international framework	16.2	15.3	13.3	13.3	58.1 (10.5)		Global	-
Objective 5 EU Election Observation Missions	35.1	31.0	32.0	33.0	131.1 (23.7)		Global	-
Contingency	-	8.0	8.0	8.0	24.0 (4.3)		Covering Objectives 1 - 5	-
Grand Total	**130.0**	**137.0**	**141.6**	**145.8**	**554.4 (100)**		**Global**	-

* These amounts include up to 3% of the allocation for support measures accompanying implementation of country-based support schemes

(Source: EIDHR 2007-2010 Strategy Paper, Annex I, available at http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr-strategy-paper-2007-annexes_en.pdf).

Annex II – Projects funded in North Africa under the EIDHR (2007-2010)

1. Morocco

Category used by EU	**Description of the project**	**UE contribution**	**Duration**	**Nationality of the beneficiary organization**
Human Rights	Creation of a conductive environment in order to take advantage of the positive effects of migration for the economic development of the oriental area of Morocco	€ 1,199,534	04/2008 - 03/2011 35 months	German
Human Rights	Promotion of International Conventions on the rights of persons with disabilities	€ 52,250	24 months	Moroccan
Human Rights	Fight against racist and xenophobic actions against migrants	€ 719, 949	24 months	Swiss
Human Rights	Strengthen the role of women migrated in Europe (Italy) in promoting the economic development of their home country.	€ 561,975.74	12/2007 - 12/2010 36 months	Italian
Human Rights	Facilitate the creation of enterprises in Morocco through the mobilization of Moroccan people migrated in Europe	€ 1,497,305	02/2009 - 01/2012 35 months	Dutch
Human Rights/capacity building of organizations	Fight against violence towards women in the Fes-Boulmane region. Raising awareness about women rights and promoting gender equality.	€ 98,511.00	09/2007 - 08/2010 35 months	Moroccan
Constitutional and legislative reform	Initiative for the Institutionalization of a Human Rights approach to the Justice System in Morocco	€ 200,000	12/2008 – 04/2011 28 months	Moroccan
Human Rights/Capacity building of organizations	Monitoring group by group by the Civil Society of the EU-Morocco Action Plan	€ 160,000	01/2009 - 01/2011 24 months	Moroccan

	Participating in optimizing and improving the objectives set by the partnership Morocco-EU in respect of human rights. Strengthen capacities of actors, associations and civil society.			
Human Rights	Strengthen trade union's role in promoting workers' rights (economic, juridical, social rights)	€ 124,800	04/2009 - 04/2011 2 years	Moroccan
Constitutional and legislative reform	Promoting respect for human rights in the field of justice; observe justice' independence and act to develop reforms involving judges, lawyers, doctors, local NGOs, police and parliamentary groups. Provide human rights defenders with new instruments	€ 160.000	12/2008 – 12/2010 24 months	Moroccan
Combating Corruption/Access to information and transparency	**Against corruption for an equal and transparent society** Contributing to the democratic reform and reinforcement of the rule of law by enhancing the young peoples role in the prevention and fight against corruption	€ 199,326	11/2009 – 11/2010 24 months	Moroccan
Human Rights	**Progressive abolition of the Death Penalty** Support democracy issues and protect human rights globally through the progressive abolition of the death penalty and the implementation of human rights standards in criminal justice systems.	€ 1.000.000	12/2009-12/2011 24 months	British
Access to Justice	Promotion of gender approach for a better access and respect for Human Rights in the justice area	€ 154,400	12/2009 - 12/2012 36 months	Moroccan
Torture prevention	Preventing torture and other forms of ill treatment through the promotion of the	€ 986,307	01/2009 – 01/2012 36 months	Swiss

	Optional protocol to the Convention against Torture			
Urgent response to protection needs	Supporting an strengthening the capacity of human rights defenders in the Euro-Mediterranean region though rapid Financial and Strategic assistance	€ 981.513	01/2009- 01/2012 36 months	Danish
Democratic participation and civil society	Support to disabled people	€ 625,000	04/2008 - 04/2011 36 months	French
Democratic participation and civil society	Promotion of a culture based on respect for human rights in the regions of Casablanca and Chaouia-Ouardigha	€ 94,153	12 months	Moroccan
Democratic participation and civil society	Educate people on how to animate "ateliers" on human rights	€ 87,282	09/2007 - 05/2011 44 months	Moroccan
Anti-corruption	Reinforce civil society's role in promoting Human Rights and democratic reforms through the fight against corruption in the Medina of Fes	€ 123,335	12/2009 - 12/2011 2 years	Moroccan
Democratic participation and civil society	Reinforce social capital in the area of Fqih Ben Salah, Beni Mellal et Souk Sebt, including rural areas.	€ 749,000	03/2007 - 06/2010 39 months	Italian
Not specified	Support to the implementation of "community reparations" issued by the Equity and Reconciliation Commission (in favour of victims of Human Rights violations under Hassan II)	€ 3,000,000	Not specified	Advisory committee on human rights
Not specified	Consolidation and deepening of reforms in the field of administration and public governance	€73,000,000.00	Not specified	Moroccan government
Democratic participation and civil society	Promote inclusive development in the Souss-Massa-Drâa region	€ 423,750.00	03/2007 - 03/2010 36 months	French
Human Rights	Fight against illegal migration and trafficking of migrants though the participation of families, associations and civil societies	€ 865,423.96	03/2007 - 08/2010 41 months	Italian

