

THE EUROPEAN UNION AND THE MEDITERRANEAN

The Mediterranean's European Challenge

VOLUME V

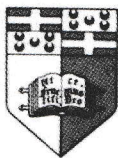


PETER G. XUEREB
EDITOR

THE EUROPEAN UNION AND THE MEDITERRANEAN

**The Mediterranean's European Challenge
Volume V**

**Edited by
Peter G. Xuereb**



**EUROPEAN DOCUMENTATION AND RESEARCH CENTRE
UNIVERSITY OF MALTA**

*This Volume is dedicated by all the members of
the Network to the precious memory of
Professor Fayek Abillama*

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FOREWORD

It is with pleasure but also a tinge of sadness, inevitable at the conclusion of a project, that I write this foreword. This book contains the last in a series of studies carried out by the Euro-Mediterranean Research Network, a transnational regional research network made possible by part-funding by the European Commission under the Jean Monnet Project umbrella. This last volume in a series of five volumes of papers published in the original English or French languages marks the end of this network, but hopefully not of further inter-change between the network of researchers that has been built up.

The mark of the network has been the insertion of young researchers to work alongside senior researchers from various Member States of the EU and non-EU Member Mediterranean States. While not large enough to be fully inclusive, I think the Project has succeeded in identifying many of the most brilliant young researchers in the Mediterranean. In terms of coverage, the Network has tracked all significant developments in the field of EU-Med relations, as well as the Neighbourhood Policy and even the recently-signed Constitutional Treaty.

The present volume's coverage ranges across the areas of the changing framework of the relations of the EU with its neighbours; economic, financial and commercial components of those relations; the impact of the latest enlargement on those relations; the need to revise the approach in the light of further developments; the respective roles of the EU and the United States of America in the region; democratization, 'Europeanisation' and the development of civil society in particular; the specific dynamics of the evolution of the Cyprus question in the eastern Mediterranean; the implementation of the concept of sustainable development in the Mediterranean; specific studies on agriculture and food; and country studies on employment and training.

While in the past I would have written an introductory chapter summarizing the papers, time constraints have forced us to go to press without such; however, I do not think that the reader will

have any difficulty negotiating his or her way around this volume. The papers have been broadly grouped into sections and many have abstracts attached. They are to be read in conjunction with those in the previous four volumes of what is in fact a five volume series under the banner title of "The Mediterranean's European Challenge".

It has been the privilege of the European Documentation and Research Centre of the University of Malta, a Centre designated in October of this year as a Jean Monnet European Centre of Excellence, to co-ordinate this Project since its inception and for the last five years. Over that time, many people have assisted me in the running of the Project. I cannot name them all, but my thanks go especially to Mr. Luciano di Fonzo, Project Manager of the Jean Monnet Project, and I must recall the encouragement and enthusiasm so necessary at the initial stages of the Project of Madame Jacqueline Lastenouse, whose support for the Project was to be equalled by that of Luciano di Fonzo. At the EDRC, I had the smiling assistance of Monica Cauchi and in the last period of Ms. Doris Mangion, and of Joanne Navarro, who is practically solely responsible for the final form of presentation of the volumes that we have published.

The philosophy throughout was to give voice to academics from the Mediterranean in particular. They have sometimes argued their case with vigour and even passion, and this volume contains such passion also. The reader, or the discerning reader, will make allowances for the fact that many of the writers are committed not only to scholarship but also to the place of their country within the grand scheme of the evolving European Union and of its role in the world at large. One of the many joys of working in this field of European Integration, and wider 'integration', is indeed that one gets to work with so many people with a passion. It is a mark of the European Union that it can deliver vision, a vision of hope and belief in prosperity and security, to so many diverse peoples. This emerges unquestioned even though there are, even in this volume, many questions about the means of delivery of such noble aims. While the Euro-Mediterranean Partnership is often regarded as a disappointment, it is clearly considered a 'game worth playing and

developing' albeit in new forms and guises and in a wider evolving context. A notable leitmotif that emerges from several of the papers in this volume is, I think, the strong emergence of a recognition in the Mediterranean States that at least in part any deficiency in the Partnership process has to do with a lack of initiative or imagination on the part of the associated states, both as to internal reform and as to efforts at south-south integration. This volume, as did previous volumes, highlights many of the internal reforms that have been made or attempted, many with success, in the Mediterranean States and also puts in their wider context new efforts at a joint approach between such states. These issues will no doubt continue to occupy many academics, not least erstwhile members of this Euro-Med Network. Taken together, the five volumes produced by the Network give, I think, a clear account of the chronological development, and analysis, of Euro-Med relations over the period covered and of the impact of developments within and outside the European Union, some of these major developments even by global standards (such as Enlargement), on these relations and on the level and speed of 'progress' as defined by the objectives of these relations.

I leave it to others to judge the work of this network. What I will say is that a main aim of the network, that of fostering collaboration and thereby mutual understanding as between academics, and therefore all whom they are in a position to influence, directly or indirectly, has in my appreciation more than been achieved. It has been a pleasure to see very diverse individuals come together to work in a team, albeit a large one, and indeed to become firm friends. Our sorrow at the demise of one of our best-loved members, Professor Fayek Abillama, was a personal blow to us all, and we dedicate this Volume in particular, but all of our work, to his precious memory. He stood for peace and prosperity in justice, and for unity in diversity; a true Mediterranean and European.

Peter G. Xuereb

European Documentation and Research Centre, University of Malta
November 2004

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THE EU'S NORTHERN DIMENSION AND THE EMP-ENP: INSTITUTIONAL FRAMEWORKS AND DECISION- MAKING PROCESSES COMPARED

ERWAN LANNON¹
PETER VAN ELSUWEGE²

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Introduction

The EU's last enlargement, the launching of an emerging European Neighbourhood Policy (ENP) and the drafting of a new strategic partnership with the Mediterranean and the Middle East have tremendously modified the regional context in which, almost nine years ago, the Barcelona Declaration was adopted.

Notwithstanding the obvious political and socio-economic differences among the countries involved, a comprehensive European Neighbourhood Policy might reinforce the effectiveness of the existing regional structures, instruments and policies. The ENP is, *inter alia*, expected to reinforce regional and sub-regional co-operation mechanisms in the EU's eastern and southern peripheries.³

In Northern Europe, it has been argued that *'in the near future a major overhaul of the EU's Mediterranean Dimension objectives and structure will take place and will be surely influenced by the results obtained in other European sub-regions such as the Baltic Sea area.'*⁴ For this purpose, the present study contains a

³ 'Wider Europe - Neighbourhood : a new Framework for Relations with our Eastern and Southern Neighbours', COM (2003) 104 final, Brussels, 11 March 2003, p.8.

⁴ N. Catellani, 'Outlining the Northern Dimension: toward regional co-operation in Northern Europe', in: *The European Union's Northern Dimension*, Laboratoria CeSPI, Rome, 2000, p.3, available at: http://www.cespi.it/Laboratorio/Lab_1=2000.pdf.

comparative analysis of the institutional framework and decision-making procedures of the EU's Northern and Southern Dimension.

Since the end of the Cold War and after the establishment of the WTO, the proliferation of (sub-) regional arrangements, stretching from the Barents Sea in the North to the Mediterranean in the South is obvious. The promotion of (sub)regional co-operation among close neighbours, within the framework of the so-called "new regionalism", is now a priority in the EU's various external policies. In fact, the EU has been directly involved in a number of initiatives (as member or observer) or has, sometimes for many years, promoted the development of various regional economic groupings such as:

- i) In the Northern periphery: the Northern Dimension (ND), the Barents Euro-Artic Council (BEAC), the Council of Baltic Sea States (CBBS);
- ii) In the Central and Eastern periphery: the Central European Initiative (CEI), the South East Europe Co-operation Process (SEECP), the Black Sea Economic Co-operation (BSEC);
- iii) In the Southern periphery: the Euro-Mediterranean Partnership (EMP), The Arab Maghreb Union (AMU), the Agadir Process, the Great Arab Free Trade Area GAFTA, the Gulf Co-operation Council (GCC)...

These (sub)-regional co-operation initiatives and regional economic groupings are very diverse in terms of nature, membership, scope and institutional organisation. Nevertheless, they all share the common objectives of stability (co-operation on trans-national and soft security issues⁵) and prosperity (development of sub-regional trade, infrastructures and cross-border co-operation).

For the EU, these (sub)-regional arrangements form an interesting forum for interaction with its closest neighbours, complementary to the traditional bilateral relations. For the partner countries, on the

⁵ e.g. drug trafficking, terrorism, illegal immigration, fight against trans-national organised crime.

other hand, the EU involvement creates an additional political and financial incentive for co-operation.

Notwithstanding the actual and potential advantages of this regional approach, important limitations cannot be neglected. Apart from political frictions between certain partner countries, institutional weaknesses and problems of effective implementation have been identified as the main obstacles for effective co-operation.⁶ The central question is, therefore, how a comprehensive ENP can give new impetus to the Barcelona process. In this regard, a comparative analysis between the two major regional co-operation frameworks in Europe, the Northern Dimension in the North and the EMP in the South, might be useful. This paper tries to assess the strengths and weaknesses of both policies in order to draw some conclusions for the future ENP. Specific attention is devoted to the respective decision-making processes and institutional arrangements.

PART I: THE REGIONAL CO-OPERATION IN THE BALTIC SEA REGION

Section 1: The Main Regional Organisations in the Baltic Sea Region

The end of the Cold War, the unification of Germany and the disintegration of the Soviet Union fundamentally altered the context for regional co-operation in the Baltic Sea region. Whereas such co-operation was virtually non-existent during the Cold War period, numerous bodies and organisations with diverse institutional structures and policy objectives have been established ever since. Significantly, the EC/EU has played an active role in the creation of two main regional organisations in the Baltic Sea area: the Council of Baltic Sea States (CBSS) and the Barents Euro-Arctic Council (BEAC).

⁶ A. Björner, 'European Security at the End of the Twentieth Century: the Subregional Contribution', in: A. Cottey (ed.), *Subregional Co-operation in the New Europe. Building Security, Prosperity and Solidarity from the Barents to the Black Sea*, Houndmills, Macmillan, 1999, pp.10-15.

The CBSS was established in March 1992 at a conference of Foreign Ministers of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russia, Sweden and a member of the European Commission. Iceland joined the organisation in 1995. According to its Terms of Reference *‘the purpose of the Council will be to serve as a forum for guidance and overall co-ordination among the participating states.’*⁷ The envisaged co-operation is of a traditional intergovernmental nature, focusing primarily on issues such as institution-building, economic and technical co-operation, humanitarian matters and health, protection of the environment and energy co-operation, co-operation in the field of culture, education, tourism and information and, finally, transport and communication.⁸

Whereas the CBSS was a joint Danish-German initiative, Norway promoted the creation of a new organisation aimed at the normalisation of relations between the Nordic countries and Russia. In this regard, a conference on co-operation in the Barents Euro-Arctic Region took place in Kirkenes (Norway) on 11 January 1993, bringing together the Ministers of Foreign Affairs of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and a member of the European Commission. The participants agreed to establish a Council of the Barents Euro-Arctic Region *‘to provide impetus to existing co-operation and consider new initiatives and proposals.’*⁹

Before analysing the institutional framework of both the CBSS and BEAC, it is worth exploring the legal basis for the European Commission’s engagement in these regional initiatives. According to Article 300 EC, the general provision for concluding international agreements, the Commission may *negotiate* an

⁷ Terms of Reference for the Council of Baltic Sea States, available at: <http://www.cbss.st>.

⁸ For a more detailed overview of the CBSS activities, see: C.E. Stalvant, ‘The Council of Baltic Sea States’, in: Cottey, o.c., pp.55-60.

⁹ Declaration on co-operation in the Barents Euro-Arctic Region. Conference of Foreign Ministers in Kirkenes, 11 January 1993, available at: <http://www.beac.st>. See also: P. Joenniemi, ‘The Barents Euro-Arctic Council’, in: Cottey, o.c., pp.23-45.

agreement upon a mandate given by the Council. The latter is responsible for the *conclusion* of the agreement because the Commission does not have the power to conclude international agreements producing legal effects.¹⁰ In the case of the CBSS and BEAC, the Commission acted without involvement of the Council, which excludes Article 300 EC as the legal basis for the Commission's action.¹¹ Alternatively, Article 302 EC, which provides the Commission with a right to maintain appropriate relations with the UN, its specialised agencies and other international organisations, cannot be applied because its scope is limited to administrative co-operation.¹² The Community's involvement in the CBSS and BEAC is clearly extending the level of administrative co-operation. Proceeding from the nature of the regional arrangements - not being based on traditional international agreements - and the shortcomings in the Community's external relations machinery, Anne Myrjord claims that '*the issue of legal basis was simply disregarded*.'¹³ Be that as it may, the European Commission's presence in the main regional organisations of the Baltic Sea area has added an important multilateral dimension to its bilateral relations with outsider states.

Apart from the CBSS and BEAC, of which the European Commission is a founding member, two other regional councils have been established without the active support of the European Community. First, the Nordic Council (NC) and Nordic Council of Ministers (NCM) founded in 1952 and 1972 respectively, bring together representatives of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden).¹⁴ Second, the Arctic Council,

¹⁰ See Case 327/91 *France vs. Commission* [1994] ECR I-3641.

¹¹ A. Myrjord, 'Governance Beyond the Union: EU Boundaries in the Barents Euro-Arctic Region', *EFA Rev.*, 2003, pp.42-243.

¹² S. Marchisio, 'EU's Membership in International Organisations', in: E. Cannizzarro, (ed.), *The European Union as an Actor in International Relations*, The Hague, Kluwer, 2002, p.259.

¹³ Myrjord, l.c., p.244.

¹⁴ The Nordic Council is the forum for interparliamentary co-operation, with 87 members representing the five countries and three autonomous territories. The Nordic Council of Ministers is the forum for governmental co-operation. For more information on the Nordic Council and Nordic Parliamentary Council, see: www.norden.org.

including Canada, Denmark, Finland, Iceland, Norway, Sweden, Russia and the USA, has been established through the Ottawa declaration of 1996 as *'a forum for promoting co-operation, co-ordination and interaction between the Arctic governments, involving the indigenous peoples and other Arctic inhabitants on common issues, in particular issues of sustainable development and environmental protection.'*¹⁵

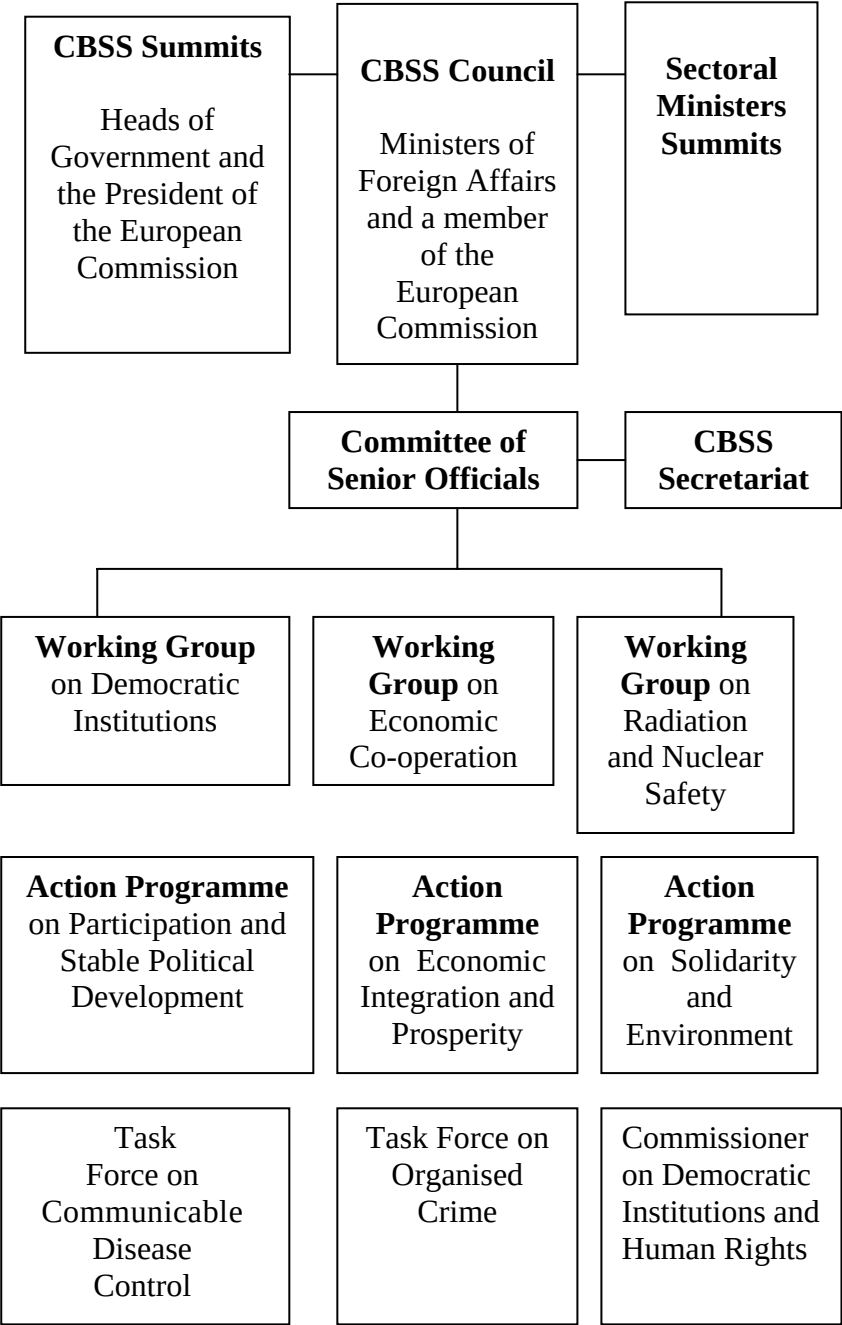
Most of the respective regional councils have set up working groups, committees of senior officials, ministerial and - in the case of the CBSS - heads of government meetings. The result is a complex institutional structure, including a dense network of regional and sub-regional bodies. The following organisational charts seek to summarise the institutional framework of the main regional organisations operating in the Baltic Sea area.

1. Council of Baltic Sea States (CBSS)

- *Foundation:* May 1992 (Copenhagen Declaration)
- *Members:* Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia, Sweden and the European Commission
- *Observers:* France, Italy, Netherlands, Slovakia, Ukraine, United Kingdom and the United States of America
- *Special Participants:* Baltic Sea Parliamentary Co-operation (BSCP), Baltic Sea Seven Islands Co-operation Network (B7-Islands), Baltic Sea States Sub-regional Co-operation (BSSSC), Conference of Peripheral Maritime Regions of Europe – Baltic Sea Commission, Organisation for Economic Co-operation and Development (OECD), Union of Baltic Cities (UBC)
- *Strategic Partners:* Baltic Development Forum, Baltic Sea Chambers of Commerce Association (BCCA), Baltic Sea Forum - Pro Baltica, Baltic Sea NGO Forum, Baltic Sea Trade Union Network (BASTUN), The Helsinki Commission (HELCOM), Visions and Strategies around the Baltic Sea (VASAB)

¹⁵ Declaration on the establishment of the Arctic Council, available at: <http://www.arctic-council.org/establ.asp>.

- Institutional Framework:*



The CBSS consists of 12 Members and is open to third party participation, either under the status of ‘observer’ (for non-Member States) or ‘special participant’ (for partner organisations). In addition, the CBSS has established functional links with other organisations actively working to advance regional co-operation in the Baltic Sea area. These so-called ‘strategic partners’ are given the opportunity to voice their concerns and co-ordinate their efforts with the CBSS members and special participants on the occasion of annual co-ordination meetings. This institutionalised interaction between diverse sub-regional organisations, focusing either on specific matters or on a more limited geographic area, illustrates the CBSS’ self-perceived function as a ‘regional umbrella organisation’, co-ordinating the work of numerous permanent and temporary institutions and working groups.¹⁶

The chairmanship of the CBSS is based on an annually rotating Presidency between the Baltic Sea states. Due to the increasing workload, a troika system has been introduced (which implies that the chair will be assisted by the countries holding the previous and next Presidency). Since 1998, the CBSS also has a permanent secretariat in Stockholm, providing technical, organisational and analytical support. General political guidance is guaranteed by the biannual meetings of the Heads of Government of the Baltic Sea states and the annual meetings of the Ministers of Foreign Affairs. In addition, meetings of sectoral ministers can be organised. On a more operational level, activities are carried out through the Committee of Senior Officials (CSO). In accordance with its Terms of Reference, the CBSS has also established three specific Working Groups (on democratic institutions, economic co-operation and radiation and nuclear safety). To guarantee effective implementation, corresponding Action Programmes have been developed. Moreover, two Task Forces have been set up to tackle specific issues such as organised crime and communicable disease control. Finally, the CBSS has created a number of associate functions such as a Commissioner on Democratic Institutions and

¹⁶ ‘About the Council of Baltic Sea States,’ available at the website of the Estonian Ministry of Foreign Affairs, holding the CBSS Presidency 2003-2004, <http://www.vm.ee>

Human Rights and the Eurofaculty Governing Board¹⁷. It can therefore be concluded that the CBSS has a rather complex institutional structure, operating in wide-ranging policy sectors and creating functional links with other sub-regional institutions.

Significantly, the CBSS original Terms of Reference contained the provision that '[t]his new Council should not be seen as a new formalised institutional framework with a permanent secretariat'.¹⁸ After keeping a rather low profile during the first years of its existence, the CBSS has progressively reinforced its working methods and entered therefore into an "institutionalisation phase". In this regard, the first Heads of Government meeting held in Visby, Sweden, on 3-4 May 1996, has played a key role. Apart from the increased political weight attributed to the Baltic Sea regional co-operation, the involvement of the highest political leaders inspired the framing of a clear agenda and the introduction of new working methods.¹⁹ In the previous period, it was rather difficult to identify the main priorities of the CBSS. The Visby summit allowed the option of a comprehensive work programme and three action programmes. It can, therefore, be argued that the CBSS has developed into a rather mature regional organisation with a relatively high degree of institutionalisation in comparison to other regional organisations.

2. Barents Euro-Arctic Council (BEAC)

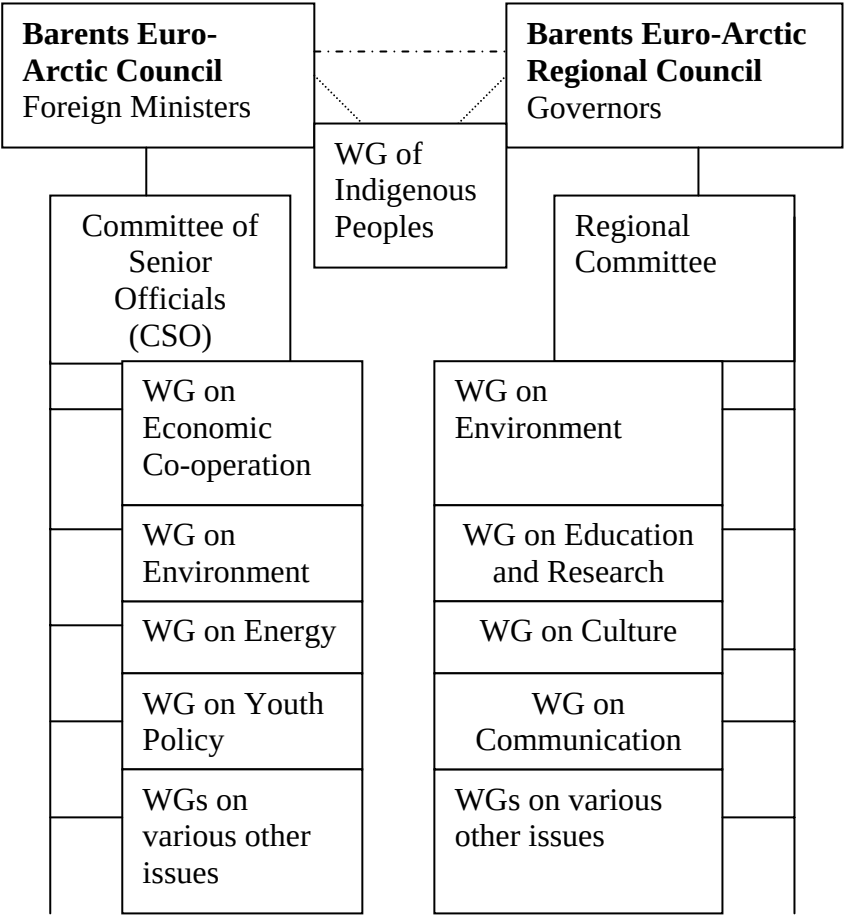
- *Foundation*: January 1993 (Kirkenes Declaration)
- *Members*: Denmark, Finland, Iceland, Norway, Russia, Sweden and the European Commission
- *Observers*: Canada, France, Germany, Italy, Japan, Netherlands, Poland, United Kingdom and the United States of America

¹⁷ Eurofaculty is a cooperative project between higher educational institutions in the region, supported by the CBSS.

¹⁸ Terms of Reference for the Council of Baltic Sea States, available at: <http://www.cbss.st>.

¹⁹ Stalvant, 'The Council of Baltic Sea States', in: Cottey, o.c., p.59.

• *Institutional Framework*



The institutional framework of regional co-operation in the Barents Euro-Arctic Region is characterised by a duality between central and regional authorities. On the one hand, the Barents Euro-Arctic Council (BEAC) brings together the Foreign Ministers of the participating countries, together with a member of the European Commission. On the other hand, the Barents Euro-Arctic Regional Council (BEARC) unites 13 counties and a representative of the

indigenous peoples.²⁰ This parallel structure allows for the participation of sub-regional entities, which adds an important bottom-up element to the Barents Euro-Arctic co-operation.²¹ Chairmanship of both the BEAC and BEARC is organised on the basis of a biannual rotating Presidency among the participating states and counties. The annual meeting of Foreign Ministers on the one hand and Governors on the other, lays down the general policy guidelines. In contrast to the CBSS no meetings at the level of Heads of State have been organised, nor is there any permanent secretariat. Each Presidency is responsible for the organisation of the ministerial meetings, whereas a Committee of Senior Officials deals with the permanent co-ordination of the activities. Both the BEAC and BEARC have established about ten different Working Groups, with the aim of implementing and specifying concrete projects and areas of co-operation.

3. Arctic Council

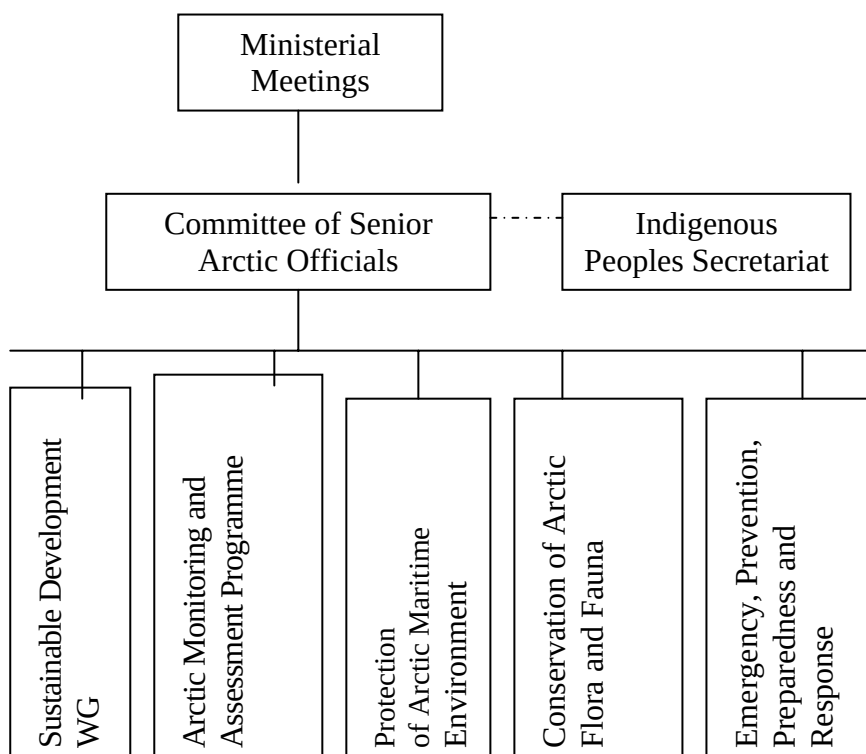
- *Foundation:* September 1996 (Ottawa Declaration)
- *Members:* Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States
- *Observers:* France, Germany, Netherlands, Poland, United Kingdom, together with 9 international organisations and 9 NGOs²²
- *Special Participants:* Aleut International Association, Arctic Athabaskan Council, Gwich' in Council International, Inuit Circumpolar Conference, Russian Association of Indigenous Peoples of the North, Saami Council
- Since the 2nd Arctic Council Ministerial Meeting in Barrow (October 2000), the European Commission takes part in the activities of the Arctic Council as an '*invited guest*'

²⁰ The BEARC includes the following counties: Kainuu, Lapland and Oulu (Finland); Finnmark, Nordland and Troms (Norway); Archangelsk, Karelia, Komi, Murmansk and Nenets (Russia); Norrbotten and Västerbotten (Sweden).

²¹ Joenniemi, o.c., pp.25-27.

²² The names of these IO's and NGO's are available at: <http://www.arctic-council.org>

- *Institutional Framework:*



The Arctic Council is an intergovernmental forum, bringing together representatives of the eight member countries and delegations of the Arctic indigenous communities. The latter, represented as ‘permanent participants’ participate in all aspects of the Council’s work. This unique feature of Arctic co-operation guarantees full consultation and involvement of the indigenous people. An Indigenous Peoples Secretariat provides participation and co-ordination of the indigenous organisations. Hence, similar to the CBSS and BEAC a top-down aspect has been included in this form of regional co-operation. Biannual ministerial meetings lay down the general framework for co-operation. A Committee of Senior Arctic Officials meets more frequently (twice a year) and is responsible for the overall co-ordination of the Arctic Council’s activities, which focus on five specific working groups and programmes.

In contrast to the CBSS and BEAC, the European Commission is not a founding member of the Arctic Council. However, since the 2nd Arctic Council Ministerial Meeting in Barrow (October 2000), the Commission participates as an ‘invited guest’. Finland has actively promoted the formal inclusion of the Commission in the work of the Arctic Council, particularly in the light of the Northern Dimension initiative (cf. *infra*).²³ Finnish ambassador Peter Stenlund, for instance, argued in favour of a ‘permanent observer status’ for the European Commission²⁴ but External Relations Commissioner Chris Patten clarified that the participation of the Commission in the Arctic Council meetings will be continued on the same basis.²⁵

4. Nordic Council (NC) and Nordic Council of Ministers (NCM)²⁶

Foundation: 1952 (NC) and 1971 (NCM)

Members: Denmark, Finland, Iceland, Norway and Sweden

Formal Partners: Åland, Faroe Islands and Greenland

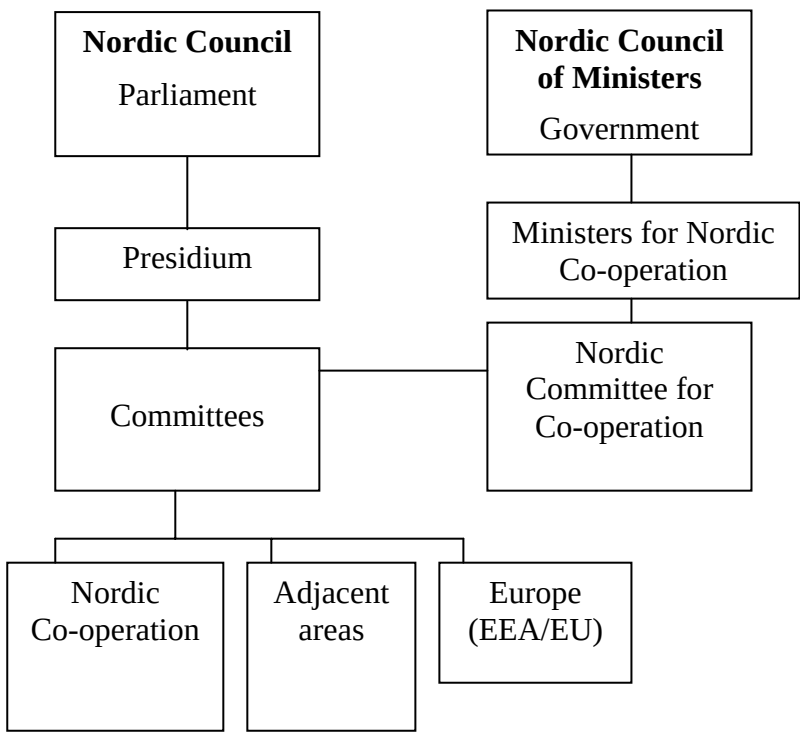
²³ See e.g. P. Lipponen, ‘The European Union Policy for a Northern Dimension from an Arctic Angle’, Speech at the Fourth Conference of Parliamentarians of the Arctic Region, Rovaniemi, 28 August 2000, available at: http://www.arctic-council.org/lip_rovaniemi.asp.

²⁴ P. Stenlund, ‘The Arctic Window of the Northern Dimension’, written contribution prepared for the 2nd Foreign Ministers’ Conference on the Northern Dimension, available at: <http://www.arctic-council.org/luxemburg.asp>.

²⁵ Statement by Mr. Jan-Erik Enestam, Minister at the Ministry for Foreign Affairs at the Conference on the Northern Dimension and the Arctic, Ilussat, Greenland, 27-29 August 2002, available at: http://www.arctic-council.org/files/Enestam_GRNLAN/Enestam_GRNLAN.pdf.

²⁶ See: <http://www.norden.org>

Institutional Framework:



Whereas the CBSS, BEAC and Arctic Council were all established after the end of the Cold War, co-operation between the Nordic countries has a longer tradition. The Nordic Council, as a forum for inter-parliamentary co-operation, goes back to 1952. The Council has 87 members, elected to the national parliaments and nominated by their respective political parties. Plenary sessions are organised every year. The Council members elect a presidium and organise meetings in the framework of three permanent committees, dealing with Nordic co-operation, the adjacent areas and European integration. Since 1971 Nordic co-operation also includes regular meetings at governmental level. The Nordic Council of Ministers consists of Prime Ministers, which delegate responsibility to the Ministers for Nordic Co-operation and to the Nordic Committee for Co-operation. Ministers of different policy areas meet several times a year. Decisions are taken unanimously after preparation by the

various Committees of Senior Officials, which consist of civil servants from the member states.

5. Conclusions

A concise overview of the different regional organisations in the Baltic Sea region reveals a clear overlap in terms of membership and geographic coverage.²⁷

Organisation	CBSS	BEAC	Arctic Council	NC/NCM
Foundation	1992	1993	1996	1952/1971
Initiative	Germany-Denmark	Norway	Finland	
Members	Denmark Estonia Finland Germany Iceland Latvia Lithuania Norway Poland Russia Sweden <i>Eur. Comm.</i>	Denmark Finland Iceland Norway Russia Sweden <i>Eur. Comm.</i>	Canada Denmark Finland Iceland Norway Russia Sweden USA	Denmark Finland Iceland Norway Sweden

²⁷ See also: A. Mariussen, H. Aalbu and M. Brandt, ‘Regional Organisations in the North’, Nordregio 2004, available at: <http://www.nordregio.se/pdf/wp20008.pdf>.

Observers	France Italy Netherlands Slovakia Ukraine UK USA	Canada France Germany Italy Japan Netherlands Poland UK USA	France Germany Netherlands Poland UK 9 IOs 9 NGOs	
Special Participants	BSCP, B7, BSSSC, OECD, UBC		AIA, AAC, ICC, RAIPN, Saami Council	
Strategic Partners	BDF, BCCA, Pro Baltica, Baltic NGO Forum, BASTUN, HELCOM, VASAB		<i>Eur. Comm.</i>	Aland, Faroe Islands, Greenland

The Nordic states (Denmark, Finland, Iceland, Norway, Sweden) constitute the core countries, belonging to all four organisations. The NC/NCM co-operation has the longest tradition and can be distinguished from the post-Cold War organisations (CBSS, BEAC, AC) to which Russia is a key Member State. It has even been argued that these organisations' primary function is to provide for 'confidence building measures' between Russia and other countries of the Baltic Sea area. Noteworthy is also the role of the European Commission in the CBSS and BEAC. The legal basis of the Commission's involvement is, however, not very clear (cf. *supra*) and might explain the perceived reluctance to play a more active role in the Arctic Council. The latter organisation has a North American agenda, due to the membership of the USA and Canada. Remarkable is the institutional involvement of indigenous peoples' representatives in the AC and BEAC. In combination with the institutional links with sub-regional entities in the CBSS, it can

therefore be concluded that the post-Cold War organisations in the Baltic Sea region are essentially decentralised and provide for channels of bottom-up communication.