Support to local and regional NGOS	Raising awareness about women rights among professionals in the field of justice, police and detention centres.	€ 71,327	10/2007 au 02/2010 28 months	
Democratic Participation and Civil Society	Communication and mobilization campaign towards associations	€ 100,000	24 months	Moroccan
Support to national NGOs	Support disability as a factor of development	€ 90,000	36 months	Moroccan
Not specified	Support to the National Plan in the field of Democracy and Human Rights	€ 2,000,000.00	Not specified	Government
Elections	Raise political awareness among young Moroccan people	€ 100,000	2 years	Moroccan
Elections	Promotion of young peoples participation in politics	€ 100,000	7 months	Moroccan
Elections	Promotion of a democratic and transparent electoral process at the local level. Educational activities to raise awareness about democratic principles especially among women living in rural areas.	€ 90, 350	18 months	Moroccan
Elections	Capacity-strengthening of associations and women member of political parties in order to foster women's participation in local governance	€ 100,000	2 years	Moroccan

2. Egypt

Category used by EU	**Description of the project**	**UE contribution**	**Duration**	**Nationality of the beneficiary organization**
Human Rights education, training and awareness raising/International legal standards/children/Capacity building of organisations	Enforcing economic and social rights in the transition to adult life for disabled children and young people in the Minia Governorate	€ 72,780	08/2009 – 02/2011 18 months	Egyptian
Promotion of core labour standards and corporate	Raising awareness about and advocate	€ 56,123	08/2009 – 02/2011	Egyptian

social responsibility/Capacity building of organizations	for the socio-economic rights recognition of Fair Trade Egypt's small-scale marginalized producers, especially handicraft people, with particular focus on women.		18 months	
Torture prevention/Human rights education, training and awareness raising/constitutional and legislative reform	Contribute to the ending of impunity for torture in Egypt with the overall goal to end this practice. Provide legal assistance to victims of torture, monitoring the practice of torture in Egypt, training for lawyers, academics and journalists	€ 135,457	10/2009 – 04/2011 18 months	Egyptian
Women's community and political participation/violence against women/ Children	**Tribe's marriage national campaign** To find a social and legal justice environment for women and children who suffer from the implication of verbal tribe's marriage and to increase the understanding of communities and policy makers about their negative implications	€ 145,592	08/2009 – 08/2011 24 months	Egyptian
Women's rights	Supporting the cause of marginalized women. Supporting women prisoners and facilitate the provision of legal services for them if they are subject to violation on one of the rights guaranteed by the constitution, the Egyptian law and conventions ratified by Egypt.	€ 141,592	07/2009 – 07/2011 24 months	Egyptian
Women's community and political participation	Supporting Women leadership and Participation in Elections. To strengthen women's	€ 134,071	08/2009 – 08/2011 24 months	Egyptian

	involvement in public life and circles of decision makers. To provide ordinary citizens with better public services and alleviated poverty conditions and a more transparent an responsive government through active participation.			
Women's rights	Advancing Women Rights: promoting attitudes against gender-based violence through strengthening the capacities of the civil society organizations	€ 299,863	24 months	Italian
Urgent response to protection needs	Supporting an strengthening the capacity of human rights defenders in the Euro-Mediterranean region though rapid Financial and Strategic assistance	€ 981.513	01/2009-01/2012 36 months	Danish
Children protection	Protection and promotion of the rights of street children	€ 148,416	Not specified	Egyptian
Children Protection	Communication support to the conference on the 20th anniversary of the Convention on the Rights of the Childs	€ 20,000	Not specified	Egyptian
Children and Women's rights	Children and Women Rights awareness programme for local NGOs	€ 99,650	24 months	Egyptian
Democratic participation	Community mobilization for democracy and civil society strengthening	€ 99,868	18 months	Egyptian
Human rights	Raising awareness about terrorism and human rights among political Parties activists, journalist, writers, intellectuals ecc.	€ 83,673	18 months	Egyptian
Human Rights	Management and	€ 180,677	36 months	Egyptian