The CBSS is clearly the most institutionalised regional organisation, with a permanent secretariat and meetings at the highest political level. Significantly, this level of institutionalisation was not originally envisaged. Despite institutional and political problems in the formative years, largely due to tensions in the relation between Russia and the Baltic states, the CBSS has gradually developed into a rather mature regional organisation. The CBSS might, therefore, be a potential source of inspiration for the Euro-Mediterranean Partnership. Of course, the role of the EU and its Member States is more limited in the CBSS. Whereas the EMP brings together all EU Member States and the Mediterranean partners, membership of the CBSS is restricted to those countries bordering the Baltic Sea. Moreover, the CBSS is not the result of an EU-led initiative, notwithstanding the involvement of the European Commission from the very beginning. A comparison between the EMP and the CBSS should therefore take into account the development of the EU's Northern Dimension policy as the over-arching framework for co-operation in the Baltic Sea area.

Section 2: EU policy towards the Nordic/Baltic Sea region

1. The Baltic Sea Region Initiative

Apart from its participation in the CBSS and BEAC, the EC/EU has gradually developed a more consistent strategy for the Baltic Sea region. In the light of the EU accession of Finland and Sweden and the opening of negotiations for Europe agreements with the Baltic states, the European Commission adopted its 'Communication for a Union Approach towards the Baltic Sea Region' in October 1994.²⁸ The EU's approach aimed at the intensification of:

²⁸ Commission Communication 'Orientations For a Union Approach towards the Baltic Sea Region', SEC (94) 1747, Brussels, 25 October 1994.

- i) political co-operation - mainly in order to tackle the problem of Russian-speaking minorities in the Baltic states, especially Latvia and Estonia;
- ii) economic co-operation - on the basis of trade liberalisation, technical assistance and investment promotion;
- iii) regional co-operation - focusing on the CBSS as 'an important complement to the Union's bilateral relations in the region'. In this regard, the Commission envisaged playing an active role, 'as a full member', in the work of the CBSS.

The Commission Communication foresaw the financing of regional projects on the basis of the Union's financial instruments (structural funds, PHARE and TACIS), without additional funding.

On the request of the Council, the Commission subsequently presented a report 'on the current state of and perspectives for co-operation in the Baltic Sea region'.²⁹ According to this document, the Baltic Sea states received, from various sources, a total of 4,534 million ECU in the period 1990-1994. Simultaneously, the Commission indicated that '*as a member of the CBSS*' it would prepare a long-term based Baltic Sea Region Initiative.³⁰ This comprehensive document, prepared in close collaboration with all partner countries around the Baltic Sea, was presented at the first Heads of Government meeting of the CBSS in Visby (Sweden), in May 1996, and endorsed by the June 1996 Florence European Council. The Commission proposed the establishment of a framework for regional co-operation, aiming at a better co-ordination of the divergent assistance programmes. Clearly, the CBSS was regarded as the key forum for monitoring the various programmes.³¹

²⁹ Commission Report on the current state of and perspectives for co-operation in the Baltic Sea region, COM (95) 603, Brussels, 29 November 1995.

³⁰ Ibid.

³¹ Commission Communication 'The Baltic Sea Region Initiative', SEC (96) 608 final, Brussels, 10 April 1996.

The European Parliament welcomed the Commission's initiative as '*a summary of and a starting point for regional policies*', but regretted that the document '*did not represent truly new initiatives*.'³² Hence, it invited the Commission to '*use its membership of the CBSS to take new initiatives in order to promote stability and sustainable development in the region*'. Significantly, the EP also asked the Commission to participate in the work of the Arctic Council - of which it is not a member - and to co-ordinate this work with its activities in the CBSS and BEAC.³³ The Committee of the Regions (CoR) also stressed the necessary involvement of regional and sub-regional organisations in the development of a general EU policy for the Baltic Sea region. Moreover, the CoR maintained that the rules '*governing the various programmes in the Baltic Sea region have not been tailored to structural conditions in the Baltic Sea region*.'³⁴ In order to achieve optimal results, it has therefore stressed the need for more effective co-ordination.

In this context, and in the light of the CoR's earlier opinion on 'the Northern Dimension of the European Union and Cross-border Co-operation on the Border between the European Union and the Russian Federation and in the Barents Region'³⁵, the Finnish Prime Minister Paavo Lipponen called for a 'policy for the Northern Dimension' inspired by the Barcelona process. In a speech delivered in September 1997, Lipponen explicitly referred to the EU's involvement in the Mediterranean region as an example of '*a many-faceted and in many ways effective policy*'.³⁶ Proceeding

³² European Parliament Resolution on the Commission Communication on the Baltic Sea Region Initiative, OJ 1997, C200/166.

³³ Ibid.

³⁴ Opinion of the Committee of the Regions on 'Current and future EU policy on the Baltic Sea Region with specific reference to local and regional aspects', OJ 1997, C42/6.

³⁵ Opinion of the Committee of the Regions on 'The Northern Dimension of the European Union and Cross-Border Co-operation on the border between the European Union and the Russian Federation and in the Barents Region', OJ 1996, C337/7.

³⁶ P. Lipponen, 'The European Union Needs a Policy for the Northern Dimension', Speech at the Barents Region Today conference, Rovaniemi, 15 Sept. 1997; Appendix in: L. Heinninen, J. Käkönen, (eds.), *The New North of*

from this implicit call for a better balance of the Union's commitments in Southern and Northern Europe, he claimed the necessity of a comprehensive and co-ordinated EU approach. Significantly, the new policy framework would not require additional institutional arrangements or financial contributions. According to some observers, this characteristic facilitated the smooth acceptance of the Northern Dimension in the EU's institutional framework.³⁷ Barely three months after Lipponen's speech, the December 1997 Luxembourg European Council requested the Commission to present an interim report on the subject at a European Council meeting in 1998.

The Commission's response, presented at the December 1998 Vienna European Council, laid down the foundations and guidelines of the EU's Northern Dimension policy. According to this document, which largely reflected the initial Finnish proposals, the Northern Dimension '*should not be seen as a new regional initiative*'.³⁸ It is rather a policy framework, providing for 'added value', 'synergies' and 'coherence' in the existing policies and actions. Taking into account the observation that no new mechanisms, institutions or funding had been envisaged, it has been argued that the Commission's outline of the Northern Dimension 'is similar to the previous documents',³⁹ tended to remain a vague declaration without concrete proposals for the realisation of the ambitious goals.⁴⁰

Europe. Perspectives on the Northern Dimension, Tampere Peace Research Institute, Research Report, 1998, 80, pp.125-132.

³⁷ H. Ojanen, 'The EU and its Northern Dimension': An Actor in Search of a Policy or a Policy in Search of an Actor?, *EFA Rev.* 5, 2000, 3, p.364; D. Arter, 'Small State Influence within the EU: The case of Finland's Northern Dimension Initiative', *JCMS*, 38, 2000, 5, p.685.

³⁸ European Commission Communication, 'A Northern Dimension for the policies of the Union', COM (98) 589 final, Brussels, 25 November 1998.

³⁹ M. Davis, 'The European Union and the Baltic Sea Region: Problems and Prospects for Stability', in: L. Hedegaard, D. Lindström, (eds.), *The NEBI Yearbook 2000*, Berlin, Springer, 2000, p.220.

⁴⁰ H. Haukkala, 'Succeeding Without Success? The Northern Dimension of the European Union', in: T. Forsberg, H. Vogt, (ed.), *Northern Dimensions Yearbook 2001*, Helsinki, Finnish Institute of International Relations, 2001, p.37.

2. The EU's Northern Dimension

2.1 *An innovative approach for regional co-operation?*

In spite of these sceptical reactions, the Northern Dimension contains some important innovations in comparison to the EU's classical foreign policy instruments. First, the ND is based on a 'partner-oriented approach', which encourages active participation of the non-EU Member States Russia, Norway, Iceland and, initially, the candidate countries Poland, Estonia, Latvia and Lithuania. The fact that these partner countries have become involved in the process from the very beginning and participated in the Foreign Ministers' conferences on the Northern Dimension is rather unusual in the EU context.⁴¹ In other words, the partner countries are expected to be not only policy-takers but also policy-makers. Second, the ND entails a 'multilevel approach', including co-operation between governments, EU institutions and regional bodies. The European Commission referred to the CBSS and BEAC as organisations expected 'to play a useful role in addressing the problems facing the region.'⁴² The May 1999 General Affairs Council adopted a more ambitious approach, giving the regional bodies a role in the implementation of the Northern Dimension.⁴³ Clearly, a division of labour between on the one hand the EU (responsible for the development of general policy guidelines) and on the other hand the (sub-)regional organisations (responsible for policy implementation and bottom-up communication) can be identified. Nicola Catellani speaks about a three-level structure.⁴⁴ At the highest level, the EU's Northern

⁴¹ L. Heininen, 'Ideas and Outcomes: Finding a Concrete Form for the Northern Dimension Initiative', in: H. Ojanen, (ed.), *The Northern Dimension: Fuel for the EU?*, Helsinki, FIIA, 2001, p.42.

⁴² European Commission Communication, 'A Northern Dimension for the policies of the Union', COM (98) 589 final, Brussels, 25 November 1998, p.5.

⁴³ General Affairs Council, Implementation of a Northern Dimension for the policies of the European Union, 31 May 1999, Brussels, 9034/99.

⁴⁴ N. Catellani, 'The Emergence of Multilevel Institutional Structures at the Borders of the European Union', Paper for the Conference of Multilevel Governance, University of Sheffield, June 2001, available at: <http://www.shef.ac.uk/~perc/mlgc/papers/catellani.pdf>.

Dimension lays down the general framework for co-operation in Northern Europe, including priorities, target areas and policy instruments. Regional organisations such as the CBSS, BEAC and the Arctic Council operate as an interface between the EU level, where instruments are shaped, and the sub-regional level, where instruments are applied. This ‘multilevel co-operation’ should allow for a more efficient use of the resources and the creation of synergies between existing programmes. The Northern Dimension therefore introduces a form of network governance⁴⁵ or vertical co-ordination between divergent regional organisations and institutions. Responsibility for tasks that are not directly connected with strategic decision-making would then be attributed to the Member States and external partners, in close co-operation with the European Commission. This ‘subsidiarity’ in foreign policy-making forms an interesting mindset of the Northern Dimension concept.⁴⁶ In addition, the Northern Dimension aims at horizontal co-ordination among various EU instruments and institutions. This implies on the one hand synchronisation of the EU’s financial programmes (PHARE, TACIS and INTERREG), and on the other hand enhanced co-operation between the European Commission’s Directorates-General. Last but not least, the Northern Dimension cuts across the Union’s pillar structure: the instruments stem from the first, the objectives from the second and the problems from the third.⁴⁷

⁴⁵ Elisabeth Johansson defines *network governance*, as ‘a theoretical model where a set of actors - at supranational, national or sub-state level - are willing to coordinate their policy spaces and scarce resources with each other, in order to realise synergies through shared policy and economic projects, and hence create an area of governance.’ E. Johansson, ‘Northern Europe - network governance and a possibility for synergy among the EU, NATO, the OSCE and regional organisation?’, in: T. Pohjola, J. Rainio, (eds.), *The New North of Europe. UPI Policy Memos*, Helsinki, UPI, 2002, p.41.

⁴⁶ M.S. Finlenborg, S. Gänzle, E. Johansson, ‘An Alternative Theoretical Approach to EU Foreign Policy. Network Governance and the Case of the Northern Dimension Initiative’, *Co-operation and Conflict*, 37, 2002, 4, p.395.

⁴⁷ Ojanen l.c., p. 374.

2.2 *From Words to Action: Overcoming Institutional Barriers*

The innovative aspects of the ND provide a promising new conceptual framework for regional co-operation in the EU's peripheries. However, the transformation from an abstract idea to operational policies faced a number of practical and institutional burdens. The implementation phase started with the adoption of a first Action Plan for the Northern Dimension (2000-2003), endorsed by the June 2000 Feira European Council. Again, this document was criticised for its lack of substance. According to Marius Vahl, 'it does not propose any significant new initiatives whereby it could justifiably be said that it fulfils the promise of providing enhanced coherence and co-ordination among the numerous policy instruments and assistance programmes that was the primary operational goal of the initiative.'⁴⁸ The following Swedish Presidency, therefore, aimed to give the Northern Dimension a more concrete content. Notwithstanding these positive intentions, the establishment of a format for structured implementation of the Northern Dimension Action Plan turned out to be a very difficult operation. In general terms, obstacles to effective implementation can be identified both with regard to the aimed at horizontal and vertical co-ordination.

A first challenge has been to link financing from different sources: PHARE for the candidate countries, INTERREG for the EU Member States and TACIS for Russia. The co-ordination between these funding mechanisms and the different contractual relations with the partner countries interferes with the organisational structure of the EU. Whereas TACIS and PHARE are administered by the Commission's Directorates-General for External Relations and Enlargement, the INTERREG initiative has been conceived in the framework of the structural funds within the responsibility of the DG for Regional Policy. This bureaucratic division of labour, with different units responsible for different parts of the relevant ND instruments, obstructs the smooth implementation of specific cross-border programmes. Differences in terms of the programming

⁴⁸ M. Vahl, *A Northern Dimension Model for Relations between the European Union and its 'Near Abroad'*, Brussels, CEPS, 2001, p. 3.

period, stated objectives, administrative structures, budget lines and the absence of cross-funding opportunities all inhibit an efficient co-ordination of the different instruments and initiatives.⁴⁹

Second, the system of rotating EU presidencies reflects a varying attention to the Northern Dimension, depending on the strategic priorities of the Member State holding the Presidency. Whereas the Northern Dimension was high of the agenda of the Finnish (1999), Swedish (2001) and Danish (2002) presidencies, the Northern Dimension was not even mentioned in the 2003 programme of the Greek and Italian presidencies.⁵⁰

Third, the envisaged 'partner-oriented' and 'multilevel' approach appears to be watered-down in practice. Whereas the Council guidelines initially defined the regional bodies as implementing actors, the first Action Plan reduced their role to that of advisors or consultants.⁵¹ The Commission's unclear legal mandate in regional organisations such as the CBSS and BEAC might explain this perceived reluctance to delegate responsibilities to the (sub) regional level. The rather limited impact of non-EU actors brought Cattelani to the conclusion that *'there seems little difference between the way the ND is implemented and the rather distinct top-down approach permeating most of the EU's policies.'*⁵²

Apparently, the EU's ambitious statements have raised high expectations. The ND has been presented as *'a new approach to neighbourhood relations'*⁵³ and a *'model for regional co-*

⁴⁹ N. Catellani, 'The Multilevel Implementation of the Northern Dimension', in: H. Ojanen, (ed.), o.c., pp.61-63.

⁵⁰ The European Parliament expressed its concern over the absence of references to the Northern Dimension in the programmes of the Greek and Italian presidencies and called on both presidencies 'to give full support to the ND process.' European Parliament resolution on the Northern Dimension - New Action Plan 2004-2006, OJ 2004, C38E/312.

⁵¹ Myrjord, l.c., p.250.

⁵² N. Cattelani, *Short and Long-Term Dynamics in the EU's Northern Dimension*, COPRI Working Papers, 2001, 41, p.16.

⁵³ N. Cattelani, *The EU's Northern Dimension: Testing a New Approach to Neighbourhood Relations?*, Research Report, Swedish Institute of International Affairs, 2003, p.35.

operation’⁵⁴. This, however, may be overestimating the EU’s foreign policy capacity, which is affected by institutional obstacles and problems of inter-pillar coherence.⁵⁵ Notwithstanding the obvious ‘expectations-capability gap’, the European Commission has assumed a leading role in the implementation of the Action Plan and the further development of the Northern Dimension Initiative. The Commission has, for instance, issued a ‘guide to bringing INTERREG and TACIS funding together’.⁵⁶ Moreover, the Commission has initiated active co-operation - together with the regional actors and in particular the CBSS - in fields like environment and information technology (IT). The result, a Northern Dimension Environmental Partnership (NDEP) and a Northern Dimension Action Plan (NDAP), makes the Northern Dimension more visible and concrete. The NDEP includes the establishment of a Support Fund, bringing together financial contributions from different sources, and a Steering Group, responsible for the identification of priority projects.⁵⁷ This financing and co-ordination approach has been considered as ‘a useful model for other Northern Dimension sectors’.⁵⁸ Finally, the actors involved in the ND process have gradually developed a format for monitoring the implementation of its policies without the creation of new, permanent institutional arrangements.⁵⁹ The monitoring procedures include:

⁵⁴ M. Vahl, *A Northern Dimension Model for Relations between the European Union and its ‘Near Abroad’*, Brussels, CEPS, 2001, p.25.

⁵⁵ E. Johansson, ‘EU Foreign Policy and Subregionalisation in North-Eastern Europe’, in: H. Hubel, (ed.), *EU Enlargement and Beyond: The Baltic States and Russia*, Berlin, Berlin Verlag, 2002, p.383.

⁵⁶ Available at:

http://www.europa.eu.int/comm/regional_policy/interreg3/documents/tacis_en.pdf.

⁵⁷ See: <http://www.ndep.org>.

⁵⁸ European Commission Working Document, The Second Northern Dimension Action Plan, 2004-06, COM (2003) 343 final, Brussels, 10 June 2003, p.3.

⁵⁹ The June 2001 Göteborg European Council endorsed the policy guidance and follow-up procedures included in the ‘Full Report on Northern Dimension policies’ as prepared by the Swedish EU Presidency and the Commission on the basis of the conclusions of the Foreign Ministers’ Conference in Luxembourg of 9 April 2001. Presidency Conclusions Göteborg European Council (15-16 June 2001), *Bull. EU*, 2001, 6, I.64.

- i) Annual Progress Reports, prepared by the Commission in consultation with relevant Council bodies and presented to the European Council at the end of each year (beginning in 2002). The Progress Reports focus on the effectiveness of the co-ordination efforts of the Northern Dimension;
- ii) Annual Meetings of Senior Officials monitor the progress in executing the Action Plan;
- iii) Foreign Ministers' conferences, taking place at regular intervals, provide political guidance and consider possible actions;
- iv) Biannual meetings of the so-called 'High Level Forum', bringing together governmental and non-governmental partners seek the active engagement of the business community, organised civil society and international financial institutions.

Remarkably, no specific role has been attributed to the regional organisations. The 'full report on Northern Dimension Policies' only vaguely states that *'the experience and know-how of the regional bodies could be used further to develop and implement specific initiatives in the ND region'*.⁶⁰ The perceived reluctance on the part of the EU institutions to delegate far-reaching responsibilities to the regional level did not prevent the active contribution of the regional organisations to the drafting of the second Northern Dimension Action Plan (2004-2006).⁶¹ The new Action Plan, endorsed by the October 2003 Brussels European Council, mentioned five broad priority sectors⁶² and announced special attention for regions with specific needs, such as Kaliningrad and the Arctic region.⁶³ It is obvious that the implementation of the Action Plan will take place in a new political

⁶⁰ Council of the European Union, Full Report on Northern Dimension Policies, 9804/01, Brussels, 12 June 2001, p.13.

⁶¹ For an overview of these contributions, see:

http://www.europa.eu.int/comm/external_relations/north_dim/ndap/docsap2.htm.

⁶² economy, business and infrastructure; human resources, education, scientific research and health; environment, nuclear safety and natural resources; cross-border co-operation and regional development; justice and home affairs.

⁶³ The Action Plan is available at: http://www.europa.eu.int/comm/external_relations/north_dim/ndap/ap2.htm.

framework after the accession of the Baltic Sea states Poland, Estonia, Latvia and Lithuania. In addition, the European Commission's proposals for the development of a European Neighbourhood Policy create an additional legal framework for the framing of the Northern Dimension policy.

3. Future of the Northern Dimension: Impact of EU enlargement and the ENP

The EU enlargement of 1 May 2004 and the emerging ENP significantly affect the Northern Dimension process. The accession of Poland, Estonia, Latvia and Lithuania implies that only three external partners remain (Russia, Iceland and Norway). Taking into account the highly developed relationship between the EU and the EEA-members Iceland and Norway, it can be argued that the ND will be, more than ever, oriented towards Russia. From the outset, the ND initiative focused on '*a reinforcement of the positive interdependence between Russia and the Baltic Sea region and the European Union*'.⁶⁴ The other implicit objective, i.e. facilitating the enlargement process through the involvement of the candidate countries in concrete co-operative projects, has become obsolete.⁶⁵ Hence, the post-enlargement Northern Dimension Policy tends to become the regional pillar of the EU-Russia Partnership, in addition to the Union's unilateral Common Strategy and the bilateral Partnership and Co-operation Agreement (PCA).

In comparison to the Euro-Mediterranean Association Agreements (EMAAs) the PCA is based on a different legal basis. Whereas the EMAAs establish 'an association involving reciprocal rights and obligations, common action and special procedure' (Art. 310 EC), the legal basis of the PCA does not fundamentally differ from the previous Trade and Co-operation Agreements (TCAs) (Arts. 133

⁶⁴ European Commission Communication 'A Northern Dimension for the Policies of the Union', COM (98) 589 final, Brussels, 25 Nov. 1998, p.2.

⁶⁵ N. Catellani, 'The EU's Northern Dimension after the enlargement', in: E. Barbe, E. Johansson, (eds.), *Beyond Enlargement: the New Members and New Frontiers of the Enlarged European Union*, Barcelona, Institut Universitari d'Estudis Europeus, 2003, p.160.

and 308 EC).⁶⁶ In comparison to the Euro-Mediterranean Association Councils, the Co-operation Council cannot take legally binding decisions. Furthermore, their content is less comprehensive. For instance, the establishment of a Free Trade Area regarding industrial products is one of the objectives of the EMAAs. The PCA with Russia, on the other hand, provides only for a so-called 'evolutionary clause', mentioned in Article 3, to the effect that a future establishment of a Free Trade Area between the parties may be considered '*as circumstances allow*'.⁶⁷ On the other hand, the PCAs main asset lies in the opportunities provided for dialogue at the highest political level. In accordance with Article 7 of the PCA with Russia, joint EU-Russia summits take place twice a year. On the EU side, the Head of Government of the EU Member State holding the EU Presidency, the President of the European Commission, the Commissioner for External Relations and the High Representative for Common Foreign and Security are present whereas Russia is represented by the President and Ministers responsible for areas related to EU relations.⁶⁸ In addition, there are annual meetings of the Co-operation Council at Ministerial level and various meetings of the Co-operation Committee and specialised sub-committees. Initiatives within the Northern Dimension framework are discussed in the respective PCA bodies. Notwithstanding initial criticism on the vagueness of

⁶⁶ Originally, the PCA was exclusively based on Articles 133 and 235 EC but as a consequence of Opinion 1/94 of the ECJ, the Commission was obliged to widen the legal basis. As a result, the PCA is now based on a variety of treaty provisions (Art. 54,2; 57,2; 66; 73c,2; 75; 84,2; 99, 100; 133; 228,2 and 228,3; 235). On this evolution, see: M. Maresceau, '*From Europe Agreements to Accession Negotiations*', in: M. Ganino, G. Venturine, (eds.), *L'Europa di domani: verso l'allargamento dell'Unione*, Milano, 2002, p.18; and C. Flaesch-Mougin, '*Quel partenariat pour la Fédération de Russie: Union européenne, Communautés, Etats membres*', in: J. Raux, V. Korovkine, (red.), *Le partenariat entre l'Union européenne et la Fédération de Russie*, Rennes, Apogée, 1998, pp.64-68.

⁶⁷ A first examination of these circumstances was scheduled in 1998 but came to nothing because the EU had declared that negotiations on this topic could start only after Russia's accession to the WTO. As a result, the idea of a free trade area was postponed indefinitely.

⁶⁸ M. Maresceau, '*EU Enlargement and Common Strategies on Russia and Ukraine*', in: C. Hillion, (ed.), *EU Enlargement: a Legal Approach*, Oxford, Hart, 2004, p.194.

the Northern Dimension concept⁶⁹, the establishment of a Northern Dimension Environmental Partnership to tackle the most pressing environmental problems in North-West Russia has demonstrated the potential added value of this regional approach. It can be expected that the importance of such cross-border initiatives will only expand after enlargement.

EU enlargement has another interesting side effect in terms of the ND co-ordination objectives: due to the termination of the Europe Agreements and the PHARE assistance programme in the Baltic Sea region, a simplification of the complex legal framework has taken place. Estonia, Latvia, Lithuania and Poland have now become eligible for INTERREG funding. Consequently, co-ordination efforts will be limited to two financial instruments: INTERREG and TACIS. Apart from the Commission's 'guide to bringing INTERREG and TACIS funding together' (cf. *supra*), further steps towards a more effective co-ordination have been proposed in the framework of the emerging ENP. In its Communication 'Paving the way for a new Neighbourhood Instrument', the European Commission acknowledged the existing problems and presented a 'two-step approach' towards the establishment of a single instrument for cross-border co-operation.⁷⁰ In an initial phase, between 2004 and 2006, the INTERREG programmes on the external border of the EU will be brought together with the TACIS Cross-Border Co-operation (CBC) programmes operating on the Russian side of the border. In a second phase, for the period after 2006, the Commission envisages the creation of a single Neighbourhood Instrument. Whereas the July 2003 Communication set out three possible options for the development of this instrument⁷¹, the May 2004 ENP Strategy Paper clearly preferred a new Regulation based on a

⁶⁹ M. Ruuda, 'Russia attacking EU Northern Dimension Programme', *EU Observer*, 24 October 2001.

⁷⁰ European Commission Communication 'Paving the way for a new Neighbourhood Instrument', COM (2003) 393final, Brussels, 1 July 2003, pp.7-12.

⁷¹ *Ibid.*, p.12. The three options include: (1) expanding the content and scope of an existing co-operation instrument; (2) creating a single new regulation; (3) focusing further on co-ordination between already existing instruments.

single budget line and a single management mechanism.⁷² This option reflects the call for *‘a single common fund within with INTERREG, PHARE, TACIS and their CBC components would operate’*, made in a 1999 European Parliament resolution on the Northern Dimension.⁷³ This example illustrates the interaction between the ND experiences and the emerging ENP. The inclusion of references to ‘ownership’ in the ENP Strategy Paper also echoes the partner-oriented and multilevel approach of the ND initiative. The Commission, for instance, refers to the added value of regional fora and concludes that *‘the importance of local ownership is one of the most pertinent lessons that can be drawn from the Northern Dimension.’*⁷⁴ The question is, however, whether the experiences from the ND can be useful for the Euro-Mediterranean Partnership.

PART II: THE EURO-MEDITERRANEAN PARTNERSHIP: INSTITUTIONAL FRAMEWORK AND DECISION- MAKING PROCESS

The aim of the present Part is to recapitulate the main features of the institutional system and then the decision-making processes of the Euro-Mediterranean Partnership having in mind what was previously said regarding the regional organisations operating in the Baltic Sea area. At the end of the Part an overview of the various decision-making levels of the unilateral EU Mediterranean Policy will also be provided.

Section 1: The Euro-Mediterranean Institutional Dimension

1. The Foundations and Membership of the EMP

The innovation of the Euro-Mediterranean Partnership was to introduce a multilateral or regional dimension complementing and

⁷² European Commission Communication ‘European Neighbourhood Policy. Strategy Paper’, COM (2004) 373 final, Brussels, 12 May 2004, p.26.

⁷³ European Parliament Resolution on the Communication from the Commission - A Northern Dimension for the policies of the Union, A4-209/99, OJ 1999, C279/32.

⁷⁴ European Commission Communication ‘European Neighbourhood Policy. Strategy Paper’, COM (2004) 373 final, Brussels, 12 May 2004, p.21.

reinforcing the bilateral dimension (i.e the bilateral agreements) of the Euro-Mediterranean relationships.

1.1. The Barcelona Declaration: the Non-Legally-Binding Founding Act of the EMP

The 1995 Barcelona Declaration, the founding act of the Euro-Mediterranean Partnership, is only a framework political declaration. Indeed, the Declaration has no legal basis and was not even signed by the 27 participants. According to a glossary of the European Commission, the Barcelona Declaration is nevertheless the "*main policy document adopted by 15 European Union Member States, 12 Mediterranean Partners (...) and the European Commission (...). The document outlines three areas of partnership relations (and) sets out the political framework and goals which should be achieved by the implementation of activities*"⁷⁵. It must be said that, on the EU side, political legitimisation was however previously granted by the conclusions of the Corfu, Essen (1994) and Cannes (1995) European Councils where the decisions to establish the Euro-Mediterranean Partnership were adopted, together with the Draft Barcelona Declaration that was submitted for discussion to the twelve Mediterranean Partners.

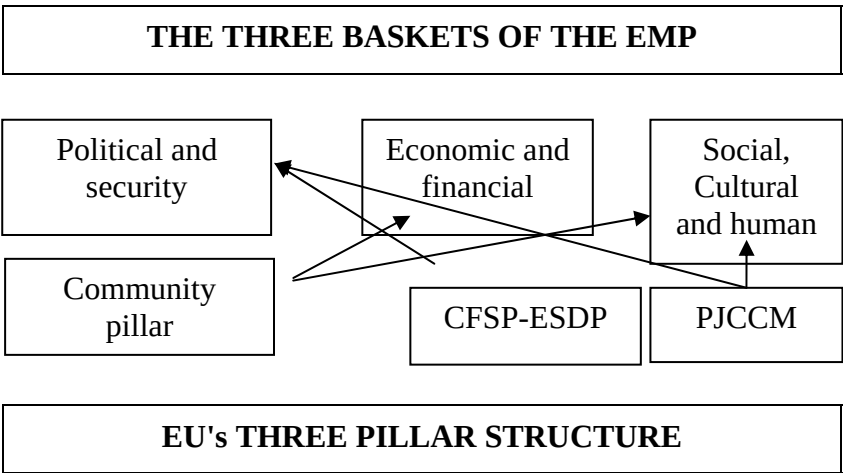
The Declaration itself is composed of three well-known baskets:

- i) Political & security partnership: establishing a common area of peace and stability;
- ii) Economic & financial partnership: creating an area of shared prosperity;
- iii) Partnership in social, cultural and human affairs: developing human resources, promoting understanding between cultures and exchanges between civil societies.

It must be stressed that the structure and the philosophy (a spirit of partnership) of the Barcelona Declaration was influenced by the 1975 Helsinki Final Act of the Conference for Security and Co-

⁷⁵ Euromed Information Note 'Euro-Mediterranean Partnership and MEDA Regional Activities', June 2002, p. 87.

operation in Europe (now the OSCE). Therefore, the three baskets of EMP do not fit into the EU's three-pillar structure.



Interrelationships between the three baskets of the EMP and the EU's three pillars are the rule. Even if the Constitutional Treaty will abolish the pillar structure established by the Maastricht Treaty, the inter-governmental co-operation system (CFSP-ESDP⁷⁶ and PJCCM⁷⁷) and the Community method (community pillar) will be maintained thus preserving a kind of "hidden pillar structure" that will continue to influence the relationships between the EU's unilateral Mediterranean Policy and the EMP.

1.2 The EMP Membership: Members and Special Guests

In Barcelona, the "Council of the European Union, represented by its President, Mr Javier Solana, Minister for Foreign Affairs of Spain" and the "European Commission, represented by Mr Manuel Marin, Vice-President" were considered as participants together with the 15 Foreign Ministers of the Member States (MS) and the 11 Foreign Ministers of the Mediterranean Partners (MP) together with Yasser Arafat, the only President that attended the Barcelona

⁷⁶ Common Foreign and Security Policy (CFSP) - European Security and Defence Policy (ESDP).

⁷⁷ Police and Judicial Co-operation in Criminal Matters (PJCCM).

conference⁷⁸. Originally there were therefore 27 (15+12) "Members of the EMP". One should stress that despite several attempts, no Euro-Mediterranean Conference at the level of Heads of State or Government has been held so far (contrary to the Council of Baltic Sea States (CBSS) for example).

The association of potential "special guests" or "observers" created, in the months preceding the Barcelona conference, some intense debates⁷⁹. Apart from the participants above mentioned, two other categories were finally introduced:

- the "special guests of the Presidency" (observers): Gulf Co-operation Countries (GCC), Arab League (AL), Mauritania;
- the "diplomatic guests of the Presidency" (tribune of ambassadors): United States, Russia and some south-eastern European countries (Albania, Slovenia...).

The "diplomatic guests of the Presidency" category was clearly created in Barcelona in order, on the one hand, to circumscribe the diplomatic problems created by the clear exclusion of the United States from the institutional picture of the Barcelona process⁸⁰ and, on the other hand, to associate potential members of the EMP (Mediterranean Partners or Member States) as well as countries

⁷⁸ See the Barcelona declaration adopted at the Euro-Mediterranean Conference - 27-28/11/95,

http://europa.eu.int/comm/external_relations/euromed/bd.htm

⁷⁹ Avis de la section des relations des relations extérieures de la politique commerciale et du développement du Comité économique et social sur le "Partenariat euroméditerranéen". Rapporteur : M. Mériano. EXT/130. 16 août 1995, 33p., rapport de la Commission des affaires étrangères, de la sécurité et de la politique de défense du Parlement européen sur "La politique méditerranéenne de l'Union européenne dans la perspective de la Conférence de Barcelone", présenté par M. Sakellariou; A4 - 0232/95 du 3 octobre 1995, p.7.

⁸⁰ It should be added that the Barcelona Declaration stressed that *"this Euro-Mediterranean initiative is not intended to replace the other activities and initiatives undertaken in the interests of the peace, stability and development of the region, but that it will contribute to their success. The participants support the realization of a just, comprehensive and lasting peace settlement in the Middle East"*. A clear reference to the action of the US within the Middle East peace process.

such as Russia or Ukraine considered as being unavoidable regional partners given their direct access to the Mediterranean Sea via the Black Sea.

At the Stuttgart Euro-Mediterranean Ministerial Conference in 1999, some important modifications were therefore introduced with regard to those two categories:

- Like the Gulf Co-operation Countries, the Arab League and Mauritania; Libya and the Arab Maghreb Union (AMU) were granted the status of "special guests",
- Twenty other countries were granted the status of "diplomatic guests": Albania, Andorra Bulgaria, Croatia, Czech republic, Estonia, Holy See, Hungary, Island, Latvia, Lithuania, Monaco, Norway, Poland, Romania, Russian Federation, Slovenia, Slovakia, Switzerland, Ukraine.

Regarding the specific status of Libya it must be recalled that, at the third Euro-Mediterranean Ministerial Conference held in Stuttgart in 1999, the 27 partners declared that "Libya, which participated as guest of the Presidency, will become a full member of the Barcelona Process as soon as the UN Security Council sanctions have been lifted and Libya has accepted the whole Barcelona *acquis*". Since the Stuttgart conference, Libya has been invited to participate, as an observer, in some of the meetings of the Barcelona Process. This notion of a "Barcelona *acquis*" is indeed very important because it demonstrates that:

- i) the partners managed to turn the Mediterranean basin into an area of dialogue;
- ii) the Partnership is a lasting process;
- iii) the Barcelona Declaration, which was originally a non-legally-binding political document, has generated political pre-conditions to be met in order to become a Mediterranean Partner of the EU (there is here a clear parallelism to be made with the Copenhagen political criteria for EU membership).

One of the major accomplishments of the Euro-Mediterranean Partnership is without doubt that the political dialogue between all the parties (including countries such as Israel and Syria) has continued within the Barcelona framework even during periods of crisis in the Middle East peace process (there was however an exception during the Marseilles conference when Syria and Lebanon boycotted the meeting because of the Israeli-Palestinian situation in the context of the second intifada).

The Arab Maghreb Union was also granted the status of special guest and is developing a strategy aiming at co-ordinating the views of the Maghreb countries within the EMP. "Mediterranean Arab countries" also co-ordinate their work within the EMP notably through a kind of rotating Presidency system.

EMP Membership

Pre-accession (Barcelona)			Post-accession		
Member States	Mediterranean Partner	Special guest	Member States	Mediterranean Partner	Special guest
Austria	Algeria	Libya	Austria	Algeria	Libya
Belgium	Cyprus	AMU	Belgium	Egypt	AMU
Denmark	Egypt	Arab league	Cyprus	Israel	Arab league
Germany	Israel		Czech Rep.	Jordan	
Greece	Jordan		Denmark	Lebanon	
Finland	Lebanon		Estonia	PT	
France	PT		Germany	Morocco	
Ireland	Malta		Greece	Syria	
Italy	Morocco		Finland	Tunisia	
Luxembourg	Syria		France	Turkey	
Portugal	Tunisia		Hungary		
Spain	Turkey		Ireland		

Sweden			Italy		
Netherlands			Latvia		
UK			Lithuania		
			Luxembourg		
			Malta		
			Poland		
			Portugal		
			Slovakia		
			Slovenia		
			Spain		
			Sweden		
			Netherlands		
			UK		
Total pre-accession			Total post-accession		
15	12		25	10	
27			35		

1.3. The post-accession situation or the new Euro-Mediterranean institutional equation

Since the 1st of May 2004, the EMP institutional framework has evolved tremendously. The impact of the largest-ever enlargement of the EEC/EU has indeed a multilevel impact on the Mediterranean policy of the EU and on the Euro-Mediterranean Partnership. Before the 1st May 2004 the situation was the following: 15 Member States of the EU on the one hand, 12 Mediterranean Partners (8 Arab partners, Cyprus, Malta, Israel and Turkey) on the other hand. The new situation is as follows: 25 Member States and 10 Mediterranean Partners (8 Arab partners, Israel and Turkey). The first consequence is the passage from the "15 + 12" Barcelona equation to the new "25 + 10" one. This new balance means an increase of 8 new members of the Euro-Mediterranean Partnership, as Malta and Cyprus are only transferred from one category to another. The North/South imbalance is therefore reinforced. However it is worth mentioning that then even before the last enlargement the EMP was anyway already not balanced as the Mediterranean Partners did not manage to develop a credible and efficient regional economic integration.

Moreover, Turkey is also to be considered within the "candidate country category", thus implying that the EMP will be limited to an Euro-Arab-Israeli relationship. Another consequence of the last (and future) enlargement(s) is that new observers or diplomatic guests such as Belarus⁸¹ and Moldova⁸² or, in the southern Caucasus States Armenia, Azerbaijan, and Georgia may join the EMP through the ENP membership.

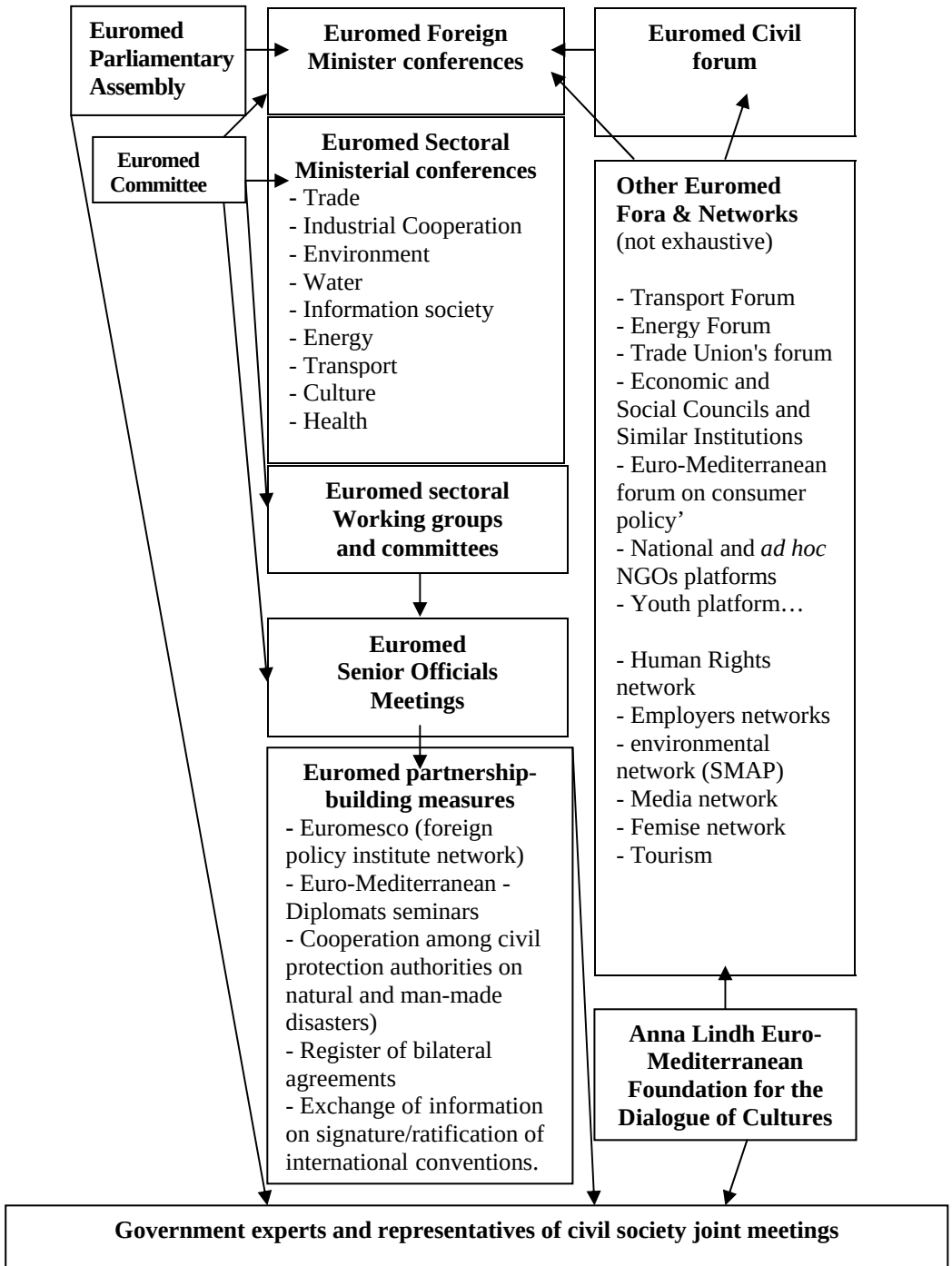
2. The EMP Multilateral Institutional Framework

Enlargement has already affected the composition and membership of the various types of conferences, fora, platforms, networks...playing a role within the framework of the three Barcelona baskets, the multilateral dimension of the EMP.

⁸¹ At present the EU does not have any formal relations with Belarus. A Partnership and Co-operation Agreement had been signed in 1995 but its implementation has been suspended due to the autocratic regime of A. Lukashenko.

⁸² The Russian Federation and Ukraine are already "diplomatic guests", see *infra*.

EMP Institutional Framework (Multilateral level)



2.1 The Euro-Mediterranean Ministerial Conferences

Two types of Ministerial Conferences must be considered while analysing the EMP's institutional structure: the "Foreign Ministers Conferences" and the "Sectoral Ministerial Conferences".

2.1.1 The Euro-Mediterranean Foreign Ministers Conferences

The Foreign Ministers Conference is, according to the European Commission, the "*top steering body of the Barcelona Process*". From 1995 until August 2004 six formal Foreign Ministers Conferences (Barcelona-type) and in between the formal meetings five ad hoc, mid-term or think-tank type of Foreign Ministers Conferences were held:

Formal Foreign Ministers Conferences

6th Euromed Foreign Ministers Conference (Naples 2-3/12/03)
5th Euromed Foreign Ministers Conference (Valencia 22-23/04/02)
4th Euromed Foreign Ministers Conference (Marseilles, 15-16/11/00)
3rd Euromed Foreign Ministers Conference (Stuttgart, 15-16/04/99)
2nd Euromed Foreign Ministers Conference (Malta, 16/04/97)
1st Euromed Foreign Ministers Conference (Barcelona 28/11/95)

Mid-term, ad hoc or think-tank Foreign Ministers Conferences

Euro-Mediterranean Mid-Term Meeting of Foreign Ministers (Dublin 5-6/05/04)
Euro-Mediterranean Mid-Term Meeting of Foreign Ministers (Crete, 26-27/05/03)
Euromed Foreign Ministers Conference (Brussels, 5-6/11/01)
Euro-Mediterranean think-tank type meeting (Lisbon 25-26/05/2000)
Euromed *ad hoc* ministerial meeting (Palermo, 4-5/06/98)

The reason for the establishment of ad hoc, think-tank and mid-term Foreign Ministers Conferences is due to the fact that the formal conferences are only taking place, on average, every 15/18 months. In-between meetings were thus necessary to maintain a

consistent follow-up of the Barcelona process but also in order to face crisis situations in a less formal way than the Formal Foreign Ministers Conferences, although at a higher level than the Senior Official Meetings (see *infra*).

2.1.2 *The Euro-Mediterranean Sectoral Ministerial Conferences*

The Euro-Mediterranean sectoral Ministerial Conferences, for their part, are essentially dealing with the second and third basket of the Barcelona process.

Sectoral Euro-Mediterranean Ministerial Conferences
Culture Bologna 22-23 April 1996; Culture (2nd) Rhodes 25-26 September 1998; Industry Brussels 20-21 May 1996; (2nd) Klagenfurt 3-4 October 1998; (3rd) Limassol 21-22 June 2000; (4 th) Malaga 9-10 April 2002; Information society Rome 30-31 May 1996; Energy Trieste 7-9 June 1999; Local water management Marseilles 25-26 November 1996; (2nd) Turin 18-19 October 1999; Environment Helsinki 28 November 1997; (2 nd) Athens 8-10 July 2002; Health Montpellier 3 December 1999; Trade Brussels 29 May 2001; (2 nd) Toledo 19 March 2002.

Source: Euromed Information Note Euro-Mediterranean Partnership and MEDA Regional Activities, June 2002.

It is interesting to note that the industrial, cultural and local water management sectoral conferences were launched during the year following the adoption of the Barcelona Declaration whereas the first trade conference was only held in 2001. Since 2002 new sectoral conferences have taken place and it seems that this process will not end in the near future.

2.2. The Euro-Mediterranean Senior Officials Committee

The senior officials of the 35 partners conduct a political and security dialogue (first Barcelona basket) within the framework of regular meetings. It must be underlined that the Senior Officials Committee was designed to create a less formal Committee than the "Euro-Mediterranean Committee" in order to work on the elaboration of the Euro-Mediterranean Charter on Peace and Stability and to approve the "partnership-building measures" (see *infra*), even if, in practice, the same representatives of the Member States and of the MP may attend both meetings.

To give a concrete example, a Senior Officials meeting was held on 14 July 2004 in Brussels. The meeting started with a "*presentation by the new Dutch Presidency of its priorities as regards these issues*". Senior Officials then had "*exchange of views on the working methods*" of the EMP. In addition, the "*follow-up to recently held meetings were discussed (the informal working group meetings on Partnership Building Measures and the European Neighbourhood Policy, and the Workshop on the rights of the child)*"⁸³. This kind of meeting is of great importance in terms of confidence building. The participating Mediterranean partners are informed and can express their (sometimes contradictory) views and perceptions on the political and security issues. Although attended by diplomats or high-level civil servants, such gatherings might be not diplomatic at all in case of a difficult political context and intense debates may take place between for example Israeli and Palestinian representatives or Cypriots and Turkish representatives. That is the very reason why those issues are tackled in these informal gatherings rather than in the Euro-Mediterranean Committee of the Barcelona Process. To evaluate the output of those meetings with classic evaluation tools is however a difficult task. What is clear is that maintaining, since 1995, a dialogue on such issues between partners that are sometimes technically in a state of war is indeed the great success and a real Barcelona *acquis*. Moreover, joint meetings are also held between the Senior Officials Committee and the Euromesco network for example (see *infra*)

⁸³ Euromed Synopsis, Issue 278, 8 July 2004.

thus introducing a dialogue between some representatives of civil society and the Senior Officials. Usually, a Senior Officials Meeting precedes the Euromed Committee, as was the case for the meeting held on the 27-28 September 2004 in Brussels⁸⁴.

2.3. The Euro-Mediterranean sectoral working groups and expert committees

Several sectoral working groups and numerous expert committees of very different nature have been created over the years in the framework of the Barcelona process. There are for example working groups on rules of origin⁸⁵, on foreign direct investment, on industrial co-operation⁸⁶, on regional integration⁸⁷, on air transport, maritime transport⁸⁸, the GNSS (Global Navigation Satellite Systems) working group⁸⁹, the Network & Infrastructure working group⁹⁰.

There are also informal working group meetings such as the one on Partnership Building Measures (see *supra*). This proliferation

⁸⁴ Euromed Calendar, September 2004.

⁸⁵ Euromed Special feature Issue 22, 7 June 2001, 'The first Euro-Mediterranean Ministerial meeting on trade', p. 2, http://europa.eu.int/comm/external_relations/euromed/publication/special_feature22_en.pdf.

⁸⁶ See the conclusions of the fourth Euro-Mediterranean Conference of Ministers for Industry Malaga, 10 April 2002, 7800/02 (Presse 92).

⁸⁷ See the Presidency conclusions of the Palermo Euro-Mediterranean mid-term meeting of Foreign Ministers, Crete, 26 and 27 May 2003, point 29. See also European Commission: 'Implementation of the Palermo Action Plan on the free movement of industrial products EuroMed Quality Programme', Brussels, 17 June 2004, <http://www.cenorm.be/cenorm/news/events/fabregas1.pdf>.

⁸⁸ See the Presidency conclusions of the Palermo Euro-Mediterranean mid-term meeting of foreign Ministers, Crete, 26 and 27 May 2003, point 30.

⁸⁹ See Euromed Synopsis 181 and 'Euromed Working Group on Global Navigation Satellite Systems (GNSS)', Third meeting, Brussels, 7 July 2003, Official Report, available at: http://www.euromedtransport.org/downloads/wg2/pdf/wg2_official_report_eng.pdf.

⁹⁰ The meetings are generally co-chaired by the European Commission and the European Investment Bank. See Euromed synopsis Issue 182 16 May 2002, p. 2.

demonstrates the clear development of new institutions and bodies at all levels of the EMP.

2.4 The Euro-Mediterranean Partnership-Building Measures

Within the Political and Security Partnership, four "Partnership-Building Measures" (to be assimilated to the traditional "Confidence Building Measures") have been approved by the Senior Official Committee:

- The Euromesco network (foreign policy institute network);
- The Euro-Mediterranean Diplomats seminars⁹¹;
- The Co-operation among civil protection authorities on natural and man-made disasters;
- The Register of bilateral agreements;
- The Exchange of information on signature/ratification of international conventions.

New proposals are on the table notably in the field of civil protection⁹² but the main issue remains the adoption of the expected Euro-Mediterranean security charter that will, without doubt, generate important institutional consequences.

2.5. The Euro-Mediterranean Parliamentary Assembly and Fora

The Barcelona Declaration in a section V devoted to "Institutional contacts" invited the European Parliament to *"take the initiative with other parliaments concerning the future Euro-Mediterranean Parliamentary Dialogue, which could enable the elected representatives of the partners to exchange ideas on a wide range of issues"*.

⁹¹ The XVIIth Seminar on Training of Euromed Diplomats, will be held on 3-6 December 2004 in Malta at the Mediterranean Academy of Diplomatic Studies, <http://www.euromed-seminars.org.mt>.

⁹² See Pedro Courela 'Civil Protection as a Euro-Mediterranean Project: the Case for Practical Co-operation', Euromesco Paper 34, August 2004, http://www.euromesco.net/euromesco/publi_artigo.asp?cod_artigo=106179.

The institutionalisation of the Euro-Mediterranean Parliamentary Assembly was however a very long process. A first report produced by the Foreign Affairs Standing Committee of the European Parliament was published in January 1997⁹³ reaffirming the role to be played by the EP in order to promote inter-parliamentary co-operation in the Mediterranean. A joint Euro-Mediterranean meeting that approved the creation of a Euro-Mediterranean Parliamentary Forum followed this first report.

The first parliamentary forum was held at the European Parliament in October 1998. Lebanon and Syria did not send delegations but were represented at diplomatic level. According to the Malta preparatory meeting of May 1998 it was decided to invite for this first constitutive forum *"43 Members of the European Parliament, 6 representatives, or more, for each of the 12 parliaments of the Mediterranean partners, 2 parliamentarians or more originating from a Member State of the EU"*. Libya, the Arab Inter-Parliamentary Union (AIPU) and the Parliamentary Association for Euro-Arab Co-operation (PAEAC) also participated as observers. Today the membership situation after the last enlargement is of course very different⁹⁴.

Five parliamentary fora have been held between 1998 and 2003:

Euro-Mediterranean Parliamentary Fora

Fifth parliamentary forum, Naples, 01/12/03

Fourth parliamentary forum, Bari, 17/06/03

Third extraordinary parliamentary forum, Brussels, 08/11/2001

Second parliamentary forum, Brussels, 08-09/02/2001

First parliamentary forum, Brussels 27-/10/98

⁹³ Report of the EP Committee on Foreign Affairs, Security and Defence, 29/01/1997, A4-0027/97, 7987/96 - C4-0414/96.

⁹⁴ See Vème Forum Parlementaire Euro-Méditerranéen, Naples, 2 décembre 2003, Liste des participants, <http://www.europarl.eu.int/meetdocs/delegations/NONE/20031201/Liste-participants%201%2012%2003.pdf>.

The sixth meeting was in fact the first Euro-Mediterranean Parliamentary Assembly (EMPA) inaugural session, held on 22 and 23 March in Athens. According to Euromed synopsis the EMPA adopted at this occasion its *"rules of procedure, elected its officers, and issued a formal declaration. The Assembly was attended by representatives of the European Parliament (EP), the Parliaments of most EU Member States, and all Mediterranean Partners, with observers from some acceding countries, as well as Libya, Mauritania, Romania and some Western Balkans countries. Those elected to the Bureau of Presidents were EP President Pat Cox, Speaker of the Egyptian Parliament Fathi Sorour, the President of the Tunisian Chamber of Deputies Fouad Mbazaa, and the Speaker of the Greek Parliament Anna Benaki. They will preside the Assembly for a period of one year each in the following order: Egypt, EP, Tunisia, and Greece. Officers were also elected to the three Assembly Committees"*⁹⁵.

In the final declaration adopted on this historic occasion, the participants expressed the hope that the *"governments of the EU Member States will realise that the foundations of a global and lasting partnership cannot be laid without concessions on both sides"* and stressed that the *"greater economic vulnerability does not lie on the European side and that the European partners should therefore adopt a more open approach towards trade, which is of major development importance for most of the Mediterranean peoples"*⁹⁶. In response, the Euro-Mediterranean Foreign Ministers Conference of Naples adopted the following statement: *"the Ministers welcomed the creation of a Euro-Mediterranean Parliamentary Assembly and agreed to include this new body, in a consultative capacity, in the framework of the Barcelona Process. They expressed their conviction that this step will provide the Process with further visibility and transparency, thereby bringing the*

⁹⁵ Euromed Synopsis, Issue 265, 25 March 2004, available at: <http://www.delsyr.cec.eu.int/en/euromed/Euromed%20Synopsis/Euromed%20Synopsis%20265%20EN.doc>.

⁹⁶ First Euro-Mediterranean Parliamentary Forum, Final Declaration, Brussels, point 8, 10/98, available at: <http://www.medeab.be/index.html?page=&lang=&doc=282&PHPSESSID=ef4ecb08e0f7ba1238c5337c7029f93a>.

*Partnership itself closer to the interests and expectations of public opinions in the region. In this context, the Ministers stressed that the Assembly will add to the depth of the Barcelona Process, ensuring complementarity with the existing institutions of the Partnership."*⁹⁷

The expected output of the Euro-Mediterranean Parliamentary Assembly is, first of all, to establish a real Euro-Mediterranean inter-parliamentary dialogue and, second, to work as the "consultative and elected body of the EMP". The goals are ambitious. The first declarations and resolution (on migration) adopted by the parliamentary fora demonstrated that this Assembly might also become an important forum for new ideas and proposals and a good catalyst for improving the local ownership dimension of the process.

2.6 The Euromed Civil Fora and Networks

In the Barcelona Declaration the 27 partners recognised the "*essential contribution civil society can make in the process of development of the Euro-Mediterranean partnership and as an essential factor for greater understanding and closeness between peoples*". We will neither repeat the history of the Euromed Civil forum⁹⁸, the Trade Union forum, the Euro-Mediterranean Youth Platform or the Euromed Summit of Economic and Social Councils and similar institutions nor establish an exhaustive list of the numerous networks operating within or outside the Barcelona process.

It is however important to note that most of the networks listed in the table were given a legitimisation by the Euro-Mediterranean

⁹⁷ Euro-Mediterranean Foreign Ministers Conference of Naples, Naples, 2-3 December 2003, Presidency conclusions, point 30.

⁹⁸ See E. Lannon 'Parlements et société civile dans la sécurité euro-méditerranéenne', Euromesco Paper 19, November 2002, available at: http://www.euromesco.net/euromesco/publi_artigo.asp?cod_artigo=85860 and U. Julia Reinhardt 'Civil Society Co-operation in the Euro-Mediterranean Partnership: From Declarations to Practice', Euromesco Paper 15, May 2002, http://www.euromesco.net/euromesco/publi_artigo.asp?cod_artigo=76813.

Foreign Ministerial Conferences and a "Euromed label" has emerged.⁹⁹ As arenas of dialogue and proposals, all of these initiatives have contributed to the emergence of a Euro-Mediterranean civil society. Of course the degree of institutionalisation varies from one forum or network to another and numerous *ad-hoc* platforms have also been created during the last nine years. There is also sometimes competition between the various initiatives and more consistency is obviously needed. One of the aims of the creation of the new Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures is precisely to build a network of the networks working in the framework of the third basket of the Barcelona process. It remains to be seen how effective such a network of the networks will be. In fact, independent NGOs or NGO platforms and networks such as the Euro-Mediterranean Human Rights Network (EMHRN), which have developed a proper lobby strategy *vis à vis* the EU's institutions and Member State governments, will certainly try to preserve their "non-governmental" and independent character.

Section 2: Decision - making within the framework of the EU's Mediterranean policy and the EMP

Decision-making within the framework of the EU's Mediterranean policy and the EMP must be analysed at three different levels: the bilateral, the multilateral and then finally the unilateral level.

1. The bilateral dimension: Decision-Making process within the Euro-Mediterranean Association Agreements

The new generation of Euro-Mediterranean Association Agreements (EMAAs) are an essential element of the implementation of the Euro-Mediterranean Partnership as this bilateral track is considered as being complementary to the multilateral one (the Barcelona process).

⁹⁹ See Euromed Report 80, 25 June 2004, p.15.

1.1 *The network of bilateral Euro-Mediterranean Agreements*

Today three different types of agreements compose the network of bilateral Euro-Mediterranean relationships:

- i) first of all the old Association Agreement concluded with Turkey (this candidate country is however included within the pre-accession strategy);
- ii) 8 new Euro-Mediterranean Association Agreements having the objective of establishing a FTA with Morocco, Algeria and Tunisia for the Maghreb and Egypt, Jordan and Lebanon for the Mashreq and finally with Israel (while negotiations with Syria are still under way);
- iii) the very specific "Euro-Mediterranean Interim Association Agreement on Trade and Co-operation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part". This agreement is not a mixed agreement; therefore no national ratifications were required for its implementation.

The provisions of the EMAAs vary from one Mediterranean Partner to the other but are based on a similar model with common objectives. To take the Euro-Tunisian agreement as an example, Article 1 states that *"The aims of this Agreement are to:*

- *provide an appropriate framework for political dialogue between the Parties, allowing the development of close relations in all areas they consider relevant to such dialogue¹⁰⁰,*
- *establish the conditions for the gradual liberalisation of trade in goods, services and capital,*

¹⁰⁰ One should note alongside the political dialogue the introduction of a Political conditionality within the new agreements. Article 2 of the Euro-Tunisian Agreement states that *"Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles which guide their domestic and international policies and constitute an essential element of the Agreement"*.

- *promote trade and the expansion of harmonious economic and social relations between the Parties, notably through dialogue and co-operation, so as to foster the development and prosperity of Tunisia and its people,*
- *encourage integration of the Maghreb countries by promoting trade and co-operation between Tunisia and other countries of the region,*
- *promote economic, social, cultural and financial co-operation".*

What is important regarding the aims of the present study is to take into account the institutions established by this new generation of Euro-Mediterranean bilateral agreements.

1.2 *The main EMAA's institutions and bodies: Association Councils, Committees and Sub-committees.*

We will take the title VIII of the agreement concluded with Morocco ¹⁰¹ and devoted to the "Institutional, general and final provisions" as an illustration of the following comments on the institutions and bodies of the EMAA's: the Association Councils and the Committees and Sub-committees.

1.2.1 *The Association Councils (Ministerial level)*

An Association Council (AC) is established at ministerial level by every EMAA in order to examine "*any major issues arising*" within the framework of the Agreement and "*any other bilateral or international issues of mutual interest*" (Art. 78). The Association Council usually meets once a year to examine the implementation of the EMAA or "*when circumstances require, on the initiative of its Chairman*" (Art. 78). The Association Council is chaired in turn by a member of the Council of the European Union and a member of the partners (Art. 79 § 4).

¹⁰¹ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part OJ L 70, 18/03/2000, pp 2 - 204.

The Association Council consists of the members of the Council of the EU and members of the Commission of the European Communities, on the one hand, and of members of the Government of the partner on the other (Art. 79 § 1). What is really important for the purpose of this study is that the Association Council has, in order to attain the objectives of the Agreement, *"the power to take decisions in the cases provided for therein"*. Therefore, the decisions taken are *"binding on the Parties, which shall take the measures necessary to implement the decisions taken"*. This decision-making power is also accompanied by a "recommendation" power (Art. 80).

In sum the Association Council plays a key role within:

- the political dialogue (Art.5)¹⁰²;
- the implementation of the agreement (decisions adopted to amend the agreement...);
- the creation of working group or body for the implementation of the Agreement (Art. 84);
- the framework of the dispute settlement mechanism (Art. 86)¹⁰³.

¹⁰² Art. 5 " of the Moroccan EMAA : *"Political dialogue shall be established at regular intervals and whenever necessary notably: (a) at ministerial level, principally within the Association Council.*

¹⁰³ Art 86 of the EMAA concluded with Morocco : *"1. Either Party may refer to the Association Council any dispute relating to the application or interpretation of this Agreement.*

2. The Association Council may settle the dispute by means of a decision.

3. Each Party shall be bound to take the measures involved in carrying out the decision referred to in paragraph 2.

4. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of an arbitrator; the other Party must then appoint a second arbitrator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

The Association Council shall appoint a third arbitrator. The arbitrators' decisions shall be taken by majority vote. Each party to the dispute shall take the steps required to implement the decision of the arbitrators".

1.2.2 *The Association Committees (Senior Official level)*

Bilateral Association Committees are established under the umbrella of the Association Councils by the EMAA's with responsibilities for the technical implementation of the agreement. The Association Committee meets at the level of Senior Officials (representatives of members of the Council of the European Union and of members of the Commission of the European Communities, on the one hand, and of representatives of the partner Governments on the other (Art. 82 § 1).

Association Committees are clearly "*subject to the powers*" of the Association Council (Art. 81 § 1) but the Association Council may "*delegate to the Association Committee, in full or in part, any of its powers*" (Art. 81 § 2). The Association Committee may notably have the power to take decisions for the "*management of the Agreement as well as in those areas in which the Council has delegated its powers to it*" (Art. 83). This decision-making power is however in practice mainly limited to day to day management.

1.2.3 *The Association Sub-committees*

Sub-committees have been established over the years with several partners. As, an example among others, "Justice and Security" committees have been created with Morocco, Tunisia, Jordan and Israel. In the case of Morocco this sub-committee n° 6 is composed of representatives of both sides and works under the guidance of the Association Committee.¹⁰⁴ It has a right of proposal *vis à vis* the Association Committee regarding: drug trafficking, judicial co-operation in civil and criminal matters, organised crime, and terrorism.

The institutionalisation of such sub-committees can reinforce the architecture of the bilateral component of the EMP.

¹⁰⁴ Decision 2003/208/CE of the Association Council EU - Morocco.

2. The multilateral dimension

2.1. *The Barcelona process*

The regional programmes, which account for approximately 14 per cent of the MEDA funds disbursements, cover a wide range of issues mainly relating to the second and third chapter of the Barcelona Declaration (see the list of sectoral ministerial meetings *infra*).

2.1.1 *The Euro-Mediterranean Committee for the Barcelona process (Euro-Mediterranean Committee)*

The Euro-Mediterranean Committee for the Barcelona Process follows the multilateral (regional) aspects of the EMP. It was established in 1995 by the Barcelona Declaration according to which: *"a Euro-Mediterranean Committee for the Barcelona process at senior-official level, consisting of the European Union troïka and one representative of each Mediterranean partner, will hold regular meetings to prepare the meeting of the Ministers for Foreign Affairs, take stock of and evaluate the follow-up to the Barcelona process and all its components and update the work programme"*¹⁰⁵. Since 1997, Member States not represented at ambassadorial level in the troïka have been invited, as observers, to join the Euro-Mediterranean Committee meetings in order to improve continuity of the work carried out and to preserve the so-called Barcelona *acquis* but also to avoid the risk of having a non-Mediterranean troïka.

The Barcelona Declaration also clearly emphasised the role to be played by the Commission as *"appropriate preparatory and follow-up work for the meetings resulting from the Barcelona work programme and from the conclusions of the "Euro-Mediterranean Committee for the Barcelona process" will be undertaken by the Commission departments"*. In other words, there is no proper permanent secretariat of the EMP such as in the CBSS as these tasks are under the Commission's responsibility.

¹⁰⁵ Barcelona Declaration, "Follow-up to the conference".

The Euro-Mediterranean Committee for the Barcelona Process meets usually every three months, to ensure overall guidance of the regional co-operation. The Commission also stressed that the Euro-Mediterranean Committee *"acts as an overall steering committee for the process with the right to agree on guidelines for activities to be financed in accordance with the MEDA Regional Indicative Programme; it also prepares for ministerial meetings, ad hoc conferences of ministers of various portfolios, and of senior officials, experts and representatives of civil society"*¹⁰⁶. To give a concrete example, the main points of the draft programme of the meeting of 15 July 2004 were the following:

- presentation of the priorities of the EU' s Dutch Presidency for the economic and financial, and social, cultural and human chapters of the Barcelona Process;
- the newly created Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures will then be discussed, particularly the nomination of the Executive Director and the Advisory Committee, the drafting of the Foundation's Statute, and the establishment of the network of national networks, which is at an advanced stage of preparation;
- the European Commission will inform the Committee of preparations for the Euro-Mediterranean Ministerial Meetings on Trade and Industry scheduled to take place on 21 July in Istanbul, and on 4 October in Caserta, Italy respectively¹⁰⁷.

¹⁰⁶ Euromed Information notes, 'Euro-Mediterranean Partnership and MEDA Regional Activities', Brussels, June 2002, p. 92.

¹⁰⁷ Euromed synopsis, issue 278, 8 July 2004.

3. The unilateral dimension

3.1. *The legal architecture of the Euro-Mediterranean co-operation*

The legal architecture of the Euro-Mediterranean co-operation is based on six main political and legal instruments:

- i) the Barcelona Declaration and its work programme defining the general objectives of the regional and bilateral co-operation;
- ii) the provisions of the Euro-Mediterranean Association Agreements defining the bilateral contractual framework of the co-operation;
- iii) the MEDA I programme based on a regulation adopted by the Council of the EU in 1996 (regulation n° 1488/96¹⁰⁸) and the MEDA II programme based on a second regulation adopted by the Council in 2000 (regulation n° 2698/2000¹⁰⁹);
- iv) Country and Regional Strategy Papers: defining long term operational objectives;

¹⁰⁸ Council Regulation (EC) 1488/96 of 23 July 1996 on "financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership" OJ L 189, 30/07/1996, pp 1 - 9 as amended by Proposal for a Council Regulation (EC) amending Council Regulation (EC) 1488/96 (MEDA) as regards the procedure for adopting the appropriate measures where an essential element for the continuation of support measures for a Mediterranean Partner is lacking, OJ C 386 , 20/12/1997, p. 9.

¹⁰⁹ Council Regulation (EC) 2698/2000 of 27 November 2000 amending Regulation (EC) No 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership, OJ L 311, 12/12/2000, pp. 1 - 8. See also for the Codified version the Proposal for a Council Regulation on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership COM (2004)77 final, 10/02/2004.

- v) National Indicative Programmes (NIPs) elaborated within the framework of a dialogue with the Mediterranean partner¹¹⁰;
- vi) Regional Indicative Programmes (RIPs) covering the multilateral activities of the EMP.

Even if the Mediterranean partners are, since the development of new instruments (such as the NIPs, RIPs...), more and more associated to the definition of the priorities and orientations of the co-operation and play an important role within the Euro-Mediterranean Committee (regional level) and in the Association Committees of the EMAAs (bilateral level) it must be stressed that, under the unilateral MEDA regulation, the power to decide whether to finance a project remains in the hands of the EU.

3.2. *The MEDA Programme: an autonomous EC instrument based on regulations adopted by the Council of Ministers*

MEDA is the main financial instrument of the EU for the implementation of the Euro-Mediterranean Partnership¹¹¹. It is a so-called autonomous EC measure as the whole programme is legally based on an "implementing financial regulation" adopted by the Council of the EU, contrary to the former financial protocols which were contractual agreements annexed to the former bilateral agreements and ratified by both parties.

The European Council of Cannes in June 1995 earmarked the global sum of 4,68 billion Euro as a reference amount for the EC financial support to the Mediterranean region as a whole for the period 1995-1999. The first legal basis of the MEDA I programme was the 1996 MEDA Regulation (Council Regulation no1488/96)

¹¹⁰ See Council Decision 96/706/EC of 6 December 1996 concerning the "adoption of the guidelines for the indicative programmes concerning financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA)", OJ L 325, 14/12/1996, pp. 20 - 26.

¹¹¹ The acronym MEDA means "financial and technical measures to accompany the reform of social and economic structures in the Mediterranean non-member countries".

for the period of 1996-2000 (in other words a first five-year programme). For MEDA I € 3.435 million was earmarked (i.e. more than 70 % of the global sum of 4,68 billion).

On November 2000 a new improved regulation (Nr.2698/2000) establishing the MEDA II programme for the period of 2000-2006 was adopted (this time MEDA II is a seven-year programme). The funding of the new programme amounts to € 5,35 billion. The three main priorities of the MEDA programme are the following:

- economic transition,
- sustainable economic and social development;
- and regional and cross-border co-operation.

Over the period 1995-1999, MEDA-committed funds went to four main types of operations:

1. Support to structural adjustment (16%);
2. Support to economic transition and private sector development (30%);
3. Classical development projects (40%);
4. Regional projects (14%).

Note that 86 % of the funds are of bilateral nature.

Regarding the partners eligible for MEDA funding, it must be said that nine out of the twelve former Mediterranean Partners (i.e. before enlargement) were eligible for bilateral MEDA funds as set out in the National Indicative Programmes (NIPs): Algeria, Egypt, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia. Israel is not eligible to bilateral funding because of its level of development. Cyprus, Malta and Turkey benefited from a pre-accession strategy to prepare them for EU membership with separate funding arrangements but they were authorised, together with Israel, to participate in the regional co-operation programmes. After the last enlargement Turkey is the only Mediterranean partner in this in-between situation.

3.3. The "Med Committee" and the "Article 14 Committee"

Within the framework of the MEDA I regulation two Committees (The "Med Committee" and the "Article 14 Committee") were introduced by the Council in order to monitor the work of the Commission. This system known as comitology was established in 1987 and revised in 1999¹¹².

The first thing to emphasise is that the "Med Committee" is competent in regard to pure EC budget funds whereas the "Article 14 Committee" is competent to adopt decisions regarding the EIB's own resources.

3.3.1 The metamorphosis of the Med Committee

The MED Committee established by article 11 of the MEDA regulation gives its opinion on the *"Regional and National Financing Plans and on the National Indicative Programmes (NIPs) and Regional Indicative Programmes (RIP), as well as on the country and regional strategy papers. It also gives its opinion on individual projects if they are not included in the Financing Plans. Furthermore, the MED Committee approves projects financed under other EU budget lines for the Mediterranean region (e.g. peace process support programme, rehabilitation etc.)"*¹¹³. To give a concrete example the main points of the draft programme of the MED Committee meeting to be held on 14 July 2004 in Brussels were the following:

- "Opinions are expected to be given on the Strategy Paper and Indicative Programme under the New Neighbourhood Programme as regards Mediterranean Partners (2004-2006),

¹¹² The first Framework Decision establishing the rules and procedures to be followed was adopted by the Council in 1987 (Decision 87/373, OJ L 197, 13/07/1987, p. 33: The 1987 Decision was replaced in 1999 by Decision 99/468, OJ L 184, p. 23. This Decision streamlined the comitology structure by reducing the types of committee to three: advisory committees, management committees, and regulatory committees.

¹¹³ Euromed Information notes, 'Euro-Mediterranean Partnership and MEDA Regional Activities', Brussels, June 2002, p. 93.

- the National Financing Plan 2004 for Morocco, and the Regional Financing Plan 2004 (Part II).
- the Regional Plan comprises the MED-ENEC Programme on Energy efficiency in the construction sector in the Mediterranean, and the 'Neighbourhood Programme' aimed at speeding up electricity and gas reforms in Mediterranean Partners.

In addition, the Committee will be informed of the state of play of the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) by a European Investment Bank (EIB) representative"¹¹⁴.

The evaluation of the EMP made by the 27 at the Marseilles Euro-Mediterranean Foreign Ministers Conference in December 2000 was not very positive. In fact, regarding the MEDA programme, the Ministers *"regretted the complexity of procedures in the European Union as well as in partner countries and the slowness of disbursement of payments"*. The European Commission also recognised the importance of the issue at stake: *"although the MEDA programme has a good record on commitments, disbursements have only reached 26% of the amount committed. Although it is natural that, in the early years of a programme, disbursement should be slow there is a clear need to improve the performance of the programme, both in the EU and in the partner countries"*¹¹⁵.