	Rehabilitation of victims of torture in Egypt			
Children's rights	Networking for reducing violence in schools in Fayoum	€ 97,962	24 months	Egyptian
Human rights	Prevention of torture	€ 99,972	24 months	Egyptian
Human rights	Promoting the democratic process by training prosecutors and judges	€ 74,411	12 months	Egyptian
Human Rights	Promoting the independence of freedom of NGOs in Egypt	€ 52,367	12 months	Egyptian
Human Rights	Promoting a rights-based and non-discriminatory approach to reception of migrants and refugees¿ by public authorities and civil society actors in Egypt	€ 987,019	36 months	Italian
Human Rights	Support to the General Federation of NGOs and Foundations (GFNF)	€ 400,000	26 months	UNDP
Human Rights	Human Rights Capacity Building Project in Egypt	€ 2,400,000	33 months	UNDP

3. Algeria

Category used by EU	**Description of the project**	**UE contribution**	**Duration**	**Nationality of the beneficiary organization**
Human rights	Progressive Abolition of the Death Penalty and Alternatives that Respect International Human Rights Standards	€ 1,000,000	12/2009-12/2011 24 months	British
Peaceful conciliation	"Strengthening capacities for a better action" Set up a peaceful and non-violent	€ 100,000	01/2010-06/2011 18 months	Algerian

	culture in Kabylia by building peace and reconciliation capacities			
Human Rights education, training and awareness raising/Equal participation of women and men in civil society, social, economic and political life	Promotion of democracy, human rights and gender equality	€ 99,785	01/2010-01/2013 36 months	Algerian
Capacity building of organisations	Reinforcement of the access to HIV prevention for immigrants and Nomad population in Algeria	€ 50,266	12/2009-12/2010 12 months	Algerian
Human rights education, training and awareness raising/Children/Capacity building of organisations	Reduction of violence in the schools. To reinforce the capacities and to enlarge the field of intervention of the permanent team of therapists within the foundation in order to deal with students and teachers victim of violence at school.	€ 100,000	11/2009- 11/2012 36 months	Algerian
Monitoring of human rights	Strengthening civil society capacities in advocating and protecting human rights in the "wilayas" of Tizi-Ouzou and Bejaia	€ 65,005	01/2010- 06/2012 30 months	Algerian
Urgent response to protection needs	Supporting an strengthening the capacity of human rights defenders in the Euro-Mediterranean region though rapid Financial and Strategic assistance	€ 981.513	01/2009- 01/2012 36 months	Danish
Access to education	Information training cell on children's rights in primary, preparatory and secondary schools in the willaya of Borj Bou Arridj	€ 99.951	01/2010- 01/2013 36 months	Algerian

Access to education	Training centre for Peace educators. Contributing to the socio-professional insertion of 100 young people between 20 and 25 years old of both sexes excluded from the education system, belonging to the popular neighbourhoods of the Alger willaya	€ 84.991	12/2009-03/2011 15 months	Algerian
Human rights	Support institutional actors and NGOs promoting children's rights and the rehabilitation of children victim of terrorism	€ 509,000	30 months	Italian
Human rights	Strengthen civil society capacities in the field of democratic practices and human rights in the Tizi-Ouzou and Bejaïa regions.	€ 65,005	30 months	Algerian
Human Rights	Strengthen capacities of actors involved in the promotion of the rights of disable people	€ 847,881	36 months	French

4. Tunisia

Category used by EU	**Description of the project**	**UE contribution**	**Duration**	**Nationality of the beneficiary organization**
Human Rights	Reapproching of systems for a shared management of migration	€ 529,070	18 months	Italian

5. Lybia

Category used by EU	Description of the project	UE contribution	Duration	Nationality of the beneficiary organization
Human Rights	Management of migration flows	€ 2,000,000	36 months	Swiss

(Tables elaborated by the author. Source of data: databases of beneficiaries on EuropeAid http://ec.europa.eu/europeaid; EIDHR Compendium 2007-2009 on "Promoting Democracy and Human Rights in the European Neighborhood and Partnership Countries", available at http://ec.europa.eu/europeaid/what/human-rights/projects_en.htm).

Annex III - European Neighbourhood and Partnership Instrument: EU commitments 2007-2010.