Originally, the Med committee was a "regulatory committee". In other words, it is the less flexible committee of the three main types of committee (regulatory/management/advisory) provided for in the comitology regulation. Given the strict rules of this type of Committee, the Member States decided to modify this situation within the framework of the MEDA II regulation by replacing this "Regulatory Committee" by a "Management Committee". The

¹¹⁴ Euromed synopsis, Issue 278, 8 July 2004.

¹¹⁵ Communication from the Commission to the Council and the European Parliament to prepare the fourth meeting of Euro-Mediterranean Foreign Ministers "reinvigorating the Barcelona process", COM(2000) 497 final, Brussels, 6 September 2000.

main idea was therefore to rationalise the decision-making process, to shorten the delays while at the same time increasing management capabilities in accordance with the new 1999 comitology regulation. The main problem was that under the regulatory procedure the Med Committee had to intervene twice within the project cycle: first of all, at the level of the examination of the indicative programmes, and then at individual project level (financial proposals amounting more than 2 Euro millions or for the so-called "global allocations" i.e. packages of small or micro-projects).

Regulatory Committee (MEDA I)	Management Committee (MEDA II)
i) a regulatory committee is generally composed of a higher grade of civil servant than a management committee. ii) the Council has most power as the Commission has to secure the support of a qualified majority of Member States	i) Member States are usually represented by civil servants, who deliver an opinion on the Commission's draft within an agreed time limit. ii) a management committee has the power to block the Commission's proposal by a qualified majority vote.

The Member States' powers have thus been, legally speaking (see *infra*), reduced while those of the Commission have been increased. It must be noticed that the European Parliament only plays a more significant role at the level of an advisory Committee and therefore originally proposed the establishment of the latter within the MEDA II regulation. The Member States did not follow the proposals made by the European Parliament and even adopted a kind of gentlemen's agreement in order to preserve what has been called a "*droit d'évocation*" by the Member States in case of sensitive subject-matters¹¹⁶ (meaning in other words an implicit right to block the adoption of the decision).

¹¹⁶ See General Affairs Council 2286, Brussels, 18 September 2000, p.5.

3.3.2 *The 'Article 14 Committee: the role of the European Investment Bank*

The "Article 14 Committee" consisting of the "*representatives of the Member States*", is set up at the European Investment Bank (EIB) and chaired by the representative of the Member State holding the chair of the Board of Governors of the EIB. Its secretariat is provided by the EIB and a representative of the Commission is taking part in its proceedings (Art. 14 §1).

It was necessary to introduce this specific Bank Committee as the EIB finances, through its own resources, important projects in the Mediterranean (mainly infrastructures and environmental projects via EIB subsidised loans) or through risk-capital facilities.

4. The EU's Mediterranean policy decision-making processes

The second component of the unilateral dimension of the decision-making process is the EU's Mediterranean policy, which must be distinguished from the EMP as such. It must however be stressed that the EU's Mediterranean policy has a fundamental impact on the EMP.

All of the European institutions are involved in the decision-making process of the EU's Mediterranean policy, although the role and powers differ considerably from one pillar to another. In the first pillar the community method applies, for example in the case of the Common Agricultural Policy (CAP), for the Common Commercial Policy (CCP) or regarding title IV devoted to "Visas, asylum and immigration". Within this pillar the European Commission and the European Parliament can play a very important role in the decision-making process and as a general rule qualified majority applies and decisions are subject to judicial control.

Within the second pillar, an intergovernmental method of co-operation is used for the CFSP and the ESDP. The same method applies to the third pillar: Police and Judicial Co-operation in

Criminal Matters (PJCCM). Here the European Council, the Council of Ministers, the COREPER, the High Representative for the CFSP and the numerous committees and working groups of the Council of Ministers play the major roles while the powers of the European Commission and the European Parliament are much more limited.

Interaction between the pillars is also possible. A good example of this situation is the sanctions adopted against Libya. After the adoption of various CFSP declarations condemning Libya for its involvement in the UTA and Lockerbie affairs, CFSP Common Positions were adopted to legalise the sanctions. But then, for the implementation of those sanctions, community instruments (regulations) were needed to manage the sanctions at the level of the Internal Market.

Apart from its involvement within the decision-making process (Co-decision, Assent, Co-operation and Consultation procedures) the European Parliament can also influence the evolution of the EU's Mediterranean policy through its supervisory powers¹¹⁷. The right to adopt a motion of censure (in case of fraud or mismanagement) on the Commission, the right of the MEPs to

¹¹⁷ Note also that "the recently elected European Parliament (EP) on 14 September adopted a decision on the numerical strength of the interparliamentary delegations. In addition, Parliament on 15 September adopted a decision on the membership of the various EP delegations, including the 45-strong Delegation to the Euro-Mediterranean Parliamentary Assembly. The Delegation for relations with the Mashrak countries, the Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya), the Delegation for relations with Israel, and the Delegation for relations with the Palestinian Legislative Council will each have 20 full members as against 19, 23, 18 and 18 members respectively in the former Parliament. The Delegation to the EU-Turkey Joint Parliamentary Committee will comprise 25 full members. The Delegation to the Euro-Mediterranean Parliamentary Assembly held its constituent meeting on 15 September in Strasbourg. The Delegation to the EU-Turkey Joint Parliamentary Committee will hold its constituent meeting on 22 September in Brussels. All other delegations for relations with the Mediterranean region will hold theirs on 20 September in Brussels", Euromed synopsis 283, 16 September 2004, http://europa.eu.int/comm/external_relations/euromed/synopsis/synopsis283_en.pdf.

address written and oral questions on any Euro-Mediterranean issues or the possibility to set up a committee of enquiry are useful tools in this regard.

Last but not least, the budgetary powers of the EP (shared with the Council) allow the European Parliament to adopt the annual budget, to monitor the way the budget is spent (through the "Parliament's Budgetary Control committee) and to grant the Commission a 'discharge' for the implementation of the budget.

Other institutions such as the Court of Justice (notably through its jurisprudence on Mediterranean workers) or the Court of Auditors (through its annual and specific Mediterranean reports) have played a very important role especially in the case of the "Med networks affairs" (Med-Urbs, Med-Campus...) that led to the resignation of the Santer Commission. The consultative bodies: the Economic and Social Committee (ECOSOC) and the Committee of the Regions (CoR) have also developed Mediterranean activities and adopted numerous reports on Euro-Mediterranean Affairs.

There is obviously today a new Euro-Mediterranean strategic equation. Among the ten new Member States three (Cyprus, Malta, Slovenia) have a Mediterranean identity and therefore a Mediterranean dimension. In other words, they have an important potential role to play within the framework of the Mediterranean Policy of the EU and within the EMP, notably at the level of the various decision-making frameworks above analysed.

A clear example of this new equation is the decision to be adopted (at the time of writing) by the European Council with regard to the start of the accession negotiations with Turkey. As a pure intergovernmental decision it will require unanimity of the 25 Member States, i.e. including Cyprus. As Greece seems to be clearly in favour of a yes vote it will be interesting to observe the behind the stage consultations that will certainly occur. Decision-making is not a simple arithmetical issue. Political priorities and

strategic interests must always, on a case by case basis, be taken into account.

PART III: LESSONS TO BE DRAWN FOR THE ENP AND GENERAL CONCLUSIONS

1. The EMP and regional co-operation in the Baltic Sea region

A comparison of the regional co-operation initiatives in the Baltic Sea region and the EMP reveals a number of interesting similarities but also many differences. Parallels include, for instance, the emergence of Euro-Mediterranean or Northern Dimension 'labels' or the active participation of civil society. Both policies also tackle cross-pillar problems and organise Foreign Ministers' conferences, which lay down the general work programmes and political guidelines.

The Northern Dimension, however, is less centralised and only provides for a general policy framework. There is no autonomous Northern Dimension financial instrument, such as MEDA for the EMP. Moreover, it is - at least in theory-based on a multilevel governance model with a transfer of responsibilities to regional organisations and non-Member States. In practice, however, the European institutions play the most important role if they are full members of the regional initiative.

Whereas it can be argued that the EMP is much more institutionalised than the Northern Dimension, it is less institutionalised than the CBSS. For instance, the EMP does not provide for Heads of Government meetings and does not have a proper permanent secretariat. This observation might be related to the tensions in the Mediterranean region. Security issues are tackled within more informal structures. Further institutionalisation in the future is, however, not excluded, as the original Terms of Reference of the CBSS did not foresee the creation of permanent structures either.

The question is, of course, whether a further institutionalisation of the EMP is a good idea. The involvement of the highest political leaders can increase the importance of the Euro-Mediterranean dialogue, as is illustrated by the EU-Russia summits. On the other hand, sensitive security issues are better dealt with in the more informal Committees of Senior Officials because they risk to becoming over-politicised in a more institutionalised framework. In this regard, the question arises as to what extent the new European Neighbourhood Policy will contribute to the existing institutional arrangements.

2. The ENP in the framework of the ND/EMP experiences

The ENP is still in a process of ‘policy formation’. The Commission’s May 2004 Strategy Paper already answered a number of remaining questions, such as the option for the development of a new Neighbourhood Instrument and the prospective conclusion of new European Neighbourhood Agreements, but leaves open the concrete elaboration of these concepts. It is, therefore, interesting to take into account the lessons of the ND and EMP experiences with regard to the further development of this policy. The implementation of the ND, for instance clearly revealed the necessity of a single financial instrument to administer cross-border programmes. Moreover, the ambiguous legal basis of the Commission’s involvement in regional organisations such as the CBSS and BEAC illustrate the necessity of clear legal instruments for the ENP. The introduction of a specific title and article devoted to ‘the Union and its neighbours’ in the first part of the EU’s Constitutional Treaty (new Article I-57)¹¹⁸ is certainly a positive element in this regard. Still, however, the question remains whether it will be possible to create a viable multi-dimensional framework for such a diversity of

¹¹⁸ Treaty establishing a Constitution for Europe, provisionally consolidated version, CIG 87/04, Brussels, 6 August 2004. Previously, this provision was included in Article I-56, Title III. For a legal analysis, see: E. Lannon, P. Van Elsuwege, ‘The EU’s Emerging Neighbourhood Policy and its Potential Impact on the Euro-Mediterranean Partnership’, in: Peter G. Xuereb, (ed.), *Euro-Med Integration and the Ring of Friends. The Mediterranean’s European Challenge Vol.IV*, Malta, EDRC, 2003, pp.34-36.

neighbours. The envisaged European Neighbourhood Instrument, for instance, should be carefully designed in order to avoid any kind of discrimination among the neighbours.

A first reading of the Commission documents on the ENP reveals that this policy is intended to become a 'policy framework' aimed at the creation of more 'coherence', 'efficiency' and 'added value'. The echoes of the Northern Dimension are very clear. Comparable to the ND's 'partner-oriented approach', the ENP Strategy Paper refers to the concept of 'joint ownership' as the basis for future co-operation. The experiences of the ND and the EMP have demonstrated that, even if the partners might be associated to the decision-making processes at the bilateral level (within the Association Councils of the EMAs or the Co-operation Council of the PCA) or at multilateral level (through the Euromed committee for the Barcelona process or the Ministers of Foreign Affairs meetings of the Northern Dimension), the decision-making power remains exclusively in the hands of the Member States at the unilateral level (MEDA, TACIS, PHARE regulations¹¹⁹, CFSP-ESDP, CAP¹²⁰, CCP¹²¹).

A long-term institutionalisation of the ENP might be necessary but entails the risk of further excessive centralisation and should, therefore, preserve and reinforce the effective EMP institutional structures (as an *acquis* of the Barcelona Process). The objective of improving the existing forms of regional co-operation can, therefore, only succeed in close co-ordination with the partners involved. It must be made clear that the beneficiaries of the ENP are "not only policy-takers but also policy-makers". Thus the adoption of the future action plans by the various association councils is necessary to reinforce the principle of local ownership.

¹¹⁹ It must be noticed however that the Mediterranean Partners have been more and more associated to the definition of the priorities and general orientations of the programmes and that the Euromed Committee and the Association Councils have competences with regard to the implementation of MEDA.

¹²⁰ Common Agricultural Policy (CAP).

¹²¹ Common Commercial Policy (CCP).

In the future the institutionalisation of the ENP could follow the paths of the ND as a '*multilevel approach*', including co-operation between governments, between EU institutions and regional bodies and among civil societies. On the other hand, a rigid vertical co-operation between divergent regional organisations and institutions does not appear as the most appropriate for the Mediterranean partners. A subsequent division of labour between on the one hand the EU (responsible for the development of general policy guidelines) and on the other hand the (sub)-regional organisations (responsible for policy implementation and bottom-up communication) may generate many problems at Euro-Mediterranean level. The Mediterranean partners, as is the case today in the EMP, must be associated to the development of general policy guidelines. The key is, however, to reinforce the association of the partners with the decision-making processes. A simple consultation of the partners concerning the most important decisions (CFSP/ESDP-CAP-CCP) to be adopted at unilateral level by the 25 Member States could improve the efficiency of the system and give more substance to the "local-ownership" concept.

LE PARTENARIAT EURO-MÉDITERRANÉEN: UNE LOGIQUE DE DEVELOPPEMENT REGIONAL DANS UNE PERSPECTIVE GLOBALE?

NEILA AKRIMI

Le thème du développement et celui des processus d'intégration et d'échanges entre différents pays et différentes régions du monde sont à l'ordre du jour. Mais quant au sujet qui nous intéresse, c'est-à-dire la Méditerranée, on doit constater l'existence d'une lacune au niveau des approches habituelles.

La Méditerranée ne constitue presque jamais un cadre d'analyse organique. Malgré la proximité géographique et l'existence de nombreux problèmes communs, les parties prenantes n'ont commencé que dans un passé très récent à s'interroger avec sérieux sur le développement économique et social de la région dans son ensemble.

En plaçant au premier plan l'objectif de créer une *“zone de prospérité partagée”*, la déclaration de Barcelone entend justement concentrer les efforts sur la prospérité économique des pays, en tant qu'entités économiques et politiques, mais aussi sur la prospérité des sociétés. Elle encourage la mise en place d'un processus harmonieux, source d'avantages pour tous, notamment pour les plus défavorisés au départ. Elle invite à considérer *“l'étroite interdépendance...entre l'économie et le social”*, et à tenir compte de la redistribution des ressources, des questions d'éthique sociale, des dynamiques territoriales, en un mot de la *“philosophie du développement comme fondement du partenariat”*¹.

Pour une approche pertinente des problèmes de la croissance économique et du développement en Méditerranée, il est important

¹ J.L. Reiffers, Les questions économiques posées par le partenariat euro-méditerranéen, un an après Barcelone, in: Institut de la Méditerranée-Economic Research Forum, Les enjeux du partenariat euro-méditerranéen, Femise, Edition de l'aube, 1998.

d'observer l'initiative européenne à l'égard de ses voisins du Sud de la méditerranée conçue comme une logique spéciale de développement. Ensuite il importe de s'attarder sur le concept de régionalisme euro-méditerranéen afin d'en déceler les apports et les limites. Ceci nous conduit à percevoir les résultats macro-économiques qui s'améliorent, mais qui cachent des difficultés profondes. Cependant force est de constater que le projet euro-méditerranéen présente des éléments de réussite, on essaiera alors de répondre à la questions: Quelles sont les chances du partenariat euro-méditerranéen en tant que processus de développement régional? Le fait que les pays partenaires méditerranéens se projettent en effet sur d'autres ensemble géographique (Maghreb, Ligue arabe, Europe, les Balkans et Asie centrale pour la Turquie), sont peu coordonnés (les négociations avec l'UE s'effectuent en ordre dispersé) et ont de faibles échanges entre eux: lors flux commerciaux sont très polarisé vers l'Europe: La méditerranée n'apparaît pas comme une zone économiquement intégrée. Afin de pallier à cette insuffisance le discours de l'UE vers les pays sud méditerranéens incarne un encouragement réitéré pour une intégration sous régionale. L'Union du Maghreb Arabe (UMA) est une structure très sollicitée pour jouer ce rôle. C'est ainsi qu'on va s'intéresser à l'intégration maghrébine comme vecteur du développement régional en méditerranée. Pour enfin conclure avec une vision en perspective.

La Proposition Communautaire de Partenariat Euro-Méditerranéen: Quelle Logique de Développement ?

Inaugurée à la conférence ministérielle de Barcelone en Novembre 1995, le partenariat euro-méditerranéen constituait le nouveau cadre des relations de l'union européenne avec les douze partenaires méditerranéens².

L'intégration régionale en méditerranée est une idée européenne. Cette approche méditerranéenne de l'UE est l'héritière de l'idée

² Maroc, Algérie, Tunisie, Egypte, Jordanie, Israël, Territoires palestiniens, Syrie, Liban, Malte, Chypre et Turquie (auxquelles pourrait s'adjoindre la Libye).

d'une politique globale méditerranéenne défendue il y'a quinze ans pour les responsables européens qui voulaient allier la politique d'ouverture commerciale de l'Europe à la politique de développement. L'Europe à travers la politique méditerranéenne cherche à promouvoir son propre modèle d'intégration régionale, une intégration par le marché, appuyée sur une coordination ou tout au moins un rapprochement de politiques publiques.

La politique méditerranéenne de l'UE s'inscrit dans la politique de coopération au développement de l'UE³. Dans l'ensemble des relations externes de la communauté européenne qu'elle a pu entretenir avec les pays tiers, l'instauration d'une politique de coopération au développement s'est révélée nécessaire du fait des phénomènes convergents créant des situations de dépendances réciproques. La communauté a en effet très rapidement pris conscience de l'intérêt économique et politique que représentait pour elle le développement des PED, faisant ainsi de la coopération au développement une composante essentielle de sa politique externe. Cette approche s'inscrit parfaitement dans la philosophie du partenariat choisie comme cadre du nouveau schéma relationnel entre les deux rives de la méditerranée.

Partenariat et Développement

La fin du système Est-Ouest a conduit vers une sorte d'universalisation de l'attachement proclamé à certaines valeurs fondamentales comme l'économie de marché, la démocratie et les droits de l'Homme. Celles ci n'ont pas consacré la fin des idéologies mais a favorisé des relations économiques moins conflictuelles dans un cadre de relations plus conforme à la structure fondamentale de la société internationale qui repose toujours sur les Etats souverains, à savoir le concept de partenariat.

³ Voir Barbara DELOURT « Usages du droit international dans le processus de légitimation de la politique extérieure européenne », Droit et Société, n° 49, LGDJ 2001, pp 769-790.

La notion de partenariat, qui est un mot relativement récent, n'apparaît dans le petit Larousse qu'en 1987 «Système associant des partenaires sociaux ou économiques». Le mot partenaire: l'idée d'association, division, séparation partage.

Une double dimension avec et contre : s'il y'a bien association dans le Partenariat, c'est aussi sur la base des points communs que sur la base des différences ce qui indique que la relation partenariale est paradoxale, interactive et évolutive, s'organisant autour du double respect avec/contre l'autre. On peut dire que l'adhésion a des valeurs communes a permis un développement de la prise en compte des différences, chacun pouvant des lors prendre sa part de responsabilité dans l'action.

S'il n'y'a pas forcément au départ égalité entre les partenaires, il y'a « parité » dans l'action ramenant chacun au même niveau face au résultat à obtenir. Cette notion de parité est essentielle dans le partenariat, correspond à l'idée d'une « égalité renforcée », tourné vers l'efficacité, vers les résultats. L'égalité dans le respect des différences, rendue possible par l'adhésion a des valeurs communes.

Ainsi le partenariat est un produit de la Globalisation, permettant à des partenaires différents de travailler ensemble dans un esprit pragmatique et constructif. Il en résulte une nouvelle place pour la solidarité dans la société internationale: avec le partenariat on entre dans le champs de la solidarité active, concrète, réelle, rendue possible par l'attachement aux valeurs communes et la responsabilité prise par chacun des acteurs, chacun prenant sa part dans le processus⁴.

Dès 1992, M. Matutes, Commissaire alors chargé des relations avec le Bassin méditerranéen déclarait: *"sur le plan politique, nous devons mettre au point un nouveau concept, base sur le passage*

⁴ Voir Kienle, E. "Destabilization through partnership?: Euro-Mediterranean relations after the Barcelona declaration" Mediterranean Politics, 1998, n 3 (2), pp1-20

d'une logique d'assistance à une logique de partenariat. Ce partenariat serait fondé sur une stratégie à long terme justifiée par la perception claire des intérêts communs et sur des engagements réciproques partant, de la part de la Communauté, sur un soutien résolu aux politiques d'ouverture et au développement économique, et, de la part du Maghreb, sur un engagement de mener à bien ces réformes, et d'avancer sur la voie de l'ouverture, notamment par le biais du libre échange »⁵. Le Partenariat euro-méditerranéen et l'"esprit de partenariat" qui en découle constituent un élément essentiel des relations bâties progressivement depuis la Déclaration de Barcelone. Le nouveau processus repose en effet, aux termes de cette dernière sur un "esprit de partenariat dans le respect des caractéristiques, des valeurs et des spécificités propres à chacun des participants".

De nombreuses questions se sont posées aux concepteurs du projet euro-méditerranéen. Comment parvenir à un consensus sur la question des droits de l'homme et de la démocratie étant donné les spécificités culturelles des partenaires méditerranéens? Comment inclure une référence au principe d'autodétermination; à l'intégrité territoriale étant donné les questions palestinienne et libanaise. Comment articuler le partenariat par rapport au processus de paix, comment se référer à la non prolifération nucléaire devant Israël, comment faire admettre le principe de la réadmission pour les immigrés illégaux? Par le dialogue et la concertation et c'est bien cela "l'esprit de Barcelone", faire preuve de pragmatisme et de bonne volonté, transcender les clivages, les antagonismes, les rivalités.

La Méditerranée et Les Logiques de Développement Economique des Régions

Il y'a de différentes modalités de type géographique, à travers lesquelles se manifestent et s'articulent les lignes de développement, entre régions, zones et pays. Ce sont des constantes que l'on a pu observer dans certaines régions au sein des différents

⁵ Agence Europe n° 5681,4 mars 1992, p. 9.

pays, et qui semblent acquérir aujourd'hui une importance grandissante dans la réorganisation des processus de développement au niveau international.

Par ailleurs, en ce qui concerne plus particulièrement le développement économique, des études mettent en évidence d'autres logiques que les logiques de progression unitaire selon un axe nord-sud⁶. En effet, il a été récemment démontré l'existence de logiques de développement *concentrique* (le long d'un axe *centre-périphérie*), ou *tacheté* (sous forme de taches ou par *contiguïté*), ou encore en *réseau étendu* (à travers des liaisons entre des régions très éloignées mais ayant des affinités ou des liens entre elles). L'importance de l'axe de développement *centre-périphérie* nous apparaît évidente si l'on observe les différences existant entre les niveaux de développement des régions centrales et périphériques, en Europe par exemple. Bien qu'elles soient moins fortes que les différences nord-sud, les différences centre-périphérie n'en sont pas moins importantes. On peut en déduire l'existence d'une tendance générale, selon laquelle il est possible aussi pour d'autres contextes, comme le contexte méditerranéen, d'une part d'agir dans le sens d'un développement répondant à des logiques concentriques, en partant donc des régions centrales pour obtenir des résultats significatifs, de l'autre d'assister et de soutenir des processus spontanés selon la même logique.

Le développement par *contiguïté*⁷ a pu être observé dans de nombreuses situations de croissance coordonnée et parallèles pour des régions différentes, et même séparées par une frontière linguistique et/ou nationale, mais voisines d'un point de vue territorial, comme la France et l'Allemagne, les régions du BENELUX, ou l'Espagne et le Portugal, ou, en Italie, entre des régions comme la Vénétie, les Marches, les Abruzzes et les Pouilles. Le développement en *réseau étendu* a été observé plus

⁶ Voir. Premier Séminaire FEMISE: Analyse du rapport entre développement économique, politique et social dans une région connaissant un fort impact des processus d'intégration et de globalisation de Carla Collicelli (Censis, Rome - Italie) Le Caire, 5 Février 1999

⁷ Idem.

récemment, dans le cadre d'une évolution des communications et des transports, même entre des régions fort éloignées, mais qui entretiennent des relations et une synergie sur le plan économique en raison d'intérêts communs liés à la production ou à la commercialisation.

En conséquence, les modèles de progression par contiguïté et en réseau étendu indiquent un certain nombre de lignes de développement économique et social possibles pour la Méditerranée. Celles-ci apparaissent certes spontanément, mais il est également possible de les soutenir en vue de faciliter la convergence économique et sociale. Autant d'éléments qui nous laissent supposer la permanence autour de la Méditerranée d'une culture traditionnelle commune, qui constituerait la principale cause des similitudes observées.

En effet l'histoire de la Méditerranée nous renvoie à l'image d'un *bassin d'échanges*, immense ressource de contacts et de développements. On pense successivement à la Magna Grecia du VIII au IV siècles avant J.-C., lorsque la Sicile, les régions ioniennes, la Turquie partageaient une même langue et une même culture; au Mare Nostrum des Romains, qui a permis au plus grand et au plus fort empire du monde occidental de développer des échanges, des conflits et des commerces inédits jusqu'alors; à l'expansion arabe en Espagne, en France et en Italie, qui a laissé de nombreuses traces dans les cultures et les sociétés de ces pays; à l'expansion byzantine. Dans un passé plus récent la Méditerranée s'est offerte comme vaste chantier et arsenal pour la République de Venise, pour Pise, Barcelone, Gênes, pour la Sardaigne, permettant ainsi de relier, à travers des expéditions commerciales, des régions éloignées comme les Flandres et l'Afrique.

En revanche, au cours du XX siècle, la Méditerranée a été au centre de l'attention le plus souvent pour des épisodes négatives ou de violence, parmi lesquels le colonialisme, les conflits idéologiques, les tensions politiques et ethniques, les trafics illicites et criminels, ce qui a renforcé peu à peu une *image de type "séparatiste"* opposée à l'image qui faisait autrefois de la Méditerranée la mer de l'unification. La Méditerranée est aujourd'hui considérée le plus

souvent comme une vaste *frontière entre des mondes éloignés*, entre lesquels ils subsistent certes des liens, mais déséquilibrés et regardés avec méfiance, qu'il s'agisse des relations commerciales ou des flux migratoires. Les relations *commerciales* entre les deux rives de la Méditerranée, qui se sont fortement accrues au cours de la dernière décennie (comme l'ensemble du commerce mondial avec les pays en voie de développement), en réalité concernent surtout les exportations du sud vers le nord: plus de 50% des exportations provenant de la rive sud de la Méditerranée se font en direction de l'Europe, alors que la Méditerranée est une destination pour seulement 8% du commerce européen. Le Maghreb ne représente que 2,3% du point du commerce de l'Union, alors que le Mexique pour les Etats-Unis représente 8%. On compte néanmoins quelques situations d'exception: l'Italie, avec des quotas élevés d'importation de pétrole en provenance de la Libye et de l'Algérie, ou encore le Maroc et la Tunisie dont les exportations vers l'Europe dans le secteur de l'habillement ont augmenté de plus de 400% entre 1990 et 1994. Mais on est obligé de considérer la relative exigüité des échanges commerciaux entre les deux rives, qui devraient être beaucoup plus développés notamment dans le sens nord-sud et nord-est, compte tenu du potentiel de consommation des populations concernées.

Les *flux migratoires* sont indiscutablement plus intenses. Avec une population d'environ 500 millions d'individus, la Méditerranée est, avec les Caraïbes, la région du monde où l'on enregistre les flux les plus importants, aussi bien dans le sens sud-nord que sud-sud entre régions rurales et urbaines. Les flux migratoires ont de surcroît un rôle régulateur des déséquilibres démographiques et économiques entre les diverses régions du bassin méditerranéen. Ils représentent un important lien d'interdépendance et un facteur d'alimentation des réseaux reliant des régions et des Etats différents. Toutefois même l'existence de ces flux ne semble pas devoir modifier une situation de déséquilibre économique et social très marqué⁸.

⁸ C. Collicelli, Le "social" en Méditerranée: un terrain de développement homogène?, in: Affaires sociales internationales, n.1, 1994.

Le Régionalisme Euro-Méditerranéen: Apports et Limites d'un Projet de Développement Régional

Le discours méditerranéen de l'UE et de certains de ses Etats membres est récent. Il correspond à une certaine conjonction des compréhensions d'une nouvelle structure des relations internationales et une nouvelle définition de la sécurité, liées à la fin de la guerre froide, comme à des enjeux contextuels qui suivent la fin de la guerre du Golfe. Comme la plupart des différentes initiatives, les politiques de l'UE s'intéressant à la Méditerranée dans son ensemble commencent après la chute du Mur, mais la guerre du Golfe donne un nouvel élan.

L'approche théorique proposée permet ainsi de souligner qu'à chaque époque correspond un discours, un nouveau «méditerranéisme», soutenant un projet politique donné⁹. On définit ainsi un espace et un discours soutenant cette nouvelle compréhension et la légitimant. Le contexte et les nouvelles structures des relations dans le bassin en sont la base et le discours méditerranéen, la nouvelle façon de les interpréter, du point de vue européen. L'analyse, suivant une optique constructiviste, des politiques et des discours visant à la formation d'une région méditerranéenne, donne une dimension nouvelle à cette problématique, en mettant en lumière les différents processus à l'œuvre, basé sur des intérêts particuliers, des capacités matérielles et sur une compréhension nouvelle de la réalité. Elle souligne ainsi le caractère avant tout social et construit des références, dans notre cas, régionales, qui peut mener à une nouvelle compréhension collective de la réalité.

Il apparaît fondamental, en guise de préalable de se pencher sur la caractérisation concrète du terme régionalisme, étant donné que ce n'est que grâce à lui que l'on peut comprendre le bien fondé du partenariat EM, de même que son cadre de référence. On constate

⁹ V. Eberhard. Rhein, "Le pari euro-méditerranéen" in "Euro - Méditerranée: une région à construire", sous la direction de Robert Bistolfi, Publisud, Paris, 1995, p. 23.

sans aucun doute une «nouvelle donne» de la régionalisation qui s'affirme par rapport à un ancien régionalisme¹⁰. Dans le nouveau régionalisme il s'agit de repenser de manière approfondie la redéfinition des espaces de régulation, un préalable indispensable à la création d'une dynamique propre à chaque espace régional, une dynamique qui saura faire avancer l'espace considéré vers plus de cohérence économique et donc vers une intégration effective des différentes entités étatiques qui ont pris part à cette association.

La notion de régionalisme correspond à ce que j'appelle «l'euro-méditerranéisme». Mais il est indispensable de s'attarder sur le sens de ce mot et de son application. Le régionalisme tel que définit dans le dictionnaire Larousse comme: «doctrine qui affirme l'existence d'entités régionales et revendique leur reconnaissance. Mot, tournure propre à une région. Cette définition semble aller parfaitement avec le sens que je donne à l'euro-méditerranéisme, comme dynamique d'intégration régionale reflétant la spécificité de la région donc unique en son genre ce qui lui fait coïncider avec l'idée de tournure propre à une région.

La tournure met en exergue un mouvement qui marque le changement à comparer avec ce qui était au passé. Cette tournure vise en fait à présenter la région euro-méditerranéenne comme une région reconnue sur la scène internationale, donc une composante de la structure régionale du commerce mondial. La notion de régionalisation présente un sens plutôt technique et n'englobe pas tout le sens voulu du cas euro-méditerranéen. Selon Larousse, il s'agit d'une « action de transférer aux régions des compétences qui appartenaient au pouvoir central ». En fait cette action a été prouvée dans toute tentative d'intégration régionale sectorielle qui n'est point la caractéristique des mouvements actuels d'intégration régionale. Le mot régionalisme se marie parfaitement avec le contexte actuel et avec le sens politique qu'on veut donner à la dynamique régionale porté par le PEM.

¹⁰ Robson, P. "The new regionalism and developing countries", *Journal of Common Market Studies*, 1993, n 31 (3), pp 329-348.

L'évolution des structures internationales a aussi fait évoluer la conception et les compréhensions des acteurs actifs en Méditerranée, et, dans une relation dialectique entre les réalités matérielles et leurs interprétations, a modifié leurs discours, qui traitent de plus en plus du bassin comme un ensemble¹¹. L'approche de la Méditerranée varie, comme on l'a vu, d'un acteur à l'autre suivant ses intérêts, ses capacités, son interprétation des structures mondiales et son histoire, favorisant ainsi une certaine compétition pour imposer une définition. On peut toutefois remarquer une certaine convergence des compréhensions de la Méditerranée entre les trois Etats latins susmentionnés dans le cadre de l'UE, comme une captation partielle de la politique communautaire par ces derniers. Parallèlement, il ne faut sous-estimer l'influence réciproque entre ces différents acteurs favorisant une relative convergence des intérêts et des compréhensions concernant la Méditerranée, comme ne pas méjuger l'influence des instances supranationales dans ce processus, bien qu'elles soient subordonnées aux impulsions données par les Etats membres. Les institutions communautaires permettent une légitimation du processus, tout en réunissant et harmonisant dans une certaine mesure, les intérêts des Etats membres dans la région.

Ainsi, la fin de la guerre froide a sans doute libéré la zone méditerranéenne de la pression du conflit bipolaire, mais elle a aussi accru l'intérêt des différentes organisations et de différents Etats européens. La grande majorité des initiatives méditerranéennes trouvent leurs origines sur le continent européen, sous l'influence aussi de certains milieux intellectuels favorables à la référence méditerranéenne. Cependant, il faut voir cette évolution comme un agrandissement de la région européenne ou la gestion de cette frontière afin de protéger le processus d'intégration européen de la fragmentation de la zone. Il existe une certaine

¹¹ Agnes Chevalier et Gérard Khébadjian, "L'Euro-méditerranée entre mondialisation et régionalisation, in *Monde arabe Maghreb Machrek*, hors série, décembre 1997.

confusion dans les différentes initiatives, et en particulier le processus de Barcelone, entre coopération et intégration.

Cependant, cette volonté communautaire de cultiver l'Euro-Méditerranée comme une région, liée à l'UE, se heurte à plusieurs obstacles. Ce projet semble s'inscrire pour l'instant dans une perspective européenne avant tout, ni les Etats-Unis, ni les organisations mondiales ne reconnaissant pour l'instant une existence autonome à cet espace.

De même, le discours méditerranéen se heurte à l'absence de ce concept dans les Etats partenaires, qui ne semblent pas encore réceptifs à cette référence, qui a plus de peine à s'enraciner dans ces terrains. Ce processus est parfois perçu comme néo-colonial et comme une entreprise de morcellement de l'unité arabe.

La référence méditerranéenne est ainsi avant tout comprise par les Etats prenant part au processus de Barcelone comme le moyen de se rapprocher de l'UE afin d'accéder à son bien-être et participer au système économique global, et souvent une façon de contrebalancer la toute puissance américaine en liant l'UE et sa stabilité à la Méditerranée.

De plus, les Etats-Unis jouent toujours les premiers rôles au Moyen-Orient et ne désirent pas voir l'UE remplir une fonction politique importante, qu'aucune politique Extérieure et de Sécurité Commune (PESC) digne de ce nom ne peut de toute manière soutenir en l'absence d'une stratégie commune cohérente pour la Méditerranée. A ceci s'ajoute la prééminence des problèmes politiques internes sur la rhétorique méditerranéenne, notamment dans les domaines agricole ou textile.

De plus, une politique globale pour le bassin se heurte à des stades de développements différenciés des PTM, qui ne permettent pas une politique globale, chaque Etat demandant encore un traitement bien différent, que l'UE applique dans ses liens. Sous l'impulsion européenne et dans la plupart des Etats et organisations continentales, on assiste néanmoins à une volonté de théoriser

l'espace méditerranéen, ou plutôt euro-méditerranéen, de l'institutionnaliser.

L'UE se présente ainsi comme la productrice d'un projet qui vise à renforcer son rôle et celui de ses Etats membres dans l'espace qu'elle a choisi de déterminer¹². La Méditerranée est ainsi une construction idéale récente qui se fonde sur le mythe méditerranéen et l'histoire commune des nations qui bordent cette mer. Le discours communautaire trace de nouvelles frontières, et vise à susciter une régionalisation, l'émergence d'une conscience régionale. Elle espère fédérer et séduire les autres participants à ce projet avec la faveur du développement des échanges, de sa force de persuasion et des fonds alloués. Elle propose un nouvel imaginaire collectif et tente de créer un référentiel commun pour tous les acteurs du bassin. La Méditerranée est alors pensée comme cadre global de traitement des enjeux, favorisant l'apparition d'un coussin de stabilité à la frontière sud de l'UE.

En effet, la conférence de 1995 ouvrait une nouvelle ère dans les relations méditerranéennes inaugurée par la fin de la guerre froide, la conférence de Madrid et la signature des Accords d'Oslo. Dans cet espace conflictuel et marqué par de nombreuses fractures, la réunion des 27 pays du pourtour méditerranéen ouvrait de nouvelles perspectives vers la construction d'un nouvel ensemble de sécurité coopérative et de prospérité partagée.

Les attentes envers cet exercice diplomatique unique et novateur étaient à la hauteur des défis régionaux. Dans la mesure où il s'inscrivait d'emblée dans la durée, malgré ses réalisations et toutes ses avancées, la reprise de l'Intifada, l'âpreté des rapports méditerranéens et la difficile mise en place des réformes structurelles furent autant de freins. Enfin, les événements du 11 septembre et la guerre anglo-américaine en Irak ont bouleversé l'environnement méditerranéen. Le cadre du Processus euro-

¹² Pierre Willa "La Méditerranée comme Espace Inventé". Jean Monnet Working Papers in Comparative and International Politics. Department of Political Studies - University of Catania. November 1999 - JMWP n° 25.

méditerranéen, certes peu connu du grand public ou même des acteurs internationaux, a su créer un véritable maillage entre les deux rives. Force aussi est de constater qu'au niveau opérationnel les initiatives sont désormais innombrables malgré le peu d'attention et de communication dont elles font l'objet. Malgré une présentation approfondie de ses aspects généraux, cette étude ne peut, en effet, rendre compte de toutes les actions entreprises sous l'appellation Euromed, ni du nombre des projets et encore moins de la portée que recèle l'idée d'euro-méditerranée.

Il existe une véritable inadéquation entre la perception «politique et stratégique» des avancées euro-méditerranéennes par les acteurs étatiques et la réalité des actions qui sont menées sur le terrain même. Pour être plus précis, la fracture est grande entre l'étendue des micro-actions réalisées et les objectifs macros visés. Cependant, les Européens attendent encore, de la part des pays tiers méditerranéens, cette évolution de fond vers des réformes démocratiques, la libéralisation des économies et l'indépendance d'une société civile, mouvement qu'ils ont su susciter auprès des pays de l'Est dans le cadre de leur processus d'adhésion à l'Union européenne.

L'écart reste immense entre les ambitions décrites dans le projet politique euro-méditerranéen tel que le dévoile la déclaration de Barcelone et les résultats obtenus. Pourtant, les différents partenaires se rendent compte aussi que les principes énoncés dans la déclaration de Barcelone sont les seuls capables d'apporter une solution concrète aux problèmes méditerranéens. La démarche euro-méditerranéenne doit cependant évoluer, prendre en compte ses limites et se transformer pour s'adapter aux nouvelles réalités régionales. Dans sa communication en date du 11 mars 2003, la Commission a dessiné sa vision des relations pour une Europe élargie. L'importance stratégique de la région méditerranéenne y est réaffirmée. Il est urgent de donner une nouvelle impulsion au partenariat et de le réformer. C'est le défi auquel doivent s'atteler les ministres des affaires étrangères euro-méditerranéens lors de la prochaine conférence interministérielle qui se réunira à Naples au mois de novembre 2003. Le Processus de Barcelone est donc aujourd'hui à la croisée des chemins. Les institutions européennes,

et tout particulièrement la Commission, se doivent de trouver les moyens de redonner une nouvelle impulsion à cet exercice rare dans les relations internationales que représente le Processus euro-méditerranéen. Pour autant, les interrogations sur le devenir du projet politique européen en Méditerranée sont grandes.

Les Chances du Partenariat Euro-méditerranéen

La proximité et les échanges ont toujours joué un rôle de première importance dans les processus de développement. Ainsi le partenariat euro-méditerranéen offre d'importantes *potentialités* pour le développement dans les régions et les pays qui bordent la Méditerranée. Mais des telles potentialités dépendent pour une large part des conditions que nous serons en mesure d'instaurer à différents niveaux: au niveau des échanges économiques et culturels, de la confrontation serrée sur le modèle de développement et de démocratie à instituer, des politiques endogènes de chaque Etat national, mais surtout au niveau intermédiaire, qui concerne l'entrepreneuriat de base, les réseaux de développement et de concertation, le rôle de la société civile et des collectivités locales, la dimension sous-régionale.

Cette intervention, n'a pas l'ambition d'affronter l'ensemble complexe des questions affleurant dans le cadre du partenariat euro-méditerranéen. Dans ce contexte il importe plutôt de comprendre quel peut - ou doit - être l'espace de recherche et d'action dans lequel nous mouvoir, nous-mêmes et les autres intervenants en jeu, de sorte que le processus en cours présente des perspectives d'évolution positives dans la direction souhaitée. Dans ce sens la je crois que notre attention doit se concentrer sur les domaines à propos desquels il est nécessaire de développer des réflexions et de proposer des axes de travail innovateurs:

Le premier champ de réflexion concerne la *définition (ou la redéfinition) du modèle de développement, en particulier la confiance en un modèle démocratique partagé*. Autrement dit, il serait avisé d'ouvrir un débat clair sur ce que signifie la démocratie dans un contexte de globalisation et de développement concerté

entre régions voisines et entretenant des relations variées, mais en de nombreux points différents.

Le deuxième terrain de réflexion, lié au premier, est celui de la *concertation sur les politiques nationales et en particulier sur les facteurs de développement endogène*, tant au niveau économique que social, et bien sûr ceux qui concernent plus étroitement les problèmes de pauvreté et de transition.

Le troisième domaine pertinent concerne *l'ensemble des échanges à tous les niveaux*: économiques (entreprises, capitaux, services), commerciaux (biens et produits), culturels, sociaux, etc. au sein de programmes de coopération, dans le but d'appréhender la nature des priorités et des objectifs.

Autrement dit une fonction de mise au point de stratégies qui tiennent compte, outre des aspects strictement économiques, des volontés politiques, mais aussi et surtout de l'impact social des interventions envisagées.

Un projet d'intégration régionale est d'abord une démarche politique, et c'est l'engagement pris de part et d'autre qui constitue l'apport essentiel de la dimension régionale au processus de l'ouverture. Plus concrètement les accords euroméditerranéens d'association comprennent deux engagements précis: celui de l'ouverture commerciale des pays méditerranéens et celui du soutien financier européen.

Le premier engagement doit permettre à l'ouverture méditerranéenne d'échapper à l'impasse traditionnelle de la libéralisation commerciale unilatérale, à savoir le manque de crédibilité. Cette crédibilité est particulièrement décisive dans le cas d'un processus graduel où les secteurs qui bénéficient d'une protection effective plus forte lors des premières phases de l'ouverture ont tout le loisir de s'organiser pour résister aux étapes ultérieures. Les accords passés avec l'UE fournissent à la libéralisation méditerranéenne une crédibilité beaucoup plus grande que ne peuvent le faire les engagements pris auprès de l'OMC ou des organisations internationales. Le désarmement tarifaire va plus

loin, les engagements pris sont plus précis et, attachés à la signature d'un accord international, sont moins facilement réversibles.

L'engagement financier européen est le signe le plus tangible du renforcement de la politique méditerranéenne de l'Union. L'aide renforcera les effets d'annonce et de la crédibilité du processus (c'est cette idée qui légitime en fait les critiques pour le programme MEDA. En fait cette aide financière est dans la tradition de la coopération euromed, composante importante son accroissement est nécessaire pour rendre acceptable aux opinions méditerranéennes un processus dont les bénéfices commerciaux irons d'abord à l'Europe).

Les chances de la réussite du projet euro-méditerranéen passe aussi à travers une intégration sous régionale forte et qui coïncide parfaitement avec la nature même de la région méditerranéenne divisée en sous région et l'intégration maghrébine en est une et bénéficie d'une structure préétablie qui souffre de plusieurs handicaps mais qui demeure un vecteur de développement dans la région.

La Nouvelle Politique Européenne de Voisinage et le Développement du Processus D'intégration Régionale en Méditerranée

Tout d'abord formulée sous l'expression Initiative "Nouveaux voisins" par le Conseil de l'UE, cette réflexion qui intéressait uniquement les nouveaux voisins orientaux (Ukraine, Biélorussie, Moldavie) s'est transformée en une politique de voisinage (Neighbourhood Policy) concernant les Etats disposant d'une frontière terrestre ou maritime avec l'Europe élargie (Wider Europe), à savoir les voisins de l'Est mais aussi les pays du Sud de la Méditerranée.

En 2002-2003, la politique de voisinage a fait l'objet de nombreux textes émis par les décideurs européens (Commission européenne, Parlement européen, actuels et futurs Etats membres) et de nombreuses publications éditées par des instituts de recherche et des fondations. Ce foisonnement témoigne de l'intérêt grandissant à

l'égard des zones périphériques qui suscitaient peu d'attention jusqu'à présent et qui sont amenées à jouer un rôle de premier plan dans le débat sur les frontières ultimes de l'UE, sur son identité politique et sur sa place dans l'espace géopolitique international.

La nouvelle politique de voisinage ne devrait pas pour autant l'emporter sur le cadre actuel des relations de l'Union les pays du Sud de la Méditerranée, mais le compléter et s'inspirer des politiques et mécanismes existants. Le cadre institutionnel existant au niveau des divers accords conclus avec les Etats voisins est un cadre classique de coopération. Il suppose des relations périodiques organisées entre l'Union et ses partenaires à différents niveaux afin de maintenir un dialogue sur les problèmes relatifs à l'application de ces mêmes accords.

Au niveau du groupe d'Etats du Sud de la Méditerranée, le partenariat euro-méditerranéen institue explicitement un volet régional outre le volet bilatéral classique¹³. Le partenariat euro-méditerranéen s'articule ainsi autour de deux filières complémentaires, le programme bilatéral et le programme régional, alimenté par les orientations et conclusions des conférences euro-méditerranéennes des ministres des affaires étrangères et des conférences ministérielles sectorielles dans des domaines tels que le commerce, l'économie et les finances, l'énergie, l'industrie et l'environnement. Il est appuyé par MEDA dans le cadre de programmes indicatifs nationaux pour chaque partenaire et par le programme indicatif régional.

Bien que la démarche de l'UE peut être défendu par ceux qui réclament la nécessité de démarrer d'un point existant pour aller de l'avant, le projet incarné dans la PV demeurera résiduel et il risque d'emporter en ses gènes les carences du processus de Barcelone. Pour cette raison la PV devra être considéré comme un simple

¹³ Quant au groupe de partenaires voisins de l'Est, les accords de partenariat et de coopération instaurent un cadre institutionnel sur trois niveaux distincts: le niveau présidentiel, le niveau ministériel et le niveau parlementaire.

complément qui permettra de pallier en cours de route les défauts du processus actuel.

Bien que la PEV fasse l'objet d'une application différenciée d'un pays à l'autre, L'UE insiste sur l'importance de « promouvoir une coopération plus étroite à la fois par delà les frontières extérieures de l'UE et au sein des voisins eux-mêmes de l'UE, en particulier parmi ceux qui sont géographiquement proches les uns des autres »¹⁴. Le développement d'un cadre institutionnel régional, que celui-ci soit formel ou informel, est essentiel pour la création à terme d'un espace de valeurs, de stabilité et de sécurité. Si ce mécanisme est déjà formellement mis en place au niveau du partenariat euro-méditerranéen, l'UE trouve qu'il est essentiel de le développer pour les voisins de l'Est¹⁵. Cependant, la dimension régionale et sous-régionale dans la zone méditerranéenne¹⁶ a besoin d'une nouvelle dynamique afin d'encourager « le développement d'initiatives et de coopération interrégionale dans un large éventail de secteurs notamment par la promotion des infrastructures, des interconnexions et des réseaux, en particulier énergétiques, et à instaurer de nouvelles formes de coopération avec leurs voisins »¹⁷.

Dans le même but de donner un nouvel élan à l'intégration régionale euro-méditerranéenne l'Union s'est engagée d'offrir à ses voisins méditerranéens de nouvelles perspectives d'intégration économique en contrepartie de leurs progrès concrets dans le respect des valeurs communes et la mise en oeuvre effective des réformes politiques, économiques et institutionnelles, notamment

¹⁴ Communication de la Commission, « Politique européenne de voisinage, Document d'Orientation », dans la partie consacrée à la coopération régionale », Bruxelles, le 12.5.2004 COM (2004) 373 final.

¹⁵ Il est en effet fondamental pour l'UE de construire un dialogue politique entre la Russie et les NEI occidentaux.

¹⁶ Les pays concernés sont l'Algérie, l'Egypte, Israël, la Jordanie, le Liban, le Maroc, la Syrie, la Tunisie et l'Autorité palestinienne. La Libye n'a pour l'instant que le statut d'observateur.

¹⁷ Communication de la Commission, « Politique européenne de voisinage, Document d'Orientation », dans la partie consacrée à la coopération régionale », Bruxelles, le 12.5.2004 COM(2004) 373 final.

dans l'alignement de leur législation sur l'acquis¹⁸... Il s'agit concrètement pour les PSM d'une perspective de participation au marché intérieur européen ainsi que la poursuite de l'intégration et de la libéralisation afin de promouvoir la libre circulation des personnes, des biens, des services et des capitaux.

"L'objectif à long terme" est de parvenir éventuellement à une *"zone de libre-échange"*, susceptible de déboucher *"dans certains cas à une intégration complète du point de vue économique"*, a expliqué Günter Verheugen¹⁹. Il s'agit d'évoluer vers un cadre dans lequel l'Union et ses voisins finiront par entretenir des relations comparables aux liens politiques et économiques étroits qui caractérisent aujourd'hui l'Espace économique européen. En effet l'EEE permet d'étendre, aux 3 pays de l'AELE membres de l'EEE, les quatre libertés qui fondent le marché unique de l'Union européenne:

- liberté de circulation des marchandises: règle de l'origine avec une marque "origine EEE", règles techniques, normes, essais et certifications, contrôles vétérinaires...;
- liberté de circulation des services: services financiers (banques, assurances, investissements...), télécommunications, audiovisuel (protection des données, publicité télévisée...), transport...;
- liberté de circulation des capitaux;
- liberté de circulation des personnes: liberté d'établissement dans un pays de l'EEE, reconnaissance des diplômes, législation dans le domaine de la sécurité sociale...

En contrepartie, les 3 pays EEE-AELE doivent adopter l'acquis communautaire concernant les domaines couverts par l'accord (les règles qui gouvernent les quatre libertés de circulation) comme la concurrence et les aides d'Etat, la protection des consommateurs et

¹⁸ COM (2003) 393 final, Bruxelles, le 1.7.2003

¹⁹ Günter Verheugen, " L'Union européenne, par sa politique de voisinage, offre son soutien aux réformes au Maroc", Brussels, 05 February 2004, valable sur: http://europa.eu.int/comm/external_relations/morocco/intro/ip04_170.htm

de l'environnement... L'EEE préconise aussi une coopération poussée dans de nombreux domaines. Parallèlement, une coopération assidue est poursuivie dans les domaines de la recherche, l'éducation, la politique sociale, la politique de l'environnement²⁰.

C'est au niveau du fonctionnement de l'EEE que la comparaison paraît faible. L'AELE est déjà un groupement doté d'une structure régionale institutionnelle intégrée qui permettra de mener une coopération efficiente avec l'UE²¹. Cette condition fait certainement défaut avec les partenaires méditerranéens du Sud qui ne se présentent pas en une entité régionale solidaire et intégrée. En conclusion, cette comparaison est à déplorer en raison d'une grande différence des réalités entre l'EEE et le projet de la zone transfrontalière visée par la PEV.

Le Projet d'intégration Maghrébine Vecteur de Développement en Méditerranée

Le partenariat euro-méditerranéen, qui depuis novembre 1995 constitue le cadre principal dans lequel se déroulent les relations entre l'Union européenne et douze pays tiers du bassin méditerranéen, devait en principe fonctionner comme catalyseur des processus d'intégrations et coopération sous-régionaux dans la Méditerranée, y compris le maghrébin. Du point de vue politique, la nécessité d'instaurer un dialogue politique et de sécurité avec l'Union européenne devrait premièrement encourager les pays

²⁰ L'Islande, le Liechtenstein et la Norvège participent également à certains programmes de coopération entre acteurs de l'Union européenne: 6ème programme cadre de recherche et développement, SOCRATES pour l'éducation, LEONARDO pour la formation professionnelle, MEDIA + pour l'audiovisuel...

²¹ Les décisions préparatoires modifiant l'accord sont prises par consensus entre l'Union européenne et l'AELE au sein du Conseil de l'EEE, où siègent les ministres des pays membres et la Commission européenne. Le Comité mixte de l'EEE, composé de hauts fonctionnaires, est responsable du fonctionnement courant. La Cour de justice des Communautés européennes et la Cour de justice de l'AELE assurent le contrôle judiciaire.

partenaires résoudre les tensions existantes entre eux, comme étape préalable à un rapprochement progressif²².

En effet, une intégration plus profonde des pays tiers méditerranéens (PTM), en leur donnant un poids accru, pourrait être la clef pour améliorer leur position à la table de négociations et pour obtenir des concessions majeures surtout en matière économique. La Déclaration de Barcelone reconnaissait que la promotion de la coopération régionale et sous-régionale doit être un objectif central du partenariat dans tous ses chapitres. Cependant, c'était spécialement dans le domaine économique et financier que ce concept était le mieux spécifié : en effet on déclarait que «la coopération régionale sur base volontaire, en vue de développer le commerce entre les partenaires, est un facteur clef dans la promotion de la création d'une zone de libre-échange». Les Ministres mettaient ainsi en lumière la nécessité de compléter le processus de libéralisation Nord-Sud avec une libéralisation Sud-Sud, afin d'édifier une zone de prospérité partagée.

En réalité, cette formule adoptée à Barcelone n'était qu'une recommandation que l'UE dirigeait aux partenaires méditerranéens sans d'ailleurs en spécifier le contenu. Selon la stratégie conçue par les européens, la nécessité de développer une plus forte intégration Sud-Sud se serait imposée d'une manière tellement claire et évidente que tous les PTM auraient entamé sans hésitation un processus de convergence réciproque. Toutefois, l'UE avait probablement négligé l'existence de plusieurs entraves à l'intégration, de nature économique et politique, dans les pays méditerranéens concernés ; le simple encouragement et l'incitation à l'intégration se sont en effet révélés insuffisants pour vaincre des réticences aussi profondément établies²³.

²² Voir. Le Maghreb, l'Europe et la France, collection « Etudes de l'annuaire de l'Afrique du Nord », édition du centre national de la recherche scientifique 1992.

²³ Les Etats maghrébins à l'épreuve de la Mondialisation. Jean-Robert Henry. Editions du CNRS Annuaire de l'Afrique du Nord. Tome XXVI, 1987.

Par conséquent, à l'occasion de la quatrième conférence ministérielle euro-méditerranéenne, réunie à Marseille le 15 et le 16 novembre 2000, les Ministres ne purent que déclarer que « the south-south regional integration process has only just begun and needs to be enhanced in order to promote the economic reforms and regional integration which are indispensable for attainment of the objectives of the Barcelona Process ».

Une vague d'optimisme a seulement vu le jour, suite à la déclaration faite à Agadir le 8 mai 2001 par le Maroc, la Tunisie, l'Égypte et la Jordanie à propos de leur volonté d'établir une zone de libre-échange entre eux. Le projet d'accord pour la création d'une zone de libre échange arabe méditerranéenne, a été signé, le 25 février 2004. Toutefois il faut préciser que l'initiative Agadir n'est pas conçue pour être un substitut à l'UMA. En effet, la zone de libre échange 4+6 est un projet purement économique alors que l'UMA est un processus d'intégration global touchant les aspects politique, économique, social et institutionnel. Par ailleurs cette initiative a suscité un grand intérêt de la part de l'UE qui a exprimé sa disposition à lui apporter son appui. L'UE en effet, prévoit un soutien financier de 4 M d'euros pour le processus d'Agadir. Il faut de toutes façons souligner que cette initiative, sans conteste encourageante, a été lancée par les pays les plus engagés dans une stratégie de libéralisation commerciale, tandis que des nombreuses difficultés existent pour que d'autres pays de la région s'incorporent à ce processus. La faible incidence du projet de partenariat sur la promotion de l'intégration régionale et sous-régionale s'explique si on tient compte que le PEM a été conçu comme stratégie de coopération essentiellement Nord-Sud. Bien que l'importance de la coopération sous-régionale sous les «trois volets» ait été soulignée lors de la Conférence des ministres des affaires étrangères à Stuttgart (Barcelone III, avril 1999), dans le cadre du PEM la plupart des énergies ont été investies dans la réalisation de projets et dans l'instauration de mesures entre les Quinze de l'UE et les PTM. En plus, il faut souligner que les relations euro-méditerranéennes sont caractérisées par une approche « multi-bilatérale » qui, basée sur des réunions de nature multilatérale et sur des négociations à niveau bilatéral, ne laisse pas beaucoup de place au développement des contacts sous-régionaux.

En effet, la négociation des accords d'association entre l'UE et chacun de ses partenaires ne favorise pas la coopération sous-régionale, car chaque pays est porté à approfondir solitairement ses relations avec l'Union européenne, parfois dans une perspective de concurrence avec les pays voisins²⁴. A partir des considérations générales antérieures on peut déduire que le projet de partenariat euro-méditerranéen n'a pas véritablement facilité l'établissement de relations sous-régionales plus étroites dans la Méditerranée ; il est aussi clair que même le projet d'intégration maghrébine n'a pas obtenu une grande impulsion du fait de l'initiative euro-méditerranéenne.

Premièrement, il convient de rappeler que la déclaration de Barcelone ne contenait aucune référence explicite à la coopération sous-régionale dans le Maghreb. Encore pire, il semble que la stratégie euro-méditerranéenne proposée par l'UE n'ait même pas pris en compte le processus, certes stagnant mais toujours existant, d'intégration maghrébine. En effet, le Secrétariat Général de l'UMA ne prend part aux sommets euro-méditerranéens qu'à titre de simple observateur invité par le Président du Conseil de l'Union européenne ; des membres de l'UMA, seuls le Maroc, la Tunisie et l'Algérie ont été inclus parmi les partenaires méditerranéens de l'UE, tandis que la Mauritanie participe aux sommets également en qualité de simple observateur et la Libye, exclue à l'origine pour des raisons politiques, n'a pas encore été intégré pleinement au processus de Barcelone.

Deuxièmement, l'UE s'est limitée à déclarer son encouragement à l'intégration économique de la région nord-africaine sans adopter des mesures concrètes pour faciliter cette dynamique. A ce propos, on peut rappeler que pendant sa première visite au Maghreb à la fin de janvier 2001, le Président de la Commission européenne, R. Prodi, a essayé de démontrer aux partenaires maghrébins la nécessité économique de l'intégration et les coûts du «non-Maghreb», tandis qu'il n'a pas proposé aucune solution, étant

²⁴ Voir. Peter ROBSON, Quelles perspectives ? La communauté européenne et l'intégration économique régionale dans le tiers monde. *Revue tiers monde*, 1997, pp 859-879.

convaincu qu'il est aux pays concernés de trouver une réponse à leurs propres exigences.

Finalement, du point de vue politique, il est clair que le Maghreb n'a pas été considéré en tant que tel dans le cadre des relations euro-méditerranéennes. En ce qui concerne le dialogue politique et de sécurité, l'UE a promu soit des contacts bilatéraux soit des initiatives multilatérales, la plupart desquelles ne se sont pas réalisées à cause des divergences d'intérêts entre les entités sous-régionales. Par exemple, le blocage du processus de paix en Moyen Orient a obstrué la coopération politique et de sécurité dans la région euro-méditerranéenne entière. Cette stratégie multilatérale a donc empêché que la spécificité de la sous-région maghrébine soit prise en compte. Si l'UE avait facilité dans le cadre du PEM les contacts inter-maghrébins, d'une part elle aurait probablement obtenu une concertation maghrébine nécessaire pour réaliser des initiatives de coopération de type Nord-Sud, et d'une autre part elle aurait créé des occasions de dialogue nécessaires pour réduire les tensions politiques qui entravent l'intégration, même économique, des pays du Maghreb.

Conclusion

La réussite ou l'échec du processus de Barcelone se mesurera au développement de la région et à son intégration à la dynamique économique européenne. Les risques d'échec sont importants et auront des conséquences sérieuses pour l'Union Européenne et pour ses partenaires du Sud de la Méditerranée à moyen terme d'où la nécessité d'une relance du processus. Cette relance s'articule essentiellement sur deux axes : D'abord Une offre politique plus claire de la part de l'UE afin que le projet euro-méditerranéen prenne un réel contenu partenarial. Ceci passe par un recentrage de l'aide financière ceci implique de traduire clairement cette stratégie dans les procédures des instruments MEDA. Aussi accroître la visibilité de l'offre de l'UE sur le terrain des infrastructures régionales, de l'agriculture et des flux migratoires, là où on desselle le plus de lacunes. La Politique européenne de voisinage espère être atteindre cet objectif. Malgré le caractère généreux de ce concept, depuis son lancement, les choses n'ont pas sensiblement

évolué. Il a certes été constitutionnalisé dans le projet de Traité établissant une Constitution pour l'Europe mais cela n'offre pas de garanties à terme de la construction de cet espace commun sur les quatre libertés (libre circulation des marchandises, libre circulation des personnes, libre circulation des capitaux et libre circulation des services). Le papier sur la politique de voisinage est plein d'ambiguïté et suscite le débat. Il reste vague car c'est un papier de directive et pas un papier de négociation afin d'envelopper tout le nouveau voisinage après 2004. La PEV souffre donc d'une incohérence qui est inhérente à son objet puisque son but est de faire en sorte que les voisins de l'UE ressemblent le plus possible aux Etats membres, condition assurant une efficacité optimale à la coopération économique et sécuritaire.

Il importe donc de négocier une nouvelle qualité relationnelle dans un esprit partenarial afin de relancer le processus de développement régional dans l'espace méditerranéen. Cependant le succès de ces négociations repose dans une très grande mesure sur la volonté politique des partenaires car les négociations devront faire face à des complications d'ordre techniques étant donnée que le projet euro-méditerranéen est très ambitieux et très complexe. A ce propos on se contente de rappeler que *« là où il y'a la volonté politique il n'y a pas de difficultés techniques insurmontables. Là où il y'a pas de volonté politique chaque difficulté techniques devient un prétexte pour faire échouer une négociation »*.

Abstract

The Euro-Mediterranean initiative is at a discursive level an expression of a policy of regional integration among the Mediterranean economies. The Barcelona process is likely to present the Mediterranean as a project of regional integration setting up a typical model of development, which can be used as a stepping-stone towards more global and multilateral relations.

In order to answer the question whether the euro-Mediterranean partnership is a homogeneous and harmonious space of development, it is relevant first to observe the EU initiative towards its southern neighbours. This initiative is perceived as a special

logic of development. In fact the cooperation of the EU with third countries and regions protracted the principles that the EU applies to itself, a model of europeanisation carried out through EU institutions and through the implementation of the “acquis communautaire”.

Thus the European Union can be regarded as the proto-type, which can be used to respond to the challenges of globalisation. Interdependence and debordering are experienced by all the states of the world in a very similar manner. But expansion of political regulation and democratisation are not the same everywhere. There are great differences in this regard. However, diffusion and demonstration effects of the European Union model of development are obviously checked out in Mediterranean regions. The Euro-Mediterranean Partnership is a case of diffusion effect and as a regional project it is considered to be a projection of the EU regional integration.

Through its Mediterranean Policy the EU is seeking to promote its own model of regional integration, a market integration underlined by a certain coordination or at least with a certain harmonisation of public policies. The Mediterranean Policy of the EU is in fact registered in a bigger frame, which is the development cooperation policy promoting a model of development manifesting simultaneously an economic and a political logic. Thus the project of development offered by the EU is various and global. It imagines the EU to be a project of ‘open regionalism’ that uses its own internal trade liberalisation as a stepping-stone for liberalisation on a global scale. From this stance, European integration might be read as the deliberate facilitation of globalisation. This discourse presents globalisation as an opportunity for those prepared to adapt themselves to its logic of economic compulsion.

However the regional integration so far achieved in the Mediterranean region shows a limited success and the impact of this Initiative on the development of Mediterranean economies remains modest at best and this due to both the Initiative’s own limitations as well as to the nature of the economic and political

structures prevailing in the Mediterranean region. In this regard, we should say that the regional reality in the Mediterranean didn't witness any positive changes through the Euro-Mediterranean partnership. Furthermore, the obstacles weakening its evolution do not seem to be solved as the EU strategy towards the Mediterranean is not final and is still under conception. Moreover, the southern Mediterranean countries are still facing severe challenges of restructuring and reform. This makes the outcome and the evolution of the regional integration in the Mediterranean uncertain.

Having these provisos in mind, we should mention that the EU influence on the Euro-Mediterranean regional integration has grown stronger as deeper integration made process. The latest feature of this process remains the new concept of the Neighbourhood Policy. With globalisation and the creation of a trans-national civil society, the Union's external relations can be seen as no longer distinguished from its internal development, particularly when it comes to its neighbourhood, as expressed by Romano Prodi. Instead of trying to establish new dividing lines, deeper integration between the EU and the "ring of friends" is believed to accelerate mutual political, economic and cultural dynamism between the two shores of the Mediterranean. It therefore proposes that further measures to enhance integration and liberalisation should be implemented gradually and progressively, responding to positive action on the part of the neighbouring countries.

The question is: Does the European Neighbourhood Policy (ENP) offer the possibilities of expanding regional integration so as to become the real source of the region's sustained development? Can the neighbourhood policy transform the obstacles weakening the emerging Euro-Mediterranean region into assets? At this level this article focuses on the comparative advantage of the ENP to set up system-transforming mechanisms to alleviate regional complexity and stabilize the "Euro-Mediterranean regional development".

The ENP is declared to have the potential to reinforce existing forms of regional and sub-regional cooperation and to provide a

framework for further development. The Strategy paper elaborated by the European Commission contains recommendations on the development of regional cooperation and integration, as a means to address certain issues linked to the enlarged EU's external borders. By developing further various forms of cross-border co-operation, involving local and regional authorities, as well as non-governmental actors, the EU and its partners can work together to ensure that border regions benefit from the EU's 2004 enlargement.

In the south, the European Neighbourhood Policy will encourage participants to reap the full benefits of the Euro-Mediterranean Partnership (the Barcelona process), to promote infrastructure interconnections and networks, in particular energy, and to develop new forms of cooperation with their neighbours. The European Neighbourhood Policy will contribute to the development of further regional integration, building on the achievements of the Euro-Mediterranean partnership, notably in the area of trade. It will reinforce efforts to meet the objectives of the European security strategy in the Mediterranean and the Middle East.

The regional and sub-regional cooperation in the Mediterranean region and in the context of the new neighbourhood policy will be based on the results so far achieved through the euro-Mediterranean partnership besides introducing special approaches adaptable to each country and each group of countries. The Commission is promising to continue promoting the regional dimension of the euromed partnership thanks to a significant financial support.

The ultimate target of the EU is to develop a framework in which the EU and its neighbours end up having relations similar to the political and economic tight relations that characterise the European Economic Area. However this comparison does not stand and it is even unrealistic as the European Economic Area presents a different institutional and economic reality than the southern Mediterranean countries.

This leads us to the second key element of the regional development in the Mediterranean: south-south integration. A new

Euro-Mediterranean region in which to build a shared area of prosperity requires existing North-South economic integration to be complemented by South-South trade liberalization. South-south integration is a key element, for Euro-Mediterranean regional development, particularly in outwardly-oriented development strategies, can enhance economic welfare through specialization and rationalization of consumption and production activities. It can also increase the region's collective political bargaining power in extra-regional forums, and improve security considerations. Trade liberalization could lead to a relocation of resources according to comparative advantage and to the growth of intra-industry trade. However, some economic instruments are required both in order to allay political fears and in order to upgrade transport, communications and educational standards within the region.

Trade links among the southern and eastern Mediterranean countries have remained at a very low level. There is room for greater commercial integration, although the scope for an increase in intra-regional trade volume is limited. Southern and Eastern Mediterranean Countries face important political, social and economic challenges. Meeting these becomes easier if there is economic growth rather than the economic stagnation still suffered in some countries in the region. Indeed sustained, high economic growth is required if those countries are to address their unemployment problems, find jobs for the large numbers about to enter the labour market, and improve their social indicators. The main key to economic progress for each country is to reform its economy, taking advantage of globalisation by integrating into the world economy.

So it is not surprising to find renewed emphasis on greater regional integration involving groups of Arab economies such as the Arab Maghreb Union or the Unified Arab Market, fully encouraged and supported by the EU. The prospects for such integration efforts are boosted by improvements in the enabling economic environment. However, political conditions, particularly the Arab-Israeli dimension, are likely to limit regional integration efforts at this stage. What is likely to materialize is closer integration between subsets of countries in the region, particularly Arab ones, with

potentially important, direct and indirect welfare gains for the participants.

The policy changes required for successful economic integration are the same as those needed if the countries of the region are to benefit from the more general process of globalisation and integration into the world economy. This point is best illustrated by the dynamic Asian economies, where outward-oriented development strategies have been associated with intensified regional economic interaction.

There are many indications, geographical, cultural or economic, that suggest there is scope for considerable gains from greater economic interactions within the Mediterranean region. However, the Arab-Israeli conflict and intra-Arab conflict, coupled with inappropriate economic policies, have kept south-south regional economic interactions at an abnormally low level in recent decades. Merely to restore these interactions to their natural levels would give an important boost to economic growth within the region. The developing peace process offers a major opportunity for enhanced economic cooperation within the Euro-Mediterranean. As Western Europe found after World War II, such cooperation strengthens not only the economic well-being of countries in the region, but also peace.

What is required to reach a homogeneous space of development in the Euro-Mediterranean region is on the one hand a steadfast commitment by countries to structural reforms, including continued multilateral liberalization, along with the removal of impediments to regional economic interaction and a strengthening of the institutional framework. On the other hand the EU should through its new policy strengthen its partnership with the Southern Mediterranean Countries and to register its efforts in a lasting strategy perspective.

Key words: Regional Integration - Mediterranean Region - Euro-Mediterranean - Partnership - Economic Development - Maghreb - International Trade - Neighbourhood Policy.

LE DIALOGUE SUR LA SÉCURITÉ DANS LA POLITIQUE EUROPÉENNE DE VOISINAGE: VUE DU SUD

RACHID EL HOUDAIGUI

Le partenariat euro-méditerranéen amorcé à Barcelone en 1995 s'est donné comme objectif la création d'une zone de prospérité et de stabilité. Néanmoins, la faiblesse des résultats, obtenus dans le domaine politique et sécuritaire a montré les limites d'une telle construction. Dans le même temps, les principaux défis à la sécurité dans la région n'ont pas été surmontés et celle-ci apparaît plus que jamais comme une zone d'instabilité.

La relance du dialogue euro-méditerranéen consacrée par la Politique européenne de voisinage et le partenariat stratégique entre l'UE et la région méditerranéenne ainsi que le Moyen-Orient semblent, cependant, apporter quelques pistes de réflexion pouvant permettre de sortir le processus de Barcelone de l'immobilisme actuel. Ces initiatives interviennent dans un contexte diplomatique favorable, dans la partie occidentale de la Méditerranée, marqué par la Conférence ministérielle de Naples et par le Sommet 5+5 de Tunis.

Dans cette perspective, nous jugeons opportun de s'interroger sur les nouvelles approches et les dispositions relatives au dialogue politique et sécuritaire que contient cette nouvelle politique de voisinage. Pour ce faire, nous tenterons de répondre aux trois questions suivantes :

1. Quel est le cadre référentiel de la PEV?
2. Quelle est la valeur ajoutée de la PEV par rapport au processus de Barcelone?
3. Comment le Maghreb perçoit-il le dialogue sur la sécurité dans le cadre de la PEV?

1. Le cadre de référence de la Politique européenne de voisinage (PEV)

La PEV s'inspire de la stratégie européenne de sécurité et s'inscrit, en ce qui concerne la méditerranéen, dans la logique de partenariat stratégique entre l'UE et la région méditerranéenne ainsi que le Moyen-Orient.

1.1 La stratégie européenne de sécurité: un cadre de référence majeur

Adoptée par le Conseil européen (décembre 2003), la stratégie européenne de sécurité¹ constitue un événement considérable dans la construction de la culture stratégique européenne. En effet, le vide doctrinal dont souffrait la Politique européenne de sécurité et défense (PESD) semble être comblé aujourd'hui. Cette doctrine s'articule autour de trois piliers :

- Répondre aux menaces (le terrorisme, la prolifération des armes de destruction massive, la prévention des conflits);
- Assurer la stabilité du voisinage de l'Union européenne;
- Favoriser le multilatéralisme effectif.

Pour faire face aux menaces, l'Union entend adopter une approche plus large de la sécurité qui peut être qualifiée de « sécurité compréhensive ». Celle-ci s'appuie sur la connexion entre toutes les dimensions de la sécurité: politique, socio-économiques, écologique et militaire.

L'intérêt de la stratégie européenne de sécurité réside non seulement dans son apport conceptuel à la PESD mais aussi dans son impact sur le voisinage de l'Europe. Les partenaires méditerranéens ont désormais une bonne visibilité du rôle que compte jouer l'UE dans le monde et des règles du jeu régissant la future politique européenne de voisinage.