1. Morocco – 2007-2010 NIP

STRATEGIC PRIORITY/ PROGRAMME	*Reference to Action Plan*	*€ m*	*COMMITMENT*				*% € m*
			2007	*2008*	*2009*	*2010*	
Social	Point 2.6						
1. NHDI		60	60				
2. Education Literacy		17	17				
3. Education		93			39	54	
4. Aid for sickness insurance		40	40				
5. Health		86		50		36	
Total		**296**					**45,26%**
Governance	Points 2.1 and 2.4						
Human rights							
1. Support for the Ministry of Justice		20		20			
2. Human rights		8		8			
Total		**28**					**4,28%**
Institutional support	Point 2.3						
1. Government reform (2)		20	20				
2. Action Plan Support Programme (PAPA)		20		10		10	
Total		**40**					**6,12%**
Economy	Point 2.2						
1. Private sector		60		20	40		
2. Vocational training		50			50		
3. Agriculture		40				40	
4. Ring road		25	25				
5. Opening up isolated areas		25				25	
6. Energy sector		40		40			
Total		**240**					**36,70%**
Environment	Point 2.5						
1. Fund for cleaning up industrial pollution (FODEP)		15		15			
2. Sewage treatment		35			35		
Total		**50**					**7,65%**
TOTAL FOR 2007-2010 PROGRAMME		**654**	**162**	**163**	**164**	**165**	**100,00%**

(Source: ENPI, Morocco 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#5).

2. Egypt - 2007-2010 NIP

Priorities*	2007	2008	2009	2010	Total NIP	% Budget
Supporting Egypt's reforms in the areas of democracy, human rights and justice					40	*7%*
Support for political development, decentralisation and promotion of good governance		13			13	
Promotion and protection of human rights		17			17	
Support for modernisation of administration of justice				10	10	
Developing the competitiveness and productivity of the Egyptian economy					**220**	*40%*
Support for implementation of the Action Plan Programme (SAPP), including: - trade facilitation and customs reform - economic legislation and the business environment - agriculture and SPS - transport, energy, science and technology - modernisation of the statistical system Of which: Technical support Targetted support for sector reforms	 17	 80	 20	 33 70	 70 150	
Ensuring the sustainability of the development process with better management of human and natural resources					**298**	*53%*
Support for reform of education	120				120	
Support for public health reform			120		120	
Support for investment in the transport, energy and environment sectors (interest-rate subsidies)		29		29	58	
Total	**137**	**139**	**140**	**142**	**558**	**100%**
Potential volume of loans at subsidised interest rates: €250 million to €300 million.						

(Source: ENPI, Egypt 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#5).

3. Algeria - 2007-2010 NIP

2007

PME/PMI II	**EUR 40 million**
Sustainably improve business competitiveness: (i) direct support to SMEs; (ii) technical centres; (iii) quality system: standardisation, metrology and certification; (iv) information and communication technologies.	
JUSTICE II	**EUR 17 million**
Modernise the prison system, apply international standards for prison management/conditions of detention and prevention of re-offending by helping prisoners to reintegrate into economic and social life.	

2008

DIVERSIFICATION OF THE ECONOMY	**EUR 25 million**
Support for economic diversification (agriculture/rural development, tourism, some industries) by gradually and sustainably increasing the share of non- hydrocarbon exports.	
HEALTH	**EUR 30 million**
Support the reorganisation of the health service and hospital reform (problems in steering the sector: lack of resources, poor quality of care, unequal access, review of how the sector is financed): Possible SPSP	

2009

EMPLOYMENT	**EUR 24 million**
Improve information, mediation, monitoring and steering functions in the labour market through the modernisation of the national employment agency (ANEM), acting in liaison with other institutional actors, in particular the social partners: effective labour market information system, better statistics and forecasts, mediation between supply and demand, also at international level. Possible SPSP	
HIGHER EDUCATION	**EUR 30 million**
Tackle the problem of the over-supply of graduates unsuited to labour market requirements who are therefore likely to have great difficulty in finding employment. Possible SPSP	

2010

P3AII	**EUR 24 million**
Support the Algerian administration and all institutions involved in implementing the Association Agreement by providing them with expertise, technical assistance and the tools necessary for achieving the objectives laid down in the Agreement.	
WATER II	**EUR 30 million**
Strengthen the Government's sewerage and waste-water treatment programme (80% of the population are connected to the sewage network and only 7% to treatment plants): Possible SPSP	

(Source: ENPI, Algeria 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#5).