¹ Secrétariat général du Conseil de l'Union européenne (2003), « Une Europe sûre dans un monde meilleur: Stratégie européenne de sécurité », <http://ue.eu.int/solana/docs/031208ESSIIFR.pdf>

Ce cadre de référence a servi de point de départ à la préparation de stratégies partielles, dans les domaines jugés prioritaires comme le partenariat entre l'Union européenne et la région méditerranéenne ainsi que le Moyen-orient et la Politique européenne de voisinage.

1.2 Le partenariat entre l'Union européenne et la région méditerranéenne ainsi que le Moyen-orient² : un cadre de référence régional

Si la stratégie européenne de sécurité pose des principes d'ordre doctrinal qui devraient façonner le comportement international de l'Europe du troisième millénaire, le partenariat entre l'Union européenne et la région méditerranéenne ainsi que le Moyen-orient a ébauché les grands traits d'un dialogue politique sur des questions relevant de la sécurité et la stabilité de la Méditerranée.

La valeur ajoutée de cette «feuille de route» pour le partenariat euro-méditerranéen se manifeste à trois niveaux :

1.2.1 Une définition large de la sécurité

Il s'agit en fait d'une adaptation au contexte géopolitique méditerranéen et moyen oriental de la définition esquissée par la stratégie européenne de sécurité : en ce sens que la nature multidimensionnelle des sources d'instabilité exige une approche globale qui prendrait en compte les sources internes d'insécurité que sont, par exemple, le sous-développement économique et le chômage, en particulier le chômage des jeunes

1.2.2 Des préoccupations politiques communes

Le document trace des préoccupations politiques communes que sont les droits de l'homme, la gouvernance des affaires publiques, l'État de droit, le rôle et les droits de la femme, le respect des droits des minorités, la coopération en matière de non-prolifération, la lutte contre le terrorisme, la prévention et la résolution des conflits

² Voir le rapport final réalisé par la Commission européenne, http://europa.eu.int/comm/external_relations/euromed/publication.htm

et le développement économique. Ce sont les même préoccupations exprimées dans la déclaration faite le 23 mai 2004 lors du sommet de la ligue arabe.

1.2.3 Un dialogue politique renforcé en matière de sécurité et de lutte contre le terrorisme

En plus des dispositions concernant la non-prolifération des armes de destruction massive , le document énonce un certain nombre de mesures pour renforcer le lien entre la PESD et le processus de Barcelone:

- mieux faire connaître les actions dans le domaine de la PESD et leur donner une plus grande visibilité;
- rendre la coopération plus ambitieuse et plus concrète;
- ouvrir les activités de formation et les exercices aux partenaires méditerranéens, au cas par cas.

Par ailleurs, les partenaires euro-méditerranéen manifestent leur intérêt pour la relance du projet de la Charte euro-méditerranéenne et d'autres cadres similaires.

En ce qui concerne la lutte contre le terrorisme, il a été décidé de renforcer la coopération opérationnelle par le biais des sous-comités "Justice et sécurité".

Quelles que soient les imperfections que l'on peut soulever ça et là, il n'en demeure pas moins que les partenaires euro-méditerranéens réalisent, avec ce document, un saut qualitatif dans le dialogue politico-sécuritaire. Cependant, la mise en œuvre d'un tel projet est subordonnée à la créations de structures efficaces bilatérales et régionales dans le cadre de la politique européenne de voisinage.

2. La PEV renforce le processus de Barcelone

2.1 Les limites politiques du processus de Barcelone

La Politique européenne de voisinage intervient à un moment où le processus de Barcelone montrait certaines limites notamment dans son volet politique et sécuritaire. Des problèmes structurels demeurent, qu'il s'agisse des problèmes politiques liés à la démocratisation des PSEM ou des conflits territoriaux (Grèce-Turquie sur Chypre et les îles de la mer Egée, Liban, Israël-Palestine, Algérie-Maroc, Espagne-Maroc) et des questions nationales (ex-Yougoslavie, Algérie). En même temps, la totalité de la région est concernée de près ou de loin par le terrorisme.

Deux raisons sont derrière ce constat:

La première est liée au fait que le dialogue politique euro-méditerranéen n'a jamais eu de contenu concret. La complexité et l'enchevêtrement des problèmes ne favorisent pas une lecture sereine et commune des causes de la conflictualité dans la région. La composante émotionnelle, exacerbée par des perceptions croisées négatives, est souvent très forte. L'immigration et le terrorisme islamique suscitent souvent des peurs irrationnelles en Europe et ne favorisent pas un dialogue raisonné. Certains pays de la rive sud manifestent parfois des réactions disproportionnées face aux initiatives prises sur la rive nord.

La seconde raison est liée au fait que l'Europe a toujours défendu l'idée que l'interdépendance économique entre les deux rives de la méditerranée demeure le seul garant d'une stabilité durable en Méditerranée. Cette approche est certes nécessaire mais elle est insuffisante voire improductive dans la prévention ou la gestion des crises. L'illustration parfaite en est la crise hispano-marocaine de l'été 2002 au sujet de l'îlot Leïla/Persil. Le déploiement de force de l'Espagne à proximité des côtes marocaines lors de cette crise exprime davantage ses peurs face à la question territoriale qui l'oppose au Maroc que sa confiance dans un dialogue politique à trois dans lequel l'Europe apporterait une capacité de négociation

diplomatique efficace³. Les déclarations malhabiles de l'UE au début de la crise en faveur de l'Espagne puis la médiation du secrétaire d'Etat Colin Powell mettent en évidence cette faiblesse européenne. L'alignement de l'Espagne sur les Etats-Unis au sujet de l'intervention en Irak marque une rupture par rapport à la doctrine de politique étrangère qui avait prévalu jusque là à Madrid depuis la transition démocratique à l'égard du monde arabe. Ces positions ont affecté le Maroc qui a pris conscience de la nécessité de rééquilibrer sa politique étrangère en développant ses relations avec les Etats-Unis (Signature d'un accord de libre échange, Washington accord à Rabat le statut d'alliés majeur des Etats-Unis en dehors des pays membres de l'Otan)⁴.

2.2 La PEV: un partenariat global organisé à plusieurs niveaux

Bien évidemment, la PEV contribuera, en ce qui concerne les pays méditerranéens, à la réalisation des objectifs fixés dans le cadre du partenariat stratégique pour la Méditerranée et le Moyen-Orient. Par contre sa mise en œuvre s'effectuera dans le cadre du processus de Barcelone et des accords d'association conclus avec chaque pays partenaire.

A ce titre, la PEV contient des aspects politiques et techniques qui méritent d'être mentionnés :

2.2.1 Une conditionnalité concertée:

La PEV offre certes des avantages concrets et des relations préférentielles avec des États voisins dans un grand nombre de domaines, particulièrement en ce qui concerne l'accès au marché et l'encouragement des investissements. Mais ces bénéfices seront liés aux progrès faits dans des secteurs bien définis, en particulier les réformes économiques, la démocratisation et le respect des droits

³ Bernard Labatut, Quelle Méditerranée pour quelle Europe?, Revue Paix et Sécurité Internationales, n° 1, juin 2003, Tanger, Maroc.

⁴ Rachid El Houdaïgui, La politique étrangère sous le règne de Hassan II, Acteurs, enjeux et processus décisionnels, éd. L'Harmattan, Paris, 2003.

de l'homme, ainsi qu'à une coopération politico-militaire substantielle visant à établir des mécanismes communs de prévention des conflits et de gestion des crises, y compris des mesures communes pour combattre le terrorisme.

2.2.2 Un équilibre subtil entre le bilatéral et le multilatéral:

La Politique de Voisinage tendra à trouver un juste équilibre entre, d'une part, les relations bilatérales, de telle sorte que les avantages et les évaluations des progrès puissent être adaptés aux besoins spécifiques et aux circonstances et, d'autre part, des partenariats multilatéraux, pour traiter des questions régionales et promouvoir l'intégration régionale entre partenaires.

2.2.3 Des objectifs ambitieux:

On peut en distinguer 4 :

- la prévention de conflits dans le voisinage de l'Union européenne et des actes d'agression à l'encontre de l'Union européenne;
- la résolution des litiges et des conflits en cours et la garantie de consolidation à long terme de la paix après un conflit;
- la création de partenariats économiques et politiques étroits basés sur une prospérité, une sécurité et des valeurs communes;
- le contrôle des migrations et de toutes formes de trafic illégal vers l'Union européenne;

2.2.4 Une approche « à la carte » basée sur des plans d'action

L'approche proposée consiste à définir, avec les pays partenaires, un ensemble de priorités. Celles-ci seront intégrées dans des plans d'action adoptés conjointement, couvrant un certain nombre de domaines-clés: dialogue politique et réforme, commerce et mesures préparant les partenaires à une participation progressive au marché

intérieur, justice et affaires intérieures, énergie, transports, société de l'information, environnement, recherche et innovation, politique sociale et contacts entre communautés⁵.

2.2.5 Une ambiguïté autour des mécanismes du dialogue sur la sécurité!

Les thèmes relatifs à la sécurité reviennent sans cesse dans la PEV:

Le chapitre consacré au dialogue politique insiste sur l'efficacité du dialogue autour des questions tels que les problèmes régionaux et internationaux, la prévention des conflits et la gestion des crises ainsi que les menaces communes pour la sécurité (terrorisme et ses causes profondes, prolifération des armes de destruction massive et exportation d'armes illégales, par exemple).

Dans le même sens il est prévu l'association des pays partenaires à certains aspects de la PESC et de la PESD, à la prévention des conflits, à la gestion des crises, à l'échange d'informations, à la formation et aux exercices communs et éventuellement aux opérations de gestion des crises pilotées par l'UE. Une autre priorité importante consistera à poursuivre la mise en place d'une responsabilité partagée entre l'UE et les partenaires pour la sécurité et la stabilité dans la région couverte par la politique de voisinage.

Les plans d'action devraient également comporter des mesures visant à rendre plus efficace la gestion des frontières et la lutte contre le terrorisme, le crime organisé, le trafic de drogues et d'armes, le blanchiment des capitaux ainsi que la criminalité financière et économique.

Toutefois, rien n'est mentionné sur les mécanismes devant structurer le dialogue sur la sécurité au sein de la PEV. Hormis le comité Affaires Intérieure, l'initiative européenne ne prévoit pas la création de comité chargé des domaines de la PESC et de la PESD ou de la prévention et la gestion des conflits. Alors que l'ont sait

⁵ "Politique européenne de voisinage : document d'orientation" COM (2004) 373 final, 12.5.2004, p.3.

l'importance de ce type de structure dans le maintien d'un dialogue permanent sur des « sujets qui fâchent » tels les conflits territoriaux ou la délimitation maritime (Maroc-Espagne). Certes les Etats préfèrent régler leur litige dans le cadre bilatéral, mais les événements récents (la crise de l'îlot Leïla/Persil) ont prouvé la nécessité d'instaurer une structure bilatérale (UE - Pays partenaire) chargée de contenir et d'apaiser les tensions susceptibles de se traduire en confrontation diplomatique et militaire.

Par ailleurs, on ne saurait comment la PEV compte assurer la cohérence et la coordination des activités avec les différentes enceintes traitant des questions de sécurité en Méditerranée (Processus euro-méditerranéen, Forum méditerranéen, dialogue 5+5, pays partenaires pour la paix dans le cadre de l'OSCE, dialogue méditerranéen de l'OTAN).

3. Le dialogue sur la sécurité vu du Maghreb

Les pays du Maghreb ne se considèrent pas comme une menace pour qui que ce soit. Mais, ils demeurent conscients qu'une situation économique précaire conjuguée à la montée de l'intégrisme présente autant de facteurs de risque pour eux-mêmes et pour leurs voisins. Ils ont donc fixé comme objectif prioritaire le développement économique soutenu par des accords d'association conclus avec leur premier partenaire : l'Union européenne, tout en s'attachant à conserver leurs particularismes culturels et religieux.

3.1 Une perception mitigée

Vu de l'autre rive, en tout cas du Maroc, le dialogue sur la sécurité dans les relations euro-méditerranéennes inspire un sentiment d'échec et de crainte ou d'interrogation sur la portée politique de la PEV.

3.1.1 L'échec du dialogue politique

Les pays de Maghreb sont conscients que la responsabilité de l'échec politique du processus de Barcelone est partagée entre les deux rives:

- D'un côté l'Union européenne n'a pas fait preuve d'une forte volonté politique pour atteindre les objectifs ambitieux du partenariat. Aussi le dialogue sur la sécurité se limitait à des « briefings » sur les questions de sécurité, sans grande implication des pays du Sud dans la « conception de l'architecture sécuritaire future de la Méditerranée »⁶. L'enlisement de la Charte euro-méditerranéenne de paix et de sécurité en est une des principales illustrations.
- De l'autre côté, les pays de la rive sud ont péché par leur manque d'engagement pour une intégration sous-régionale, garante d'un développement intégré sud/sud. La situation critique de l'Union du Maghreb Arabe en est une illustration parfaite. En outre, le retard enregistré dans les réformes politiques, économiques et sociales ainsi que les obstacles culturels constituent un handicap pour la concrétisation de la plupart des programmes de partenariat.

3.1.2 Interrogation sur la place du dialogue politique dans la PEV

Au lendemain de l'annonce de la nouvelle politique européenne, les observateurs au Maghreb s'accordaient sur l'importance de cette nouvelle initiative mais n'hésitaient pas, en même temps, à exprimer certaines craintes quant à une éventuelle redynamisation du dialogue politique. Celle-ci serait subordonnée à la prise en compte de trois impératifs:

- Intégrer la rive sud non pas comme une source potentielle de menaces, mais comme un partenaire naturel de l'espace euro-méditerranéen;
- Consolider un environnement géopolitique favorable qui passe inéluctablement par l'engagement plus actif de l'Union européenne pour la consolidation de l'Union du

⁶ Mémoire comportant des propositions et commentaires sur les mécanismes régissant le partenariat entre les deux rives de la Méditerranée, présenté par le Maroc à la Commission européenne en 2002.

Maghreb Arabe (UMA) et des autres espaces de concertation;

- Approfondir un dialogue de sécurité dans le cadre de la PESD serait de nature à assurer aux partenaires méditerranéens une bonne visibilité des options stratégiques européennes. A cet égard, il faut développer l'échange d'information, prendre des mesures de confiance et élargir la coopération particulièrement en matière de prévention et de gestion des crises et de formation des cadres civilo-militaires.

Conclusion

Les défis sont donc nombreux, beaucoup d'efforts ont été faits de part et d'autre depuis le processus de Barcelone. La nouvelle politique de voisinage énoncée par l'Union européenne et la relance d'un dialogue sur la sécurité augurent d'une relance positive dans la région. L'objectif devrait être la quête d'une « gouvernance » sécuritaire à cette approche met fin à l'approche eurocentrique qui a prévalu dans la politique méditerranéenne de l'Europe

THE EUROPEAN UNION'S ROLE IN THE GREATER MIDDLE EAST

ESRA HATIPOGLU*

Introduction

Prior to, and immediately following, the ill-starred US invasion of Iraq, the Bush administration tried hard to justify its military action, offering a number of reasons that prompted the controversial attack. These ranged from the necessity to eliminate lethal weapons of mass destruction, which Saddam Hussein allegedly possessed, to a need to urgently liberate the Iraqi people languishing under the rule of brutal dictatorship. In the beginning of this year, however, the contours of what can be termed an American grand strategy have emerged. In an apparent attempt to excel its British imperial predecessors, Washington set forth a strategic blueprint labelled, in the US diplomatic parlance, the Greater Middle East Initiative. The ambitious project aims at thorough revamping of the region described by the above term. This paper intends to discuss how different international actors, in particular the European Union, are going to position themselves in this strategic area, designated by the US administration for a radical socio-political reform.

The Greater Middle East region¹ has always been important for both its abundant economic resources and its strategic location linking Europe, Asia and Africa. The Greater Middle East's outstanding geo-strategic value and geo-economic significance inevitably place the region at the heart of the international politics in today's world. The region is the site of the world's largest oil and gas resources. Three quarters of all global oil reserves are located in 13 countries of the Greater Middle East and the EIA reports that North American imports of Middle East and North African oil will increase from 3.3 MMBD in 2001 to 6.1 MMBD in

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¹ There is still not a common definition of the Greater Middle East region. However in this article the region will be used as the area that comprises the Arab world, Israel, Turkey, Iran, Central Asia and the Caucasus.

2025 and the increase in exports to Western Europe will be from 4.7 MMBD to 7.4 MMBD.²

The Greater Middle East's diversity makes it an exceptionally vibrant region in the world; however, a host of problems it is faced with makes it also very volatile. The latter can be briefly summarized as follows: political instability of the existing governments and state structures that has a potential to cause the disintegration and collapse of the entire geopolitical systems with grave consequences for the whole world; severe demographic pressure and massive out-migration (mainly to Europe) because of slow economic growth, rapid population growth, unemployment and poverty, income disparities and ethnic tensions; proliferation of weapons and the existence of multiple conflicts; the rise of politically radical, militant Islam generally perceived as a threat and source of instability, etc. In addition to these, several other challenges to regional stability are also affecting the situation in the region where there are no appropriate economic integration schemes, no system of arms control or collective defence.

In the majority of these countries, the prevailing severe social and economic tensions do not permit the establishment of stable democratic political institutions. The regional nations are largely dominated by one-party political structures that are averse to any social transformation of the system of power or to any societal reforms in general. The local political regimes, which are mostly authoritarian, are extremely reluctant to give up or share their power or to ensure the rule of law and respect for human rights. Most of the regimes lack legitimacy and can only get support through political patronage networks. The bulk of these countries don't have the ability to properly tax their citizens; there is the other side of the coin, though: the citizens, for their part, cannot ask too much from their governments. There are, of course, some small states in the region like tremendously rich Kuwait, Qatar and the UEA that are basically awash in oil and thus can boast of high per capita incomes. But rampant corruption of the ruling elites and the

² *Energy Information Agency, International Energy Outlook*, Washington, May 2003, DOE/EIA-0484, pp.184-186.

underdeveloped state of civil society can be regarded as the characteristic features of the region.

It is also impossible to ignore the fact that the Greater Middle East is piled up with military hardware and in not-so-distant future some new nuclear states are likely to emerge there. During the Cold-War era, the Middle East had been the main recipient of arms both from the Soviet Union and the US although the situation has changed since the beginning of the 1990s.

The fact that some areas of the Greater Middle East supply a large volume of illicit drugs to many parts of the world is another characteristic of the region that has to be taken into consideration. As it is becoming more evident that terrorism and drug trafficking are intertwined, this problem becomes more important.

On the other hand, *The Greater Middle East* region has always been important as a geopolitical playground where various external powers seek regional hegemony. Thus, in any analysis of the region it is impossible to ignore the specific local and global interplay that both facilitated the regional countries' creation and within which they currently operate. Today, the region has started receiving more attention from the external world as the main source of international terrorism and proliferation of weapons of mass destruction. Four of the rogue states once labelled by the US - namely Iran, Iraq, Libya and Sudan - are located in the region.

The Greater Middle East Project

It would appear that the *Greater Middle East Project* aims to address all the crises and opportunities from Morocco in the west to India in the east and from Turkey and the Caucasus in the north to Sudan and Great Sahara Desert in the south. Its ultimate ambition is to advance a coherent strategy for dealing comprehensively with the whole vast region. Although the project is a post-Cold War concept, it came to world attention when it was first mentioned in

Al-Hayat newspaper in February 2004.³ In fact, the policy paper on the *Greater Middle East Initiative* that was published by *Al-Hayat* had been prepared for internal discussion among the senior officials at the G-8 Summit.

The initiative formulated by the US was based on some of the ideas and programs that could be found also in the *Middle East Partnership Initiative*⁴ - a document, which was announced by Secretary of State Colin Powell in December 2002. The blueprint specified three main areas of concern - promotion of democracy and good governance, building of knowledge society and expansion of economic opportunities. In fact, the whole initiative is modelled on the 1975 Helsinki Accords.

The motivation for preparing the initiative was mainly the information that was provided by the *UN Arab Human Development Reports*⁵ of 2002-2003 about the Arab world. The

³ Dar al Hayat, "US Working Paper for G-8 Sherpas), english.daralhayat.com February 13, 2004.

⁴The Middle East Partnership Initiative is a Presidential initiative founded to support economic, political, and educational reform efforts in the Middle East and champion opportunity for all people of the region, especially women and youth. The initiative strives to link Arab, U.S., and global private sector businesses, non-governmental organisations, civil society elements, and governments together to develop innovative policies and programs that support reform in the region. The initiative is structured in four reform areas-economic, political, education and women. In his May 9, 2003 speech at the University of South Carolina, President George W. Bush also reaffirmed the U.S. Government's commitment to promote and support reform in the region through the Middle East Initiative. This Initiative is comprised of two essential elements: the existing Middle East Partnership Initiative (MEPI) and the proposed Middle East Free Trade Area (MEFTA). "The Middle East Initiative", *Fact Sheet*, US Department of State, Bureau of Near Eastern Affairs, Washington, DC, June 18, 2003.

⁵ Some examples of the statistical information given in the Reports: The combined GDP of the 22 Arab League countries is less than that of Spain; approximately 40% of adult Arabs are illiterate, two-thirds of whom are women; over 50 million young people in 2010 and 100 million in 2010 will enter the labour market, at least 6 million new jobs needed to be created each year to absorb them; if current unemployment rates persist, regional unemployment will reach 25 million by 2010; one-third of the region lives on less than two dollars a day; only 1.6% of the population has access to the internet; 51% of older Arab

2002 Report, compiled by Arab intellectuals led by Egyptian statistician Nader Fergany, specified *freedom*, *knowledge* and *women's empowerment* as the areas involving the region's main deficits.

According to Sami E. Baroudi, that UNDP Report was important in many respects. It was mainly the first UNDP report that dealt with the Arab region as a whole. It was openly critical of the performance of Arab regimes in most areas that were under examination and particularly deplored the status of Arab women. The report has also made a distinction between the concepts of economic growth and development and put the individual at the center of the development process, which wasn't the case for the previous reports, and - last but not least - the report argued that the Greater Middle East region poses a unique challenge and opportunity for the international community.⁶

Reactions to the Greater Middle East Project

Following its publication by *Al-Hayat*, the initiative started to be discussed and criticized more intensively by both European and Arab intellectuals, academics, politicians and laymen. The debates singled out four main drawbacks of the project - its harsh and dominating tone and style being so insensitive to the realities of the region; its neglect of other partners' efforts (such as, for example, the EU's Euro-Mediterranean Partnership⁷); its neglect of any prior

youths expressed a desire to emigrate to other countries, Europe is the favourite destination etc; fertility rate still well above the world average of 2.7; lowest levels of research funding in the world; the Arab world translates about 330 books annually, one fifth of the number that Greece translates; out of seven regions, the Arab countries had the lowest freedom score in the late 1990s. <http://www.undp.org/rbas/ahdr/english.html>

⁶ Sami E. Baroudi, "The 2002 Arab Human Development Report: Implications for Democracy", http://www.mepc.org/public_asp/journal_vol11/0403_baroudi.asp

⁷ The idea of partnership with the Mediterranean region was officially developed at Lisbon, Corfu and Essen meetings of the European Council and took its final shape at the Cannes European Council meeting in June 1995 that adopted the proposal for Euro- Mediterranean Partnership. The last stage was the signing of Barcelona Declaration in 1995. The idea of Euro- Mediterranean Partnership is built around three main goals: definition of a common area of peace and

consultation with any other partners and, lastly, its failure to address the Arab-Israeli conflict.⁸ That is why it is not surprising that the draft initiative had been withdrawn immediately lest it created much misunderstanding.

This Initiative has caused mixed reactions in the Arab world. Some regard it as an act of an external power that wants to impose change; to modernise and reform an area it views as the main source of terrorism and weapons of mass destruction. Others argue that the plan should not be rejected altogether from the very beginning and contend that it could provide some solutions to the problems of the region. However, the critics said, the project should be jointly developed with the participation of all parties concerned and not only by the US. They appeared not very impressed by Washington's pledges to guarantee a broad participation.⁹

However, the general attitude was not very positive. The initiative was mainly perceived as a project that would divide the world into two large camps, as was also underlined by Mohamed Sid-Ahmad.¹⁰ On the one hand, there will be a group of states made up of Western democracies under American leadership with the responsibility of reforming the rest of the world and eliminating the main sources of various threats. On the other hand, there will be

prosperity through the reinforcement of political dialogue and security; construction of a zone of shared prosperity through an economic and financial partnership and the gradual establishment of a free trade zone by the Mediterranean countries among themselves and with the EU and the development of social, cultural and human solidarity in such manner as to encourage cultural exchanges and understanding between civil societies. http://europa.eu.int/comm/external_relations/euromed/bd.htm

⁸ Stanley Crossick, "The US Greater Middle East Initiative", *European Policy Centre*, April 19, 2004.

⁹ Salama A. Salama, "Facing up to Unpleasant Facts", *Al-Ahram Weekly*, July 11-17, 2002; Khaled al-Maena, "A Report which should Open Arab Eyes", *Arab News*, July 5, 2002.

¹⁰ Mohamed Sid-Ahmed, "A New Berlin Wall?", <http://www.palestine-pmc.com/details.asp?cat=4&id=845>; Maggie Mitchell Salem, "Where the Greater Middle East Plan Went Awry", *Arab News*, April 7, 2004.

another group of states deemed incapable of dealing with all those threats on their own and thus destined to be the passive objects of global developments. No wonder that many of the regional countries that regard the project as something that will be imposed on them *from above* have received it with some reservations rather than welcomed the initiative.

Furthermore, the Arab world's concern about the resolution of the Arab-Israeli conflict should also be mentioned here. According to Mohamed Sid-Ahmad, the overwhelming majority of Arabs think that the key criterion by which this project should be judged is its ability to resolve the Palestinian problem as the main burning issue of the region.

There are also some other aspects of a general debate over the issue of why the idea of the Greater Middle has popped up to the surface these days. Is it really connected only with an extravagant desire to spread the concepts of democracy, rule of law, civil society and human rights to that part of the globe or does Mr. Bush have some ulterior intentions? Might he actually be trying to legitimize his hegemonic designs through the clever manipulation of information provided by Arab experts in the 2002 and 2003 UNDP development reports?

In addition, it should be noted that the US and the EU have rather different outlooks on the *Greater Middle East Initiative*. The EU's position¹¹ appears to be much closer to the one held by the Arab world, since the EU also believes that *democratic change and economic modernization must be driven from within* the Arab societies and that they cannot be imposed from without in the absence of any base in the home countries. The EU also believes that the resolution of the Israeli-Palestinian conflict is key to further progress in the region. According to the EU's approach, national sentiments and identities of the region should definitely be taken into account, and every country should be dealt with

¹¹ Toby Dodge, Giacomo Luciani and Lee Litzenberger, "An EU Strategy for Iraq"; *European Policy Centre*, June 29, 2004; Günter Burghardt, "EU-US Relations after the Summit", *European Policy Centre*, June 30, 2004.

individually since there is no one size that fits all. Furthermore, the EU holds that Islam must not be regarded as a religion incompatible with modernity. According to the EU's perspective, it is also necessary to build on what has already been achieved - like, for example, the Barcelona Process¹² - instead of starting everything from scratch.

The EU and the Greater Middle East

The main interests of the EU in the region are *economic interests* including easy access to the energy resources; *regional stability* through the prevention of threats that could spill over from the region into the EU (like the proliferation of weapons of mass destruction, religious extremism, international terrorism and drug trafficking) and through the settlement of the Arab-Israeli conflict; and *the prevention of mass migration* from the region to the EU Member States due to geographic proximity.

It is true that, as was explained above, both economic interests and regional security considerations of the EU can be advanced as the main reasons for the EU's concern in the region. But a new idea has also started to shape the ever growing interest of the EU -- that a *modus vivendi* with Islam is not only possible but also necessary.

In this sense, then, the EU came to face basically three interrelated policy challenges - namely, the ongoing conflicts in the region (mainly the turmoil in Iraq and the Palestinian-Israeli conflict), the struggle against international terrorism (terrorist organisations based in that region and their possible state sponsors), and the support for the economic, social and political transformation of the region.

To deal with all these challenges, the EU has already developed a mixture of different tools and strategies ranging from a *Common Strategy for the Mediterranean Region* (Barcelona Process) to the

¹² The Barcelona Declaration was signed in 1995 by the 27 ministers of foreign affairs of the EU and the Mediterranean countries and built the idea of Euro-Mediterranean Partnership.

*New Neighborhood Policy*¹³ that aims to deepen relations with most countries in the Euro-Mediterranean Partnership - Morocco, Algeria, Tunisia (Maghreb); Egypt, Israel, Jordan, the Palestinian Authority, Lebanon, Syria (Mashrek); Libya (which currently has an observer status) as well as some other neighbouring countries including Russia, Belarus, Moldova, Ukraine, Georgia, Azerbaijan and Armenia - in line with the objectives (to promote the development, through partnership, of a common zone of peace, prosperity and progress; the resolution of the Arab-Israeli conflict; a long term and sustained engagement and the strengthening of the Union's political dialogue with the region) specified in the *European Security Strategy*.¹⁴ On the other hand, the *Middle East Peace Process*¹⁵ is another important concern of the EU's Middle East policy. The EU has also developed cooperation with the Gulf Cooperation Council (GCC) that involves Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates.¹⁶

After taking into consideration all these policies and strategies of the EU, we can argue that the EU is an actor in its own right in the Middle East region; however, its capacity to behave actively and efficiently in relation to other actors in the region is limited.

First of all, the absence of a Common Foreign and Security Policy (CFSP) at the European level, the difficulties in adopting common positions and implementing these positions weaken the cohesion and adversely affect the credibility of the EU in the region. Due to the existence of national interests of the member states, individual states naturally manifest important differences and thus bilateral

¹³ http://europa.eu.int/comm/world/enp/policy_en.html Attina, Fulvio, "The Wider Europe Neighbourhood Policy and the Building of Security around Europe", <http://www.fscpo.unict.it/EuroMED/cjmhhomeengl.html>

¹⁴ <http://ue.eu.int/pressdata/EN/reports/76255.pdf> Yury Federov, Roberto Menotti and Dana H. Allin, "European Security Strategy: Is it for Real?", *European Security Forum Working Paper*, no:14, October 2003.

¹⁵ http://europa.eu.int/comm/external_relations/mepp/decl/index.htm

¹⁶ Gerd Nonneman, "The Gulf: Background Assessment in the Middle East and Europe-An Integrated Appraisal", *Federal Trust for Education and Research*, 1992, pp. 55-57.

relations become more important than the EU's relations as a whole.

Secondly, the EU still has limited resources allocated for foreign policy activities, which forces the EU to make a list of priorities between various regions and various activities. Due to the disagreements and suspicions among the member states, in the current economic environment the member states are not willing to provide the Union with the necessary financial resources in this respect. Thus, at least till September 11, this region was not a number one priority for the EU, which was mainly focused on both deepening and enlarging itself.

Thirdly, frustration of the Arab states with the EU can also be regarded as a weakness of the EU in the region. It is true that during the Cold War, the Arab States have looked at the EU as a possible third option in addition to the geopolitical choice between the US and the Soviet Union. However, starting from the 1990s, the EU came to be perceived by the Arab States as the only alternative to the US hegemony in the region. This perception increased the expectations from the EU, which may not be met due to the special characteristics of the EU structure and the interplay between the various actors in the region.

The Interaction of the EU and the USA in the Greater Middle East

Although it is impossible to predict what course transatlantic relations might take within the context of the Greater Middle East policies during the next couple of years, some arguments can still be discussed on the basis of the current developments. As can be understood from the US-formulated Greater Middle East project and the EU's general approach toward the region, there are important differences between Washington's and Brussels' strategic postures. Given this reality, can there be a joint transatlantic strategy for the Greater Middle East? Can all differences be reconciled if both sides decide to take risks, make concessions, rethink their existing approaches and be prepared to commit significant resources to this project? There is an even larger

question looming: is it really necessary, and if yes, why is it necessary to shape a common transatlantic strategy? What will be the main elements of this strategy?

Despite some differences in threat perceptions and in strategic responses between the EU and the US, the problems that were specified as principal threats (international terrorism, weapons of mass destruction and failed and corrupt states) in both the *European Security Strategy* and the *September 2002 US National Security Strategy*¹⁷ are quite similar. The main differences concern the tools and strategies in dealing with these threats. In this sense, the US, which casts itself as the main security guarantor of the region, places greater emphasis on military action (both as an instrument of preemptive action and one employed during the crisis). The EU, in contrast to Washington, stresses the promotion of rule-based societies and institutions and the development of policies seeking to avoid more serious problems in the future as a major instrument of preemptive action.

Thus, it would seem that while the US wants to concentrate more on military solutions and short-term effects, the EU prefers to base its strategy on the experience of the Barcelona Process.

Can these different strategic approaches be complementary? In order to give a positive answer to this question, the first requirement is the ability of the EU and the US to frame the transformation of the Greater Middle East as a common interest of the West and the Greater Middle East.

Currently, the EU is already acting in the region with its partnership with the Mediterranean countries and countries of the Gulf Cooperation Council. Either through NATO or alone, the US is also present there. NATO had already taken over the UN mandate for the international peacekeeping force in Afghanistan in August 2003; some NATO countries have soldiers on the ground in

¹⁷ <http://www.whitehouse.gov/nsc/nss.html>

Iraq, and since 1994 the Alliance has a *Mediterranean Dialogue*¹⁸ with Israel and six Arab States.

If the EU and the US can define the transformation of the Greater Middle East as a common interest of the West and the Greater Middle East, the new transatlantic strategy will include the following elements: security considerations; the fight against terrorism; preventing the proliferation of weapons of mass destruction; the transformation of military and civil-military relations; determination of the main elements of mutually beneficial economic and technological cooperation; determination of minimal social standards; increased cooperation between non-political actors and common concern about the realization of sustainable human development in the region. The tools of the Strategy are expected to be democracy as a project; trade and aid; maintenance of the regional military balance in the Persian Gulf; prevention of the proliferation of nuclear weapons; combatting terrorism; finding a way to talk to opposition movements in the countries concerned and dealing with Palestine and Iraq.¹⁹

¹⁸The Dialogue was launched in 1994 with the participation of Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. Later in 2000, Algeria became a participant. The aim of the Dialogue is to create good relations and better mutual understanding throughout the Mediterranean and to promote regional security and stability. It is mostly based on bilateral relations between each participating country and NATO and also allows for multilateral meetings on a case-by-case basis. It consists of a political dialogue combined with participation in specific activities. *NATO Handbook*, Brussels, 2001, pp. 91-92.

¹⁹Anthony H. Cordesman and Arleigh A. Burke, "The Role of Europe in the Middle East: An American Perspective", *IISS/CEPS European Security Forum*, Brussels, March 11, 2002; Steven Everts, "Difficult but Necessary: A Transatlantic Strategy for the Greater Middle East", *Paper prepared for the GMF conference*, Washington DC, June 25, 2003; William Burns, "US, Europe Face Four Policy Challenges in Greater Middle East", <http://www.scoop.co.nz/mason/stories/WO0311/S00127.htm>; Ludger Kuehnhardt, "A New Transatlantic Project and a Joint Euro-Atlantic-Arab Task", <http://www.worldsecuritynetwork.com>; George Soros, "Global Governance-Are the American and European Visions Compatible?", *European Policy Centre Dialogues*, January 27, 2004; Ahto Lobjakas, "EU/US: Talks to Focus on Greater Middle East", <http://www.rferl.org/featurearticleprint/2004>, March 01, 2004.

That kind of a common strategy will help both sides in sharing intelligence, in making both theoretical and practical use of different experiences, strong points and expertise. Furthermore, both sides will be much more comfortable sensing that the global strategic objectives are broadly shared by the international community.

As with the EU, the US also has some weaknesses in dealing with the Greater Middle East. The negative attitudes toward the United States and its policies are very intense in the Middle East region. There is a lack of confidence and trust towards the US among the Middle Easterners due to the fact that they generally find some contradictions between what the US says and does. There is also strong criticism of US backing for Israel or US trade policies. Much deplored in the Greater Middle East are America's great tolerance of regional autocratic regimes, its unilateralist behaviour and environmental policies. All this appears to highlight, in the eyes of the region's peoples, the hypocrisy of American rhetoric about democracy and human rights.

The US has been greatly concerned in recent years over the rise of radical Islamic movements in the Middle East. However, the US seems to have difficulty in understanding that Islam, like other religions, can be quite diverse regarding its interpretation of the faith's teachings as they apply to contemporary political issues or to insensitive to the cultural differences or peculiarities of a particular region.

Having weighed up the US and EU respective weak points and advantages, one might suggest that a good division of labour can still be possible between the EU and US/NATO in the region. The latter can be achieved through the clarification and limitation of the ambitions that necessitate reforms of the existing structures and operating procedures of both sides, or by letting each side do the best it can perform.