4. Tunisia: - 2007-2010 NIP

2007

2PA	**€30 million**
The flanking programme for the European Neighbourhood Policy Action Plan seeks to consolidate the progress made by the current P3A, which is running as anticipated and is scheduled for completion in mid-2008. Provision has been made for a new stage, particularly since the crucial phase of implementation of the Policy Action Plan is approaching, which will require institutional support. A programme which functions "on demand" and promotes twinning arrangements and other adapted cooperation instruments, the 2PA will give priority to those areas of the Policy Action Plan which are not covered by the current NIP with specific projects in the fields of services, justice, freedom, security and migration.	
ENERGY AND THE ENVIRONMENT	**€43 million**
With a view to consolidating Tunisia's sustainable development policy, and as provided for in the European Neighbourhood Policy Action Plan, this programme could contribute to the following environmental objectives: (i) environmental upgrading of those firms which pollute most or which have a significant impact on the environment; this objective should also cover the hotel sector in view of its major impact on the environment and in particular on the coast and the sea (erosion, water pollution, protected areas); (ii) implementation of the water resources strategy; (iii) integrated solid waste management; (iv) environmental awareness-raising campaigns, including via NGOs; and, with regard to energy, (i) improvements to energy efficiency and promotion of renewable energy sources.	

2008

ECONOMIC GOVERNANCE / COMPETITIVENESS I	**€50 million**
Budgetary aid designed to make the economy more competitive. Although Tunisia has recorded high growth, it is characterised by low levels of private investment and job creation. The programme's components are as follows: (i) consolidating progress in macroeconomic and budgetary stabilisation and the reforms concerning governance, the public finances and administration, (ii) improving the business climate and enhancing private sector competitiveness to boost private investment and the number of business start-ups, particularly SMEs, which create the greatest number of jobs and (iii) restructuring and developing a competitive financial sector which is business-friendly (goods and services) and extends to microfinance so as to maximise the impact in terms of poverty reduction.	
MEASURES TO FACILITATE TRADE	**€23 million**
With a view to the creation of a Euro-Mediterranean Free Trade Area for industrial goods by 2010, the Tunisian authorities plan to conclude bilateral agreements known as ACAAs (Agreements on Conformity Assessment and Acceptance of Industrial Products) in the electrical, mechanical and electronic sectors. According to the available information, the project's specific objectives are (i) approximation with EU standards and rules (alignment of horizontal and sectoral legislation), (ii) putting the associated infrastructure in place (standardisation, accreditation, metrology, conformity assessment system and ex post market surveillance and (iii) support for signing an ACAA in priority sectors.	

2009

ENSURING THAT EDUCATION IS RELEVANT TO EMPLOYMENT / HIGHER EDUCATION	€65 million
Cohesion between various components of the education system, i.e. secondary schools, vocational training and higher education, needs to be improved in ways which reflect the labour market's requirements. The realities of the sector, including the mechanisms whereby students move from one component to another and labour market requirements are identified, do not allow pupils and graduates to change from one sub system to another without facing regulatory and pedagogical barriers. The vocational training system is not achievement-oriented and higher education fails to match private-sector requirements. It is vital to improve cohesion (gateways between different system components, monitoring and observation) in view of the huge numbers of graduates coming onto the labour market in 2009.	
RESEARCH – INNOVATION	**€12 million**
The specific agreement for scientific cooperation concluded between Tunisia and the EU in June 2003 provides an appropriate framework for reinforcing scientific and technological cooperation between the two parties. This programme will take the form of technical assistance and twinning activities and will basically (i) provide back-up to the contact point for Community R&D programmes, (ii) support activities designed to modernise research administration, (iii) consolidate development of the mobility policy for researchers and (iv) promote technological innovation. Part of the budget could be earmarked for a comparative evaluation (international cooperation and technological innovation indicators).	

2010

ECONOMIC GOVERNANCE / COMPETITIVENESS II	€77 million
Sectoral operation, private-sector support to increase competitiveness Although Tunisia has recorded high growth, it is characterised by low levels of private investment and job creation. The programme's components are as follows: (i) consolidating progress in macroeconomic and budgetary stabilisation and the reforms concerning governance, the public finances and administration, (ii) improving the business climate and enhancing private sector competitiveness to boost private investment and the number of business start-ups, particularly SMEs, which create the greatest number of jobs and (iii) restructuring and developing a competitive financial sector which is business-friendly (goods and services) and extends to microfinance so as to maximise the impact in terms of poverty reduction.	

(Source: ENPI, Tunisia 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#5).

5. Libya – 2011-2013 NIP

Priority	***€ m***
Priority 1 - Improving the quality of human capital	30-36
Priority 2 - Increasing the sustainability of economic and social development	24-30

(Source: ENPI, Libya 2007-2010 National Indicative Programme, available at http://ec.europa.eu/world/enp/documents_en.htm#5).