Conclusion

The radical shift in strategic perceptions triggered (tragically) by the September 11, 2001 attacks in the United States has created important opportunities for cooperation between the EU and the USA in the Greater Middle East. Despite the existing differences on the wide range of issues including Iraq and Palestinian-Israeli conflict, at present, the EU's and the US's interests, tools and strategies can be regarded as compatible, although they are not necessarily identical. In this sense, differences in strategic outlook between Brussels and Washington in the region concern the means rather than the ends. The determination of the future of Iraq, the willingness of the US to include the solution of the Palestinian-Israeli conflict into the Greater Middle East project and to respect the EU's previous efforts in the region (especially through the Barcelona Process) will be important test cases for EU-US cooperation in the Greater Middle East. If we consider the common dangers that the international community faces in the area discussed in this paper, there will always be a strong hope for joint efforts aimed at the promotion of regional stability and security and the achievement of a common denominator based on realistic and feasible expectations.

THE EUROPEAN UNION, THE UNITED STATES AND THE MIDDLE EAST: A TROUBLED TRIO?

FIONA O' GORMAN^{*}

1. Introduction

The aim of this paper is to examine the concept that a triangular relationship exists between the protagonists in this ongoing drama; that is to say the United States, the European Union and the Middle East. In the course of this paper the term Middle East is used to refer more specifically to the Middle East Peace Process as it pertains to the Arab-Israeli Conflict. The approach adopted has been to examine the idea that the above-mentioned parties have a triangular relationship with the EU and the US forming a 'united' top to this triangle; while the Israelis and Palestinians form the remaining points of the triangle. In order to examine this assumption, the actions of the EU and the US are analysed to establish the effect each has on the other actors in this drama while also attempting to determine if the relationship between the EU and the US itself has any bearing on the situation. To facilitate this analysis, the paper has been divided into four sections as follows: the first section will look at the European Union and the Middle East; section two will examine the United States and the Middle East; the third section will briefly deal with the Roadmap; and, finally, section four will contain conclusions.

2. The European Union and the Middle East

The first section of this paper examines the involvement of the EU in the region, both historically and in more recent times. This will be done by discussing the organisation's political and economic involvement.

^{*} Thanks must go to Professor Edward Moxon-Browne, my supervisor at the University of Limerick, the Euro-Mediterranean Research Network, and to Dr. Tal Sadeh for his assistance during my visit to Tel Aviv.

Before looking at the EU's political and economic involvement in the region over the last decade or so, perhaps it would be interesting to first examine two key dates which have, in some form or another, driven the EU's desire to play a key role in the region. Interestingly, it could be argued that each of these incidents belies the previously mentioned concept of the EU and the US presenting a 'united' front at the top of the triangle. It has been pointed out that there is some merit to the idea of the EU having a role to play in the region. As Roy Ginsberg clearly points out: 'what it (the EU) most needs is peace and stability in the region, which only Israel and its neighbours can negotiate and realize.'¹ As will be seen in the course of this paper, this EU role has primarily and historically been economically motivated and has only recently taken on a more political dimension.

The 1980 Venice Declaration by the then nine EC/EU heads of state marked the first significant attempt by the EU to appear active in the region. In the Declaration, the Community emphasised its ties to the region, indicating its belief that this required it to play an active role in any regional peace process. The heads of state also openly acknowledged that the 'growing tensions affecting this region constitute a serious danger and render a comprehensive solution to the Israeli-Arab conflict more necessary than ever.'² Given that Venice came over a year after the Camp David Accords, in which the US played the role of a mediating third party, one wonders if the EC's reminder of its ties to the region were the result of jealousy at having been sidelined with respect to the above Accords. Perhaps here we get early indications of a split between the two entities forming the top of the triangle mentioned at the outset of this paper. Despite attempts by the EC throughout the document to appear even-handed, they upset the Israelis when they suggested that the PLO 'will have to be associated with the negotiations.'³ The EC's somewhat clumsy attempts to enter this

¹ Roy H. Ginsberg, *The European Union in International Politics: Baptism by Fire*, (USA: Rowman and Littlefield Publishers, 2001), p. 124.

² European Community 1980 Venice Declaration at: http://www.europa.eu.int/comm/external_relations/mepp/decl/index.htm#10.

³ 1980 Venice Declaration.

particular arena led to Israel claiming that the EC was 'putting the cart before the horse by making concessions to the PLO in advance of the PLO's renunciation of violence against Israel.'⁴ The stance taken by the EU gives the impression that the organisation is pushing a more pro-Palestinian view; a sentiment always present but somewhat more obvious since the EC's 1973 enlargement to include Ireland, Denmark and the United Kingdom. The result was that Israel was more than happy to allow the US to take the lead in peace talks in the region, especially given the 'special relationship'⁵ between the two.

In Council declarations through the following years, the tone remained the same: somewhat jealous at being at the periphery of the continuing peace process while some statements aroused Israeli anger for presenting a pro-Palestinian sentiment. This was particularly the case with the March 1999 Berlin European Council when the EU again reiterated 'the continuing and unqualified Palestinian right to self-determination including the option of a state' and declared that it 'looks forward to the early fulfilment of this right.'⁶ Since the start of the second Palestinian *intifada* in September 2000, the EU has repeatedly called on both sides in the dispute to do their utmost to prevent an escalation of the violence and to preserve the peace process. Given recent events in the region, it would appear that these appeals, for the time being, are falling on deaf ears.

As is well known, the EU attempted to have itself made a co-sponsor of the 1991 Madrid Middle East Peace Conference. However, this attempt failed and the US and Russia remained the only co-sponsors of the Conference. The EU had to content itself with being labelled as a non-Arab participant, along with countries such as Japan, Canada, Australia and Norway. As *compensation*, the EU chairs the multilateral committee on Regional Economic

⁴ Ginsberg, *ibid*, p. 114.

⁵ Bernard Reich, 'The United States and Israel: The Nature of a Special Relationship' in *The Middle East and the United States: A Historical and Political Reassessment*, (USA: Westview Press, 1996), p. 237.

⁶ Taken from the Europa web page previously listed. See footnote 2.

Cooperation and Development. It could be argued that this is a perfect committee for an organisation such as the EU to chair given its own founding history as purely and simply an economic organisation.

However, it could also be argued that the EU's exclusion from co-sponsoring the Madrid Peace Conference gave rise to jealousy within the EU. In effect, the Europeans were being dismissed as not having a political role to play; a situation which was no doubt frustrating for the EU at a time when it was beginning to develop the Common Foreign and Security Policy in the negotiations for the Maastricht Treaty. Therefore, it can be argued that the Barcelona Declaration of 1995 and the subsequent Euro-Mediterranean Partnership are the Union's response to being excluded from the US-led Madrid Conference and the Middle East Peace Process that stemmed from it.

The Barcelona Declaration itself is divided into three chapters or main objectives and these include both economics and a broader political element. The objectives are as follows:

1. The definition of a common area of peace and stability through the reinforcement of political and security dialogue (Political and Security Chapter)
2. The establishment of a zone of shared prosperity through an economic and financial partnership and the gradual establishment of a free trade zone (Economic and Financial Chapter)
3. The promotion of understanding between cultures and exchanges between civil and societies through a social, cultural and human partnership (Social, Cultural and Human Chapter)⁷

The first chapter of the Declaration focuses on the political element of any dialogue between the parties. In this chapter, the participants

⁷ European Parliament: Directorate General for Research Working Paper, *The Middle East Peace Process and the European Union*, (Luxembourg: European Parliament, 2000 [Political Series: POLI 115]), p. 26.

‘agree to conduct a strengthened political dialogue at regular intervals, based on observance of essential principles of international law, and reaffirm a number of common objectives in matters of internal and external stability.’⁸ Given the varied views of the participants, both towards the EU and each other, it is surprising that all the parties agreed to hold meetings on some of the sensitive issues that could arise from this chapter of the Declaration.

The second chapter deals with the less controversial and contentious issues of economic and financial partnership. In the course of this chapter, the participants recognise the fact that the best way to ensure the regional peace and stability mentioned in chapter one is to create a ‘sustainable and balanced economic and social development.’⁹ Three instruments were set up to enable this to take place: the establishment of a free trade area; the implementation of economic cooperation; and, finally, there was to be a substantial increase in the EU’s financial assistance to those in the region who were party to the Declaration. A target completion date of 2010 was set for the free trade area. However, any agreements to implement this area will have to comply with WTO rules and, since some may not be members of the WTO yet, this may result in the delayed establishment of the free trade area.

The final chapter of the Barcelona Declaration is, perhaps, the most interesting. Here the parties agree that ‘dialogue and respect between cultures and religions are a necessary precondition for bringing the peoples closer.’¹⁰

The earlier assertion that the Barcelona Declaration is a response to the EU’s exclusion from co-sponsoring the Madrid Conference is somewhat supported by the statement made by the Foreign Affairs Ministers in the preamble to the document. Here they state that:

⁸ Taken from the text of the Barcelona Declaration on the Europea website http://www.europa.eu.int/comm/external_relations/euromed/bd/htm

⁹ Ibid.

¹⁰ Ibid.

“this Euro-Mediterranean initiative is not intended to replace the other activities and initiatives undertaken in the interests of the peace, stability and development of the region, but that it will contribute to their success. The participants support the realization of a just, comprehensive and lasting peace settlement in the Middle East based on the relevant United Nations Security Council resolution and principles mentioned in the letter of invitation to the Madrid Middle East Peace Conference, including the principle of land for peace, with all that this implies”.¹¹

As previously mentioned, it could be argued that the tone of this preamble reflects a sense of dissatisfaction felt by the EU at the lack of a role attributed to it under the Madrid Conference. This lack of an EU role appeases Israelis as they have come to see the EU as being more pro-Palestinian than pro-Israeli; a sentiment expressed to me during interviews conducted in May of this year in Tel Aviv. The European Commission itself has, in fact, emphasised the fact that the Barcelona Process is designed to be ‘complementary to US political leadership’¹² ; a phrase which appears to acknowledge the leading role played by the US in the MEPP and which also, it could be argued, makes clear the idea that the Barcelona Declaration and the Euro-Mediterranean Partnership have been established in order to provide the EU with a role in the region in which the EU is not playing ‘second fiddle to the United States.’¹³ Again, the fact that the EU felt the need to establish its own programme, with political as well as economic aims, brings into focus the fact that there is less unity at the top of the triangle that one might expect.

The Euro-Mediterranean Partnership spawned by the Barcelona Declaration has two distinct levels. The first of these is a bilateral level where the ‘strategy consists of concluding Euro

¹¹ Taken from the text of the Barcelona Declaration on the Europa website: http://www.europa.eu.int/comm/external_relations/euromed/bd/htm

¹² European Commission, *Communication from the Commission: The Role of the European Union in the Peace Process and its Future Assistance to the Middle East*, (Brussels: European Commission, 1998) [COM (97) final], p. 5.

¹³ Ginsberg, *ibid*, p. 105.

Mediterranean Association Agreements between the Union and its twelve Mediterranean partners and in establishing national indicative programmes for financial assistance under the Community's MEDA programme.'¹⁴ However, by 2000, the Commission pointed out in a document called *Reinvigorating the Barcelona Process*, that 'the process of negotiation and ratification of the Association Agreements has been slower than expected.'¹⁵ In some cases, there have been delays of up to four years between the negotiation of these agreements and their eventual ratification and implementation. As the Commission has claimed that progress is being made in the more challenging areas of political and security dialogue, the decisions have been made to proceed with several joint projects in the region, including those in areas such as maritime transport and energy. The EU is also sponsoring programmes which bring Arabs and Israelis together in social situations, as part of the third chapter of the Barcelona Declaration.

Despite these attempts to further ties in the region, even the Commission has noted that its attempts under the Barcelona Declaration and the Euro-Mediterranean Partnership have encountered some difficulties. One of these has already been discussed; that of the delays in ratification of Association Agreements. However, the slow progress being made in the Middle East Peace Process itself over recent years, has meant that several issues to be discussed under not only the politics and security chapter, but also the social, cultural and human chapter of the Barcelona Declaration, have suffered similar difficulties. According to the European Commission: 'The spirit of partnership has not led to a sufficiently frank and serious dialogue on issues such as human rights, prevention of terrorism or migration.'¹⁶ However, the EU does not attribute blame solely to the participants. The Commission also acknowledges that it has some role to play in

¹⁴ European Commission, *The Role of the European Union in the Peace Process and its Future Assistance to the Middle East*, p. 6.

¹⁵ European Commission, *Communication from the Commission to the Council and the European Parliament: To Prepare the Fourth Meeting of Euro-Mediterranean Foreign Ministers: "Reinvigorating the Barcelona Process"*, (Brussels: European Commission, 2000) [COM (2000) 497 final], p.4.

¹⁶ European Commission, *ibid*, p. 4.

the lack of progress being made on these issues since its human rights policy is described as lacking ‘consistency.’¹⁷ It could be argued that, since the EU itself has failed to present a unified, coherent message to the parties involved, the lack of success is, therefore, not surprising. Further problems exist with the proposed establishment of a free trade area in the region by 2010. Not only is there a difficulty with respect to the WTO, as previously mentioned, but the failure of the countries involved to expand intra-regional trade has also placed the completion date in doubt. Despite the problems faced by the Barcelona Process, it is perhaps worth mentioning one extremely significant achievement of the process in the political field. The Commission point out that ‘despite the ebb and flow of the Middle East Peace Process all partners have participated in the process and it is the only forum where Israel, Syria and Lebanon meet at Ministerial level.’¹⁸ Surely this must be considered as a great political achievement on the part of the European Union.

While the Barcelona Declaration and the Euro-Mediterranean Partnership are based on economics, they also have a political element attached. The focus of this paper moves to examine the more strictly political aspects of the EU’s involvement in the MEPP. To begin to analyse this issue, one can pose the following question: what does the European Union bring to the Middle East Peace Process? It could be argued that the Union’s role is purely that of a ‘payer not a player.’¹⁹ For example, the EU is only involved in the MEPP to finance the agreements made when the US brokers a deal between the Israelis and the Palestinians. Again, during interviews, the view was expressed that this should remain solely the case; with the EU maintaining a purely economic involvement in the region and allowing the US to be the only power involved on the political side of the equation. In fact, the view that the EU has a very limited role to play has been outlined by Roy Ginsberg as follows:

¹⁷ European Commission, *ibid*, p. 4.

¹⁸ European Commission, *ibid*, p. 3.

¹⁹ European Commission, *The Middle East Peace Process and the European Union*, p. 46.

“The EU brought to the score the instruments it plays best: diplomacy and good offices; trade concessions and investment; technical and development expertise; humanitarian and refugee assistance; electoral support; multilateral aid coordination; and bilateral grants and subsidized loans for running costs, infrastructure, and institution-building designed to build the foundations for civil society and conditioned on respect for the rule of law and human rights.”²⁰

However, despite being seen as simply a financing organisation, the European Union has, in fact, had political impact on the MEPP. Although, it can be argued, it is most successful at influencing the Palestinians rather than the Israelis. For example, EU aid agreements with the Palestinian Authority contain an element of conditionality, as is the case with most agreements currently. This has allowed the EU to withhold aid from the Palestinians in order to ensure that the principles agreed to in the Barcelona Declaration and Euro-Mediterranean Partnership processes are adhered to. An example of this would be the EU decision to withhold funding from the Palestinian Broadcasting Corporation due to what the EU considered censorship. The conditions attached to aid agreements enable the EU to have political influence over the PA since ‘The EU’s financial aid has been designed first and foremost to prevent the Palestinian economy and society from collapsing, which was seen as a key contribution to peace, even by Israel.’²¹

The European Union has also used its political influence in the region in facilitating the construction of the seaport and airport in Gaza, which allows the PA direct external access for trade. With respect to the EU affecting Israel, the successful conclusion of the Euro-Mediterranean Association Accord in 1995 must be considered. This Accord extends the pre-existing 1975 free trade area that exists between the EU and Israel and has the secondary role of facilitating negotiations between the Israelis and the

²⁰ Ginsberg, p. 106.

²¹ Ginsberg, p. 144.

Palestinians. Perhaps the most significant example of the European Union having political impact on the Middle East Peace Process was its pressuring of the Palestinian Authority in 1999 to delay its planned declaration of statehood until after the imminent Israeli parliamentary elections.

Before moving on to the next section, it is perhaps interesting to note that the Norwegians, in particular their former foreign minister Johan Jorgen Holst, who assisted in brokering the Oslo Accords on which the current Peace Process is based, admitted to using the European Community as the basis for what they were attempting to achieve between the Israelis and the Palestinians. The parallel here is how the European Community transformed the animosity between France and Germany into a successful, interdependent economic relationship. In a speech at Columbia University in 1993, Holst put it as follows: 'We invoked the experience of the European Community in transforming political relations by institutionalizing shared economic endeavour.'²² Perhaps this is another example of the EC/EU having an unexpected involvement with the peace process.

Having examined, somewhat briefly, the involvement of the European Union in the Middle East Peace Process, the focus of this paper now shifts to the other side of the triangle to discuss the involvement of the United States and to examine the differences that can be seen in how it is involved when compared to Europe.

3. The United States and the Middle East

The contrast between the involvement of the European Union and the United States in the region of the Middle East, not just the attempts to solve the continuing Arab-Israeli conflict, could not be more obvious. Throughout the last thirty years or so, the United States has been actively involved in putting forward attempts at politically resolving the Arab-Israeli Conflict. As mentioned in the

²² As quoted in David Makovsky, *Making Peace with the PLO: The Rabin Government's Road to the Oslo Accord*, (USA: Westview Press, 1996), p. 15.

previous chapter, the EU, on the other hand, is a more recent actor in this arena and tends to be a more economic actor.

Attempts to achieve peace in the region have been made by successive US presidents, be they Republican or Democrat.

As is well known, the most successful attempt at a peace process in the Middle East began in 1991 during the final year of the George H.W. Bush administration and continued under the two Clinton administrations. It is interesting to note the international environment that prevailed immediately before the beginning of the Middle East Peace Process as it exists today, and during the initial phases of negotiation. Initially the Bush administration faced a situation where large-scale changes were taking place in Eastern Europe following the fall of the Soviet Union and the fall of Communism. Therefore, the administration had 'no long-range strategy plan or specific policies for the Arab-Israeli issue of the Gulf region of the Middle East.'²³ It is also interesting to note that, historically, the Soviet Union had supported the Arabs in the conflict, thereby adding a further element to the situation. Following the end of the Gulf War in 1991, an opportunity presented itself to move forward with a peace process and all sides appeared keen to embrace it.

Much has been written elsewhere about the secret Oslo negotiations that led to the signing in 1993 of the Declaration of Principles and the now-infamous handshake on the White House lawn, and, therefore, it will not be discussed in detail here. However, it is important to point out that these discussions took place without the initial knowledge of the United States. In fact, the new Clinton administration was not informed about the existence of the so-called 'Oslo Channel' until the negotiations were almost finished. At the time, the US believed that the only negotiations between the two sides were taking place in Washington under the auspices of the Madrid Conference. This marks one of the few instances when the US did not take a leading role in furthering attempts at peace in the region. Despite this, however, when it

²³ Reich, p. 241.

came time for the signing of the Declaration, the United States assumed the role of facilitator and the enduring image of Yitzhak Rabin and Yasser Arafat shaking hands, with Bill Clinton in the background, was born.

Throughout his two terms as President, Bill Clinton actively pursued attempts to achieve a lasting peace in the region. During his first term, he oversaw the successful conclusion of a number of agreements between the parties which allowed for the establishment of the Palestinian Authority that exists today, along with the withdrawal of the Israelis from some of the Occupied Territories. However, as the process moved along, the two sides in the dispute did not always welcome the Americans' actions. In fact, on a number of occasions during both Clinton presidencies, American actions angered the Palestinians leading to a growth in anti-Americanism in the wider Arab world.²⁴ Following the election of Benjamin Netanyahu in 1996, Clinton faced an uphill task as was demonstrated at the 1998 Wye River talks organised by the US. Tension appeared rife between the parties with talk being described as 'constructive and pragmatic'²⁵; a phrase which seems to indicate hostility among the participants.

Clinton made even greater attempts during his second presidency as he appeared to be determined to finally settle the issue before leaving office in January 2001. However, tension was steadily rising in the region, making it more difficult to achieve this aim. In July of 2002, the US organised intensive talks on the peace process which were held at Camp David. The aim of these discussions was to conclude the process that had begun years earlier with the signing of the Declaration of Principles. Despite these attempts, the talks ended in failure. As Bill Clinton left office, the situation between the Israelis and Palestinians had become critical following the start of the second *intifada*. As George Bush took office in

²⁴ Two actions in particular stand out in relation to this. First, the change in US policy to one of support for the construction of settlements in East Jerusalem. Secondly, the decision by Congress to move the US embassy to Jerusalem by 1999.

²⁵ Press Briefing at <http://www.mtholyoke.edu/acad/intrel/rubin8.htm>

January 2001, peace in the Middle East seemed further away than ever.

The contrast between the policies pursued by Clinton and Bush with respect to the Middle East Peace Process could not be more stark. From the moment he took office, George W. Bush pursued a foreign policy that was far more isolationist than that of his predecessor. However, one must take into account the effect that the terrorist attacks of September the 11th have had on both the United States and the rest of the world. Following the attacks, the United States has become more withdrawn and more focused on its own security than on events happening elsewhere in the world. In fact, President Bush's first year in office was marked by aggressive statements on the Middle East rather than the more conciliatory tone adopted by his predecessor. Some of these differences are not surprising when one considers the political differences between the two men, as well as the climate that existed in the US following the attacks of September 11th. Nevertheless, Bush's attitude was to demand progress rather than facilitate it. This attitude has, no doubt, contributed to the great rise in anti-American sentiment throughout the Arab world over the last four years. In fact, the American invasion of Iraq in March of last year has only further aggravated Arabs throughout the world and made the Americans more unpopular than before. President Bush's focus on the so-called War on Terror, specifically the invasion of Iraq, has, in fact, highlighted differences between the United States and Europe on issues dealing with the region. It has also highlighted differences between EU member states. For example, the split among the European allies has been widely documented, with France and Germany leading the European countries expressing anti-war sentiments. The Americans only received initial support for the invasion from the British and the Spanish; leading to frosty relations between the US and its European allies. It is also interesting to note the American attitude to these countries, especially France.²⁶ In contrast to the positions adopted by most of what US Defence Secretary Donald Rumsfeld has called 'old

²⁶ As was widely reported, French products such as wine and cheese were boycotted following the French refusal to support American actions in Iraq.

Europe', the newer NATO member states, many of whom have joined the EU in May of this year, were supportive of the war. This, perhaps, emphasises a shift in US-EU relations away from traditional lines. In many respects, the ill-feeling engendered by the war in Iraq is still present and has seen the previously discussed unity at the top of the triangle become strained, leading to both sides moving forward separately rather than together.

It will be interesting to note what, if any, effect the second Bush presidency will have on this somewhat strained relationship. Will a continuation of the Bush administration lead to continuing disharmony between the European Union and the United States and continued growth in anti-American sentiment in the Arab world? The answer to this question will only become known in time.

Having discussed the involvement of the United States in the wider Middle East, as well as the Middle East Peace Process, this paper will now move on to briefly discuss the Roadmap to peace that was published last year.

4. The Roadmap

The Roadmap to be used in order to achieve peace in the Middle East was finally published by the United States in April of 2003. In the months leading up to its publication, there had been much discussion on exactly when it would appear. It is interesting to note that it was published when the US was in the midst of the Iraq War and at, perhaps, the height of its unpopularity in both the Arab and non-Arab worlds. While officially the Roadmap has been produced by a Quartet consisting of the United States, the United Nations, the European Union and Russia, it has consistently been referred to as the US Roadmap to peace in the Middle East. This again results in the impression that the US alone is driving the process forward and sidelines the existence of other participants; perhaps echoing the events that took place when the Norwegians brokered the Oslo Accords but the US appeared to take the credit.

The Roadmap makes clear that it was 'a performance-based and goal-driven roadmap, with clear phases, timelines, target dates, and

benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields.²⁷ However, the timeline set throughout the document for the completion of the various stages of the plan immediately appeared unreasonable. By 2005, the document foresees the eventual resolution of the Arab-Israeli conflict, through a two-state solution. In essence, the Roadmap is based on all previous agreements and initiatives relevant to the region and the conflict. The text of the document specifically states that ‘as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below.’²⁸ It is difficult to see how any of these aims can be achieved when one considers the current situation in the Middle East. Recent months have seen a rise in violence between the two sides and little attempt at negotiation. In effect, the Roadmap has become a cul-de-sac. Before its publication, it was seen as the best way to move the peace process ahead and, perhaps, achieve the aim of peace and stability in the region. Since its publication more than twelve months ago, there has, in fact, been little or no progress. Violence continues to escalate and neither side appears to want to negotiate an end to the conflict. Dates set out in the plan have passed and the aims have not been achieved.

Despite the failure of the Roadmap to move things forward, it remains the basis on which the peace process is to be moved forward towards completion. During interviews conducted by the author in Tel Aviv, it was pointed out that the Roadmap is impractical since you can not have a performance-based plan with a timetable.

5. Conclusion

During the course of this paper, the aim has been to examine the triangular relationship between the European Union, the United

²⁷ Taken from text of the Roadmap at <http://www.state.gov/r/pa/prs/ps/2003/20062pf.htm>

²⁸ Ibid.

States and the Middle East. This has been achieved by discussing the two sides of the triangle separately and by examining the different roles played by the European Union and the United States with respect to the Middle East Peace Process. Finally, there was a brief discussion of the Roadmap and its vision for resolving the conflict.

In the first section, the important issue of the EU's role in the Middle East Peace Process was examined in some detail. In the course of this examination, it was discovered that the EU still plays a rather more prominent economic role in the region and a somewhat limited political role. Despite the heavy economic pressure of the EU in the region, though mainly as a donor to the Palestinian Authority, there is some evidence to suggest that the EU does have political impact on all parties to the peace process. The only problem is that the greater part of this political impact is not as significant as the EU would wish it to be. Perhaps, as the CFSP becomes a more coherent policy, this will change and the EU will challenge the role of the US in the region.

The second section of the paper discussed the role of the United States in the Middle East Peace Process. As was clearly seen throughout, America has always been strongly pro-Israeli, and that continues to be the case. The Americans are the main outside political force in the region and, over the last ten years - but particularly under the Clinton administration - have put a great deal of effort into attempting to achieve a peaceful political settlement to the conflict. At times, however, the pre-eminence of the US as a political force has caused jealousy in the EU, which has resulted in the EU drawing up its own initiatives. It was also pointed out in this section that recent events over the last 18 months have resulted in growing anti-Americanism in the region as well as tensions between the Americans and the Europeans. This growing anti-US feeling will make any American attempts to move the process forward unpopular among Arabs.

The third section of this paper briefly discussed the Roadmap and pointed out some of the difficulties inherent in this particular

document with respect to finally achieving the end of the Arab-Israeli conflict.

In relation to the issues raised at the outset of the paper, the findings are clear. First, in response to the question about the role played by the EU, it is clear that the main responsibility of the EU to the region is an economic one. Without economic aid from the EU, through the Euro-Mediterranean Partnership, it is possible that the PA economy would collapse. From this point of view, the EU has a very important role to play. The second question looked at the differences between the actual roles the European Union and the United States play and those they think they should play. Here, it is obvious that the US is playing exactly the role that it wants to play; that of the political leader in the MEPP. The EU, on the other hand, aspires to play a more political role than it currently does. The prospect of that changing has been discussed above.

The final question asked: to what extent is convergence between the EU and the US essential for a settlement to be achieved in the Middle East? It can be argued that there is a need for the two sides to work more closely together to secure a peaceful future for the region. The united top of the triangle mentioned at the beginning of the paper, though somewhat strained considering recent events, must be renewed in order for a successful conclusion to the Middle East Peace Process. It remains to be seen, however, how current and future events will influence this triangle and whether divisions created can be healed such as to allow the parties to work together successfully.

REFORMING MEDITERRANEAN AND MIDDLE EASTERN COUNTRIES: WIDER EUROPE, GREATER MIDDLE EAST OR THE ALEXANDRIA STATEMENT? A CRITICAL ASSESSMENT

MARTIN JERCH

Introduction

The Promotion of democracy is a fundamental pillar of foreign policies of Western Nations. These policies varied in significance and intensity over time and have shifted with changing aims and doctrines (Aliboni, 2004). In the case of the European Union (EU), the Nice Charter on Fundamental Rights establishes that the Union is built upon the principles of democracy, freedom, and respect for human rights. In consequence, the core objective of the EU's external policy is the promotion of democracy, the rule of law, and the respect for human rights.

Over the last few years, the region of the Middle East and North Africa has received more and more attention from the EU and its member states as well as from the USA. This is due to the September 11th 2001 terrorist attacks and the growing threat perception coming from international terrorism with motivation rooted in radical Islamism. Thus, actually an intensifying trend concerning the promotion of democracy can be detected. Testimony to this intensification are documents and proposals such as the *Greater Middle East Initiative*, that recently was converted during the G-8 Sea Island June 2004 summit into the *Broader Middle East and North Africa Initiative*, the *EU's Strategic Partnership with the Mediterranean and the Middle East* and the *Wider Europe - New Neighbourhood Policy*. The main issues of all these proposals and initiatives are to reform and to democratise the region, because the lack of development is nowadays perceived as a fruitful terrain for terrorist activity and support. All these demands for more democracy are backed by the UNDP Arab Human Development Reports, entirely written by Arab scholars, that underline that the lack of development of the Arab World is

fundamentally due to the freedom, knowledge and women empowerment deficit.

As far as concerns academic discussion, a fundamental shift in the debate on “democracy” can be appreciated. While only some years ago the discussion centred on the issue of the compatibility of Islam and democracy, current discussion focuses on the questions of “how to carry out economic and political reforms?” on “how to democratise the countries in the region?” or “how to promote democracy?”

The aim of this paper is threefold: first, different approaches to reforms and democracy will be discussed in the light of the reform and liberalisation experience of the Arab countries. After this, different reform approaches such as Wider Europe, the Greater Middle East Initiative or the Alexandria Statement will be assessed, having in mind the experiences with reforms and liberalisation of the Arab countries. And in the last section of this paper, an alternative reform proposal will be designed.

One of the most important findings of my study is that most of the proposals recently presented pay no attention to the lessons learned from the experience with reforms and liberalisation in the region. In order to introduce effective and sustainable reforms, a synergy of the different approaches is necessary. Stated differently: two different approaches to promote democracy and reforms in the Arab countries can generally be identified: a political one and an economic one. Most of the initiatives are based on the economic approach. But lessons from liberalisation process in the region indicate that economic approaches hardly work. Thus, to get the reform process and democratisation right, a political approach is going to fit much better. And to make this political approach work effectively, the creation of a regional institutional umbrella framework is necessary. This is the subject of the last part of this paper.

Democracy-Promotion Strategies

It is difficult to find the ideal way and appropriate instruments for encouraging the transition from an authoritarian to a democratic political regime. Concerning the transition of the countries in the Arab World, more and more scholars are proposing a gradual approach to reforms and to democratisation due to the fear that immediate elections and a brusque transformation of the political *status quo* would lead to a victory of Political Islam and that this in consequence would challenge regional stability and Western interests in the region.

In general, we can differentiate two approaches, an economic and a political one (Langohr, 2002). But, before describing briefly each approach, it is very useful to make a distinction between “political liberalisation” and “democratisation” as Daniel Brumberg (2004) has suggested: while “democracy” refers to rules, procedures and political institutions through which the citizens express regularly their political will, “political liberalisation” relates to expanding freedoms of the press and the free expression of civil society and a pluralist political system. As Brumberg states, it is important to have in mind that political liberalisation is a necessary but in no way sufficient condition for democratisation. There is no empirical evidence that in the Arab World political liberalisation will lead automatically to democratisation, as I will discuss later.

Democracy-Promotion through Economic Reforms

One idea is that economic liberalisation will lead through economic development to political liberalisation and then to democratisation. In other words, the core driver of political change is probably economic progress, because economic progress would help to establish a middle class that claims more political participation. According to this view, economic reforms are necessary for the creation of a real independent private sector and the reduction of the region-predominant corporatist states. Instruments of this democratisation strategy are economic reforms, free trade, and programs of civil society-strengthening activities. In this sense, it is a so-called bottom-up or demand-side democracy promotion

approach that means that political change will be introduced due to demands from society. The emerging middle class and a stronger civil society then become important agents of a slow reform process, based on demands for more participation. The EU, and also the US, favour this reform model because it avoids that the Arab World suffer profound destabilising changes. A result of progressive liberalisation is the establishment of so-called liberalised autocracies or semi-authoritarian regimes as in Morocco, Jordan or Egypt.

Concerning this economic reform focus, two major scenarios put into question the viability of this approach in the Arab context. The first scenario refers to a situation where, despite all possible economic reform measures carried out, there is no significant improvement of the countries national economic performance. Gambill (2001), for instance, argues in the Syrian case, that obstacles to economic reform are political in nature, and that economic liberalisation must go hand in hand with some kind of political liberalisation. The reason for the bad economic performance of most of Arab countries is above all political in origin and can be found in the role of the state in economic life.

Main Obstacles to Economic Development in the Arab World

The main obstacles in the countries of the Arab World are basically bad institutional performance and structural factors (Rodrik, 1999). The growth differences of Arab economies are attributed to the capital inefficiency, an endemic problem of all the countries in the region. They are associated with the strong role of the state in economic life and the *de facto* destination of the capital flows: public investment and projects with low productivity (Bisat, *et.al.*, 1997; Page, 1998). A high level of protectionism and the lack of world market integration are two additional points that help to explain low economic development performance and the low international competitiveness of Arab economies (El-Erian, *et.al.*, 1995). The near absence of institutions that promote private investment as well as the lack of development of private sector activity is another common feature of the political economy of the region (El-Badawi, 1999; Joffé, 1997).

In order to grasp the reasons of the Arab development deficit, a closer look at the role of the state in economic life is important. A starting point for this closer look could be the statement of Ian Roxborough, who claimed - after a review of the theoretical contributions on development - that "*[t]o each form of economic development there corresponds a particular form of politics and form of state apparatus*" (quoted in Murphy, 1999:12). In other words, Roxborough argues that the size as well as the form of state apparatus as well as its relation to society is determined by the moment of economic development in which the state in question finds itself.

In addition to this first statement is the observation of Lorca and Escribano (1999), who pointed out that development strategies applied by the Arab governments during the last decades go together with the strategies applied by other developing countries and present at the same time the paradigms of preponderant economic thought. Nevertheless, the main differences between the Arab World's industrialisation strategies and those of the rest of the developing world is, that while in the major part of the developing world one strategy was completely substituted by another, the particular Arab factor is that these new strategies were introduced without the total abandonment of the previous ones. Thus, one of the major problems if not the major problem of Arab economic development is that Arab leaders did not completely adopt the new strategies. For example, an export-led industrialisation strategy which emphasises the crucial role of private sector activity but at the same time maintains a bureaucratic apparatus that belongs to an import-substituting industrialisation strategy is doomed to fail.

Coming back to statement of Roxborough, that to each stage of development corresponds a particular form of policy and state apparatus, this brief analysis shows that, despite the introduction of some liberalising and reforming instruments in the countries in question, the structure and behaviour of the state continues to be the main obstacle to economic *take-off* in this area.

Thus, political-institutional factors have a deep impact on economic performance and structural transformation as Mella

(2002) affirms for the case of the Maghreb, where reform processes are hindered by administrative slowness and complexity, but also by the resistance of economic agents, who are used seeking *no-production-rents*.

Despite the expressed will of all the countries to improve institutional capacity and performance, little has changed to limit the weight of the public sector and in the best of the cases lip-service to institutional reforms was paid. (Richards/Waterbury 1996: 250).

The second scenario assumes that economic reforms lead to economic liberalisation. According to the democracy-promotion strategy which focuses on economic reform, economic liberalisation goes hand in hand with political liberalisation and later democracy. But, Addeislam Maghraoui (2002) for instance, argues for the Moroccan case that liberal economic reforms have produced a kind of depoliticisation of Moroccan society; thus economic liberalisation worked there against democratisation. During the 1990s major parts of the region experienced economic liberalisation and economic imperatives were often used to justify delay in political reform. The Moroccan king Hassan II, for instance, asked the World Bank to draw up a report on the economic situation of the kingdom. He then used this report in a parliamentary session to give priority to economic reform over political reform or constitutional change (Maghraoui, 2002).

Economic Liberalisation and then? Experiences with the Survival Strategies of Arab leaders

In this section I will briefly analysis the experience with economic and political liberalisation made by the Arab countries. As stated above, policy planners in Brussels suppose that political development comes through economic liberalisation. However, some considerations about the reality in Arab states call this assumption into question.

First of all, Arab societies are characterised by general social calm and popular demobilisation, probably a result of oversized security

apparatus and a kind of mass resignation. The provision of jobs and economic benefits as well as intimidation and even the use of force are very common features of the whole region in order to prevent any form of social unrest (Brumberg, 2003). Frustrated and discouraged people leave the public sphere and social protest, but they are often discouraged from engaging in any kind of political and economic activity (Kienle, 1998). This phenomenon calls into doubt whether this part of the society will participate in a culture of economic dynamism so essential to the state in question. It hardly seems possible to forecast long-term social passivity, and conceivably the necessary programs for adjustment and economic expansion are going to worsen the socio-economic situation for the majority of the people in MENA countries, at least in short-term. The social conflict that could emerge from this situation could be counterproductive for the Euro-Mediterranean Partnership, because the adjustment is required of Muslims (Arab World) by non-Muslims (Europe) (ibid.). Thus, social protests as a result of the adjustment program will probably be directed towards Europe and not toward the national governments. If this happens, it seems very likely that a double negative impact will be produced. On the one hand, the dialogue between the two shores of the Mediterranean will be affected negatively. On the other hand, the creation of a "bad man" in Europe could enkindle a feeling of solidarity that enables the governing elite to foster and renew its legitimacy. This process of renewing legitimacy is reactionary for the prospects of democratisation. This is what Brumberg (1995), but also Barkey (1995), Kamrava (1998), Martin (1999), and Sivan (1997) call the survival strategy of the Arab ruling elites.

Nowadays, the Arab regimes find themselves in a deep crisis over legitimacy (Sivan, 1997). This crisis is directly interwoven with the ruling elite's priority, which is above all to remain in power and to protect their interests. This agility and capacity to survive and to stay in power is to a high degree due to structural factors, which leads us to doubt the possible efficacy of the mechanism chosen by Brussels' policy-makers for avoiding conflict while at the same improving the economies of the Arab countries. The strategies for survival used by the elite in effect limit the reform and liberalisation process. These tactical instruments are used in

situations where legitimacy has diminished because of economic crisis, failures of foreign policy decisions, etc.

Assuming that economic adjustment does not cause material loss and imbalances, it still seems unlikely that the desired political liberalisation will take place (Kienle, 1998). The assumption of modernisation theory that economic development enlarges the middle class, which in turn demands an increasing participation in the political life, only seems to be true in combination with class conflicts (Langohr, 2002). The point here is that class conflicts go hand in hand with capitalist evolution, and it is the capitalist evolution in its entire dimension that finally changes the power constellation. This has, at least, been the European experience. In the Arab World, this scenario is quite different. The capacity of the power elite to absorb political demands of determined groups and to integrate them into the structure of power and corporate webs guarantees its survival and prevents social protest. Under these circumstances it is improbable that class conflicts will take place.

Political liberalisation in the context of the Arab states must evolve from above (the ruling elite) to below (society). In contrast, from the French revolution to the most recent changes in Belgrade, political changes have been driven from below to above. This process of political change has been considered more lasting and deeper than the ups and downs of democratisation “à la jordanienne” or “à la marocaine” (Kienle, 1998:11).

Another example that challenges modernisation theory in the Mediterranean context is found in the programs of stabilisation and adjustment proposed by the World Bank and the IMF. One common feature of these programs is their high degree of economic liberalisation. Morocco since 1982, Tunisia since 1986 and Egypt since 1991 have implemented these adjustment measures under supervision of both institutions. However, the resulting increase in economic freedom has had little or no spill-over effects on political freedom or on human rights observance.

In summary, the correlation and causalities are hardly going to work from economic growth through an empowering civil society

to democratisation. It is necessary to emphasise democratisation. It is doubtful, whether an economic focus in democracy-promotion strategy can work in the Arab World context. In the next section, I will take a closer look at the 'political' approach.

The 'Political' Approach to Democracy-Promotion Strategy

The political approach refers in general to measures of political reform and for improving governance-performance as well as instruments for the strengthening of civil society (strengthening the rule of law and parliaments, reduction of corruption ...)¹. According to Carothers (2003), direct and indirect measure can be distinguished. While the indirect promotion strategy does not question the political power structures, the direct one tries to open up the space of political contestation. Taking into consideration the above distinction between political liberalisation and democratisation, the direct democracy-promotion strategy can be described as a strategy which seeks to build a bridge between both (Carothers, 2003). The advantage of the direct approach is that it probably can help to strengthen moderate forces and weaken extreme ones.

The indirect approach on the other hand bears some risks for a genuine democratisation process and the establishment of long-term liberalised autocracies, because political liberalisation carried out by the state, without questioning the existing power structures, works against genuine democratisation and in favour of endurance of liberalised autocracies. Partial reform brings benefits for the regime in power, and also to the opposition, because in its likely that both side get something from the bargain process and this mutual benefit helps to ensure status quo maintenance. This on the other hand may foster extreme forces, due to the continuing political stagnation, inherent to the indirect, state-managed liberalisation process. In the next section, I will analyse the most important recent reform proposals and initiatives.

¹ For more measures see for instance Carothers (2003).

Initiatives and Proposals for Reform in the MENA region

The US proposals or: from Greater Middle East to Broader Middle East and North Africa

Despite the recent engagement in the promotion of democracy, the goals of US policy toward the Middle East were never democracy, but peace between Arabs and Israelis and the defence of American interest in the zone, above all access to oil. In order to guarantee the oil flows, maintaining the political status quo was an absolute priority. When during the second half of the 1980s the Arab World experienced a wave of partial political liberalisation, the US administration supported these governments and funded programs of democracy-assistance (Hawthorne, 2003). The results were very limited. In the case where the regimes made backward steps in their liberalisation programs, the US remained silent, because the best way for satisfying Washington's interest was the undemocratic *status quo* maintenance. In other words, the USA preferred political liberalisation over real democratisation, at least until the September 11th terrorist attacks (Brumberg, 2004). Before S-11, it was assumed that democratisation of the Arab World would benefit above all the Islamist parties. But S-11 produced a fundamental shift in Washington's thinking on democracy and the Middle East, at least a rhetorical shift, best expressed in President Bush's words when, during his speech at the Carnegie Endowment on November 6, 2003, he declared that because "sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe", the US had now adopted a "new policy, a forward strategy of freedom in the Middle East" (quoted in Hawthorne, 2004). Perhaps it is a simple coincidence, but the most significant reform proposals and initiatives, such as the *Alexandria Statement* or the *European Strategic Partnership with the Mediterranean and the Middle East* as well as other national initiatives, like the British, German or Danish one, date from after President Bush's speech.

The most recent and most debated initiative is without any doubt the US *Greater Middle East* (GME) proposal. This proposal served as a draft paper for the G-8 meeting that took place in June 2004.

The idea behind GME is the need to introduce economic and political reforms in the Arab countries that compose the region of the so-called Greater Middle East. Before the G-8 meeting, where the GME proposal was converted into the *Broader Middle East and North Africa Initiative*, many criticised this new policy as a mere rhetoric act; however, it was the first time that a U.S. president criticized in this official form Arab countries and Arab allies for their authoritarian rule and apologized for having supported autocratic regimes for such a long time. These reflections over US policy towards the region may be consequences of the arguments expressed by different American scholars that these autocratic regimes are at the root-cause of the anti-American ideology and provide a fruitful terrain for terrorism against the West. The US President also stressed with this speech the need for democratization of the Middle East.

The officially “secret” draft of the GME was published by the London-hosted Arab Newspaper Al-Hayat on February 13, 2004. As is now well known, the GME proposal was introduced by quoting the findings of the two UNDP Arab Human Development Reports 2002 and 2003, which are the three fundamental deficits concerning Arab Development: a freedom deficit, a knowledge deficit and a women empowerment deficit. These deficits represent a threat to the interests of the G-8 countries and are at the roots of extremism, terrorism and organised crime; in short, of all the threats arising from the region. In order to increase security, reforms must be carried out. The priorities of reform centre basically on a) the promotion of democracy and good governance (includes as free elections, parliamentary exchange, independent media initiatives, civil society, etc.) b) the building of a knowledge society (through a basic education initiative), and c) expanding economic opportunities (creation of forums, trade initiatives, finance for growth initiative).

A very important point and that was widely misunderstood at least according to the discussion in the media and expert circles is, that the goal of the proposal is above all a working paper in the search for a common ground concerning the external reform support of G-8 members. Since this is the case, we can say that the paper is about

reforms, but I think it was not produced as an explicit action plan for reforms. Instead of the general interpretation as a reform action plan it should be considered as an umbrella framework for co-operation for donor countries and the co-ordination of “individual” reform efforts such as the European Barcelona Process or the US Middle East Partnership Initiative. After reviewing the *G-8 Plan of Support for Reform*² it seems quite evident that the *Broader Middle East and North Africa Initiative* should serve principally as a coordination framework of reforms, where each participating state or institution is assigned a special reform task. (Jordan offered to host a Best Practice Microfinance Training Centre; Canada supports preparations for free and transparent elections in Afghanistan....). If we view the GME through this lens, the criticism regarding the failure to consult Arab leaders on the draft can be put into perspective³. However, the *G-8 Plan of Support for Reforms* explicitly quotes Arab contributions such as *Alexandria Library Statement*, *Sana’a Declaration* or the *Arab Business Council Declaration*. A second critique on the GME draft paper emanating from the Arab governments and the Europeans was that GME did not address the conflict between Palestinians and Israelis, arguing that without solving this problem any reform efforts were doomed to fail. The revised paper now underlines the need to continue working towards a peaceful settlement of the conflict.

However, the result of the G-8 summit is the so-called Broader Middle East and North Africa Initiative, a revised “scaled-down” version of the Greater Middle East Initiative (Ottaway, 2004), where the East resolution of the Israeli-Palestinian conflict is a priority and where several documents “made in Arab World” are quoted.

This G-8 summit document consists of two parts, a *Partnership for Progress and a Common Future with the region of the Broader Middle East and North Africa* and a *G-8 Plan of Support for*

² See www.whitehouse.gov/news/releases/2004/06/print/20040609-29.html (14/06/2004).

³ See also Perthes (2004): European Perceptions, America’s “Greater Middle East” initiative. The Daily Star online. http://www.dailystar.com.lb/opinion/09_03_04_d.asp (16/03/2004).

Reform. The Partnership document consists of principles and norms based on human dignity, freedom, democracy, rule of law, economic opportunities and social justice. The dialogue between all the partners should be institutionalised through the establishment of the Forum for the Future, which was to meet for the first time in the fall of 2004.

Reaction to the Greater Middle East Initiative

Concerning the reactions to the GME, a further important observation can be made. It relates to the short period before the rising EU scepticism and reservation respective to the GME. In the direct aftermath of launching the proposal and when it seemed that EU and US were in the same Middle East reform boat, Arab leaders responded nervously. Above all Egypt and Saudi Arabia, two traditional US allies in the zone, heavily rejected the proposal, arguing that political and economic reform in their countries must come from inside and that it is impossible to force reforms from outside. A second reaction was the introduction of the question of reforms on the agenda of the Summit of the Arab League, a willingness to reform, but from “inside”. However, the Arab countries were unable to find consensus and the Tunisian summit was cancelled. And the third tactical measure was visiting Europe, in order to find support against the US reform engagement in the region. A very successful tour through Europe by Mubarak, using the “ghost” of Islamist parties (“Arab reform must not be hijacked by Islamists”⁴) winning free elections in the Arab countries and destabilizing the whole region and even the whole world. It seems quite clear that in the Arab governments nobody is interested in a common EU-US Middle East Reform Strategy for quite evident reasons: who will be the biggest loser from political and economic reform in the Arab countries? Who is interested in carrying out reforms from “inside”? It is clearly the political elite, who thus get to stay at power.

⁴ See www.middle-east-online.com/english/egypt/?id=9238=9238&format=0 (16/03/2004)

The reactions to the GME were summed up by a Moroccan scholar along three positions: The first which can be denominated the official view, clearly rejects it, because it is against the political status quo, as stressed above; a second one, the radical perspective also rejects its, because of the lack of US credibility; It is seen as another US led conspiracy against Arab interests; and the third one, that could be called the moderate view, sees in it an important point, that is the end of the status quo policy, but then many also do not believe that the GME is more than empty rhetoric.

And concerning the EU's credibility, one should ask credibility before whom? Does this mean the credibility before the Middle Eastern governments or credibility before Middle Eastern Societies? A very important point is that the EU is losing credibility due to its status quo maintenance policies and its passivity in the Arab-Israeli conflict.

The EU's Strategic Partnership with the Mediterranean and the Middle East

Since 1991, the promotion of democracy constitutes one of the fundamental principles of the EU's foreign relations. Concerning democracy-promoting measures, it seems quite evident that despite the commitment to apply coercive actions (above all within the framework of the 1995 clause of democracy and human rights), Brussels avoids the use of sanctions as a tool to expand democratic practices. Only in the case of extreme human rights violation (i.e. Libya, Iraq, Afghanistan, or Yugoslavia) have these measures been applied.

From a more conceptual point of view, EU democracy-promotion policy is based on two main pillars. The first we can call the "economic dimension" and the second "democratic socialisation". The economic dimension refers to commercial and economic policies and it is assumed that economic liberalisation will lead to the introduction of democracy.

The other dimension, the so-called "democratic socialisation" is more directly associated to political aspects. The most important

criterion concerning this political aspect is the construction of a kind of positive consensus concerning the necessity of the introduction of democratic rule in the minds of the Arab elites. Democratic socialisation gained priority over other democracy promoting measures. Concretely, democratic socialisation means the introduction of the word “democracy” in relations with non-democratic countries (Youngs, 2001). The goal behind this planning is that the ruling elite of the country at least pay lip-service to the democratic compromise. This is a very useful way of achieving a kind of shared identity.

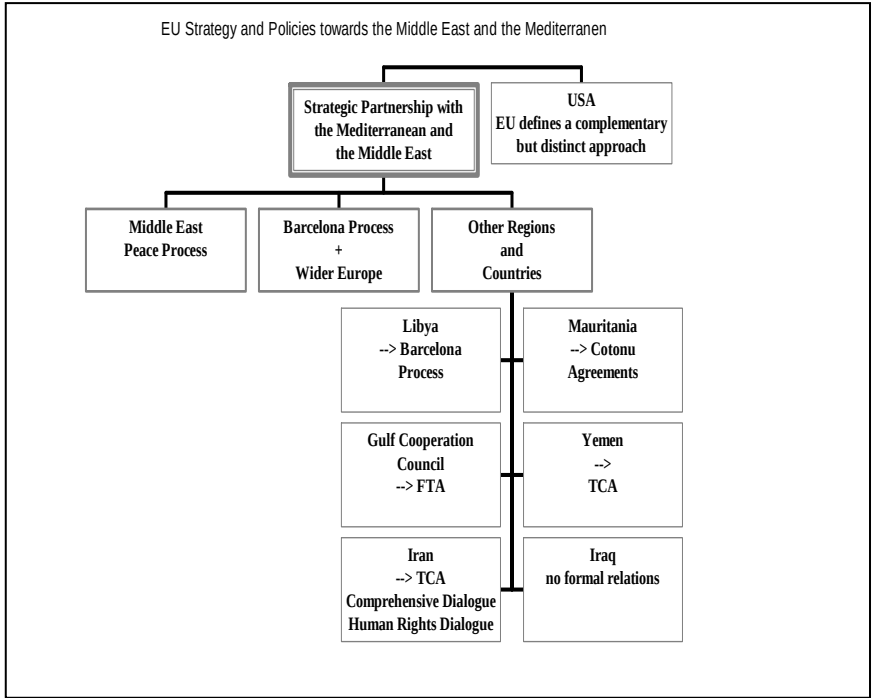
This democracy-promotion policy is based on the idea that democratic norms can be established through institutionalised co-operation that allows binding the ruling elite of third countries to positive cognitive attitudes towards democracy. This approach includes instruments like the programme of decentralised cooperation or the considerable increase of aid flows to civil society, namely to NGOs.

Financing NGO activity is considered as an integral part of the democratic socialisation process. Nevertheless, the integration of NGOs in the official decision-making process is very limited. However, it seems clear that the EU follows a *bottom-up approach* to democratisation, and does not follow a *top-down approach*, as the distribution of aid flows testifies. But, the analyses of civil society, as well as the short study of the experience with liberalisation in the Arab countries and the identification of the so-called *survival strategies* of Arab political leaders- as discussed above- make the *bottom-up* strategy in the Euro-Mediterranean context more than questionable.

Nevertheless, in the aftermath of the 9-11 terrorist attacks, more and more European voices draw a direct link between terrorism and political autocratic and repressive regimes. The *European Security Strategy* agreed in December 2003, clearly emphasises the need to create a ring of democratic states at the EU’s border. Several national efforts to revitalise democracy-promotion in the region can now be identified. In June 2004, the final document of the EU’s *Strategic Partnership with the Mediterranean and the Middle East*

was published. This document offers a “guideline” of the policies and initiatives as well as principles and objectives of the EU’s engagement in the Mediterranean and the Middle East. However, the document states clearly that concerning the Arab countries in the Mediterranean the framework of cooperation continues to be the *Barcelona Process* which now enjoys a further instrument to deepen relations with the Partner countries: the *New Neighbourhood Policy (Wider Europe)*. But the main strategy of democracy-promotion continues to be the same, i.e. economic reform priorities are placed over political ones. The new part of the instrument is the introduction of a kind of award system for progress made in reforms (through the Wider Europe Policy). Stated differently, the New Neighbourhood Policy offers the Mediterranean Partner countries the possibility of deepen their relations with the EU on a bilateral basis. The EU offers them all, without their becoming full members, that which is encapsulated in the four freedoms (freedom of capital, persons, services, and goods).

The EU umbrella institutional framework for the region can be represented as follows:



Essentially what the EU is introducing with this new policy is: a) the principle of positive conditionality, and due to this, a kind of “different speeds” concerning the reforms made by each Mediterranean Partner. The Wider Europe policy is envisaged to support the now more than 8 years old Barcelona Process, which in the past has not been as successful as expected. “Speak softly and carry a big carrot”, is clearly the revised approach of the EU’s Mediterranean efforts. However, the carrot offered by the EU seems too small in some cases where the interest in deepening integration with the EU has been expressed before, as for instance in the case of Morocco. In the conclusions of the meeting of the General Affairs and External Relations Council of the EU of June, 16, 2003, a number of possible incentives were summarized. The first impression concerning these incentives is that in some cases they confuse necessary measures with rewards or change the expressed interests of each side of the Mediterranean basin. For instance, a more effective political dialogue, or enhanced cultural co-operation, mutual understanding and people-to-people-contact should not be a reward for good reform performance. These are even more necessary where co-operation does not work as expected. Thus, it seems dangerous to link these instruments to progress in reform efforts. And it is quite surprising that enhanced cooperation on matters related to legal migration is a matter of reward, because evidently it is the EU that has more interest in a legal regulation of migration flows.

Another factor that decreases enthusiasm concerning the New Neighbourhood Policy is the fact that it was initially designed as an approach to the New Eastern European border after the 2004 enlargement. The Mediterranean countries were integrated later. One might polemically argue that Wider Europe is a kind of “second hand” approach to the Mediterranean. And a last point is that the principal idea of the reward system of deeper integration with the EU is deduced from the experience with the reform “success story” of countries of the East enlargement. This might be right, but there are two major constraints that should be kept in mind when comparing the Eastern European countries with the Southern Mediterranean countries. The starting point in the East was democratic states, and the reward system worked well for the

consolidation of market economies and democracies. An additional point is that the carrot was much bigger (accession to the EU). And finally, one should keep in mind, the potential threat perceived by Eastern European countries at least the three Baltic republics, coming from Russia. They were very interested in integrating in the EU and NATO structures in order to feel more secure. And this factor does not exist in the Mediterranean context.

Bearing in mind past initiatives for improving co-operation and the reasons of their failure, as well as the reactions to the launching of the GME, the EU should reflect about the transatlantic engagement in the region.

Reform Proposals and Initiatives from the Arab World

A growing trend concerning proposals and initiatives is that this is not limited to Europe and the USA, but also on a regional level, that means within the Arab World, a growing number of initiatives can be identified, even from the governments in the region. Reactions from Egypt and Saudi Arabia concerning the GME proposals show that those governments do not reject reforms, even if they do reject reforms introduced from “outside”. Behind this statement, we can find perhaps a double Standard. In other words, as experience with reforms and liberalisation in the Arab World over the last decades shows, the most important thing for all autocrats all over the world is survival and the protection of their privileges (Brumberg, 2003).

On the governmental level, the May summit of the Arab League in Tunisia brought forth the most important reform proposal within the Arab World. In the Declaration of the summit, we can find several general principles and guidelines for the future of the region. The participants expressed their firm commitment “to carry out reforms in [their] countries, to keep pace with the accelerated world changes through the consolidation of democratic practice...” They also “reinforce comprehensive development programs ... aimed at promoting the educational system...” The Tunis Declaration also underlines the need to widen women’s participation and to upgrade Arab economies. In this sense, the

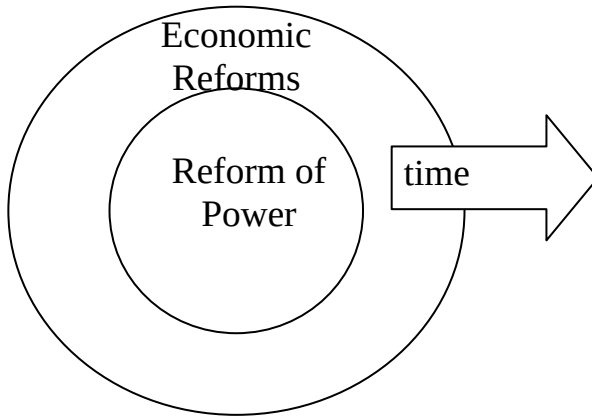
Arab League members address in one way or another the most striking findings outlined in the Arab Human Development Reports.

Below state level, there were three important pan-Arab meetings that took place recently: two meetings that were celebrated in Alexandria and Beirut where questions of human rights and political liberalization were addressed. More concretely, while the meeting in the Library of Alexandria focused on the limitation of state power, the Beirut meeting was above all on elections and the limited freedom of non-Islamist parties. A third important meeting was that of the Arab Business Council, where reform measures concerning private sector activity and business were discussed. But also the principles and commitments of the Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court testify to the efforts made at regional governmental and non-governmental levels.

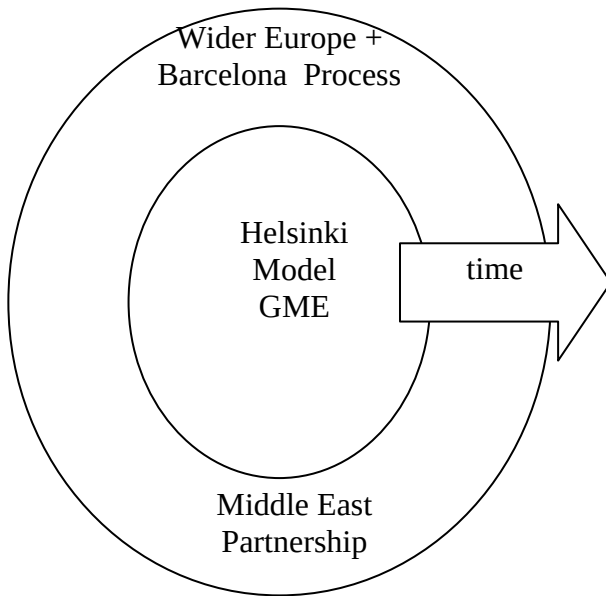
An Alternative Model for Promoting Democracy in the Arab World

“All autocrats want to survive” (Brumberg, 2003) is the most important statement we should have in mind when looking for a strategy of democracy-promotion. The experience with economic liberalisation, political liberalisation and the so-called survival strategy phenomena of Arab leaders show that democracy-promotion strategies focused on economic development, such as that of the EU and the US, will hardly lead to the inauguration of a genuine democratisation process. In order to overcome the past experience, a direct political approach is required. In other words, one of the most important things concerning democratisation and reform is that the power structure must be transformed. This is a very difficult task, because Arab elites will reject all these measures and try to survive. In this sense, diplomatic pressure for the transformation of the power structure should go hand in hand with a kind of Pact-making process between the most influential sectors of these societies. Incentives for the ruling elite in the form of jobs and money in the post-autocratic period should be designed. The negotiation process of the Spanish transition, also known as the

ruptura pactada, can provide some lessons for the building of a peaceful power transition in the Arab World. Once this happens, all the other reform issues including economic reform will work more effectively.



Concerning diplomatic pressure, the reactions to the Greater Middle East Initiative have shown that EU-US co-operation is necessary. We saw this during the short period when the Arab elites thought that the EU supported the forwards strategy for promoting democracy in the Middle East. All the efforts of Egyptian president Mubarak were designed to increase European scepticism and to split the perceived transatlantic harmony, a successful effort if we can see now. The most appropriate institutional framework for this would be the so-called Helsinki model, as at the beginning envisaged by the Bush administration. Later on, they avoided making a link between the Greater Middle East and the CSCE, because they do not want to address security issues in the region and are not willing to offer something in exchange for reforms. These are exactly the two main reasons why Europe should engage in a CSCE-model conference for the region. We actually do not have the same preconditions as we have had in Europe. In Europe, we mainly had two blocs, and each bloc was at least throughout the whole process ready to offer something in exchange for something else (Recognition of border in exchange for reforms).



Thus, the US should recognize that one can not demand something without offering anything to the other party. The EU should envisage these conferences with the slogan “Peace for Reforms” which means that the US and EU offer a greater engagement in the solution of the conflict in exchange for all-encompassing reforms. Once the reforms are initiated, and a clear and honest compromise towards a reform process can be observed, the Wider Europe Policy with its reward system may work well.

The European New Neighbourhood policy does not seem to be working at this early stage, which does not mean that it will not work in the coming phases of the reform process. The reward system will work well, because democratically elected governments need to improve their policies in order to stay in power through the ballot boxes. But in the case of autocratic regimes, it is quite doubtful. I think, before continuing the strategy of “talk softly, and carry a big carrot”, we should talk noisily and later on, carry the carrot.

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THE EUROPEANIZATION PROCESS IN THE MEDITERRANEAN: THE CASE OF TURKISH-ISRAELI RELATIONS OVER THE LAST DECADE

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Introduction

It has become commonplace to define the process of European integration along the lines of internal and external implications of Europeanization. The transformation process within which national interests become European interests and European interests - through the creation of a set of common norms, values and institutions; the implementation of common rules; and continuous interaction, regular consultation and communication between the EU Member States - refer to internal Europeanization. On the other hand, the EU's projection of its norms and values and system of governance to non-EU countries refers to external Europeanization. The major focus of this study is external Europeanization as it attempts to explain Europeanization in the Mediterranean through an analysis of Turkish-Israeli relations over the last decade and the EU's impact on these relations.

The EU's nature as a "civilian power"¹ marks its global actorness. Despite criticisms of the EU's foreign policy impact in situations which necessitate a hard security approach, the Union's major strength lies in the soft security tools that it uses. It can be

¹ Please note that this concept was first introduced by François Duchêne in 1972. Please see: François Duchêne, "Europe's Role in World Peace", in Richard Mayne, *Europe Tomorrow*, (London: Fontana, 1972). Also see his "The European Community and the Uncertainties of Interdependence", in Max Kohnstamm and Wolfgang Hager (eds.) *A Nation Writ Large? Foreign Policy Problems before the European Communities*, (London: Macmillan, 1973). Both of these references are quoted here from: Henrik Larsen, (2002) "The EU: A Global Military Actor?", *Cooperation and Conflict*, Vol. 37, No.3, pp. 283-302. The former reference is also cited in Roy Ginsberg, (2001) *The European Union in International Politics - Baptism by Fire*, Oxford: Rowman and Littlefield Publishers, pp. 39-40.

contended that through the use of its economic and political instruments the EU creates a considerable foreign policy impact. The framework instruments (economic cooperation, association and partnership agreements); development aid which also includes rehabilitation and reconstruction aid as well as humanitarian aid; political dialogue (bilateral or multilateral) and EU enlargement itself appear as the major economic and political tools that the EU uses in its relations with third countries. Especially the conditionality that it attaches to the use of these tools is the major factor which creates the desired impact on these countries.

The Barcelona Process can also be regarded within this context as an economic, political and cultural project designed to export the EU's values and norms to the Mediterranean region as a whole. Despite criticisms that the EU is a payer rather than a player in the region, the foreign policy impact of the EU in the Mediterranean is rising significantly. It can also be argued that the EU is especially upgrading its efforts to deal with the Middle East. The purpose of this study is to support this argument through an analysis of the implications of Europeanization for Turkish-Israeli relations.

This study is composed of four sections. The first section defines the concept of Europeanization as understood by the authors. After a definition of Europeanization with regard to the internal and external levels, European foreign policy on the Middle East over the last decade is examined and the EU's actorness in this regard is evaluated. The second section describes EU's relations with Turkey and Israel respectively. This analysis is based on the EU's bilateral relations with the two countries and it attempts to approach these relations from all possible dimensions: economic, political and security. The third section examines the development of Turkish-Israeli relations in various fields over the last decade. Their relations are viewed from both the Israeli and the Turkish perspectives. Finally, the last section sorts the findings and establishes the connection between the external Europeanization process and Turkish-Israeli relations.

Europeanization and the Mediterranean

The definition of “Europeanization” is a rather subjective and contextual practice. Therefore, it can be argued that there is no common definition of “Europeanization”. The conception of “Europeanization” that is used in this study refers mainly to its external dimension. Nevertheless, it should be kept in mind that internal Europeanization is an important condition for external Europeanization. Internal Europeanization is the process in which national interests transform into European interests while European interests begin to be regarded as national interests through continuous interaction and communication, through the creation of common rules and procedures and institutions as well as norms and values. In this sense, it is regarded both as a top-down and a bottom-up process at the EU level. External Europeanization, on the other hand, is the ability of the Union to speak with one voice and project its values, norms and system of governance at the international level. External Europeanization thus refers to the Europeans’ ability to expand their common norms and values to other countries and persuade them to pursue similar political and economic policies even if they lack the prospect of EU membership.

The EU uses a cross-pillar approach to achieve external Europeanization and employs a wide-range of foreign policy tools (economic, political and security) in this regard. The EU’s economic tools seem to be the most effective ones among this wide range of foreign policy instruments. It can also be argued that the EU uses economic tools to create political and security impact.

It has long been commonplace for governments to influence other states by using economic instruments². Such economic instruments include both economic sanctions and incentives. Economic incentives involve commercial concessions, technological assistance and other economic carrots whereas economic sanctions take the form of embargoes or suspension of economic cooperation

² David Baldwin (1985), *Economic Statecraft*, New Jersey and West Sussex: Princeton University Press; especially chapters 2 and 3.

and agreements. These are all used to achieve political compliance by the target of these activities³.

The EU's relations with the Mediterranean are also based on an intensive use of economic incentives besides political dialogue at bilateral and multilateral levels. The EU tries to project its values and norms to the Mediterranean through the Barcelona process. The main purpose of this process is to create a region of peace and stability with a greater understanding between the countries in the region and the EU. In order to accomplish this goal the EU transferred a sum of 8 billion Euros to the region between the years 1995 and 1999; 3.4 billion of which were in the form of financial assistance and 4.6 billion of which were provided by the European Investment Bank for infrastructural development⁴. The EU provides financial and technical assistance to the southern Mediterranean countries, especially to reinforce political stability, democracy, free trade and full social and political cooperation in the region⁵.

The EU also encourages the Mediterranean countries to sign association agreements with it. These bilateral agreements provide numerous economic incentives to the Mediterranean countries, on the one hand, and enable the Union to influence policy-making in these countries, on the other. In this way, the EU helps stabilise the region. Furthermore, it gains greater influence at the same time. Each one of the association agreements refers to specific topics such as political dialogue between the country concerned and the EU; respect for democracy and human rights; provisions relating to intellectual property and services, public procurement, state aid and monopolies; economic cooperation in a wide range of sectors; and

³ Blanchard, Mansfield and Ripsman (2000) , "The Political Economy of National Security", in Blanchard, Mansfield and Ripsman (ed.s) *Power and the Purse*, London: Franc Cass, p.5.

⁴ Fourth Euro-Mediterranean Conference of Foreign Ministers, 15-16 November 2000, Chairman's Formal Conclusions, accessed through: http://europa.eu.int/comm/external_relations/euromed/conf/marseilles/conclusion_s_en.pdf .

⁵ MEDA Council Regulation No. 2698/2000, accessed through: http://europa.eu.int/comm/external_relations/euromed/meda2_reg.htm

cooperation relating to social affairs and migration (including cooperation against illegal migration)⁶. Currently the EU's association agreements with Tunisia, Morocco, Israel and the Palestinian Authority have entered into force⁷.

It can be contended that over the last decade the EU has upgraded its efforts to expand its involvement in the Mediterranean region. The EU also supports the Middle East process, and is trying to become a more active actor in this regard. Despite the fact that the US has the upper-hand in the region, the EU is trying to become a crucial player its involvement in the *Quartet* and increased efforts to find a solution to the conflict and to facilitate the Middle East Peace Process through the use of a variety of economic and political instruments such as technical and financial assistance to the Palestinian Authority; economic partnership with Israel, Syria, Jordan and Egypt.

The EU's "silent disciplining power"⁸ also plays a role in bringing peace and stability to problematic regions since, without directly addressing the conflicts in one region, it can create a more indirect impact through influencing and disciplining the major actors in the region (those who are parties to the conflict and other regional actors which may help the solution of the problem). If one examines the EU's relations with Turkey and Israel respectively, one can notice a similar line of action. It can even be argued that the EU's policies vis à vis these countries have produced effective

⁶ For the content of association agreements concluded within the framework of EuroMed Partnership, see:

http://europa.eu.int/comm/external_relations/euromed/med_ass_agreemnts.htm.

⁷ *Ibid.*

⁸ For the term silent disciplining power, please see: Ole Waever, (1998) "Insecurity, security, and a security in the West European non-war community" in Emanuel Adler and Michael Barnett (eds.), *Security Communities*, Cambridge: Cambridge University Press, pp. 69-118; (1998) "Integration as security - Constructing a Europe at Peace", in Charles A. Kupchan (ed), *Atlantic Security - Contending Visions*, New York: Council of Foreign Relations, pp. 45-63 and (2000) "The EU as a security actor - Reflections from a pessimistic constructivist on post-sovereign security orders", in Morten Kelstrup and Michael Williams (eds.), *International Relations Theory and the Politics of European Integration - Power, Security and Community*, London: Routledge, pp. 250-294.

results and enabled the Union to have a greater influence in this respect.

The EU's Relations with Israel and Turkey

Both Turkey and Israel have deeply-rooted relations with the EU. Turkey has very close ties with the Union and is seeking to become a full member. Israel, on the other hand, currently lacks the prospect of becoming an EU member. Nevertheless, it is seeking to progressively improve its relations with the Union. Despite criticisms of EU foreign policy on the Middle East, the Union has upgraded its role in the region in recent years and its relations with Turkey and Israel are indicative of this fact. In this section, the EU's relations with Israel and Turkey are analysed respectively.

The EU and Israel

During the last decade, EU relations with Israel have improved significantly. This improvement came after the EU had taken some serious actions. One such action was the ratification of the Association Agreement with Israel on 1 June 2000 which was signed on 20 November 1995. As mentioned before, association agreements are not simple trade agreements but rather have political and societal implications. This is especially so in the case of the EU's association agreements with the countries in the Middle East. The general belief prevailing in EU circles is that with association agreements the Middle East can become a more stable region both economically and politically.

The EU-Israel Association Agreement is also the main document on which the relations between the EU and Israel are based. The major points emphasised in this agreements are constant economic and political dialogue (Israel must update the EU on the peace process and its regional actions); freedom of establishment and liberalisation of services; free movement of capital and competition rules; strengthening of economic cooperation on the widest possible basis and cooperation on social matters supplemented by cultural cooperation; free trade in manufactured goods and industrial products; and progressive and reciprocal liberalisation of

trade for agricultural products⁹. The Association Agreement is significant in the sense that with the ratification of this agreement the EU has become Israel's biggest economic partner.

The Association agreement is also crucial for its emphasis on the importance of the principles of the United Nations Charter, especially the observance of human rights, democratic principles and economic freedom¹⁰. This emphasis is a significant feature of the EU's association agreements with the Mediterranean countries. Furthermore, the Association Agreement between the EU and Israel also calls for regional cooperation and regular political dialogue between the countries in the region, especially on issues of common interest. In this regard, it can be contended that the "silent disciplining power" that the EU exerts through framework instruments is also at work in its relations with Israel, especially when it is considered that it has become Israel's biggest economic partner since the entry into force of the Association Agreement.

Another important development in Israel's relations with the EU is the country's acceptance as an equal partner in the European Community's Framework Programme for Research and Technological Development (RTD) in August 1996. Israel was the first non-EU country to be associated to the EU framework programme for RTD. Israel is included in this framework due to its very high level of scientific competence and the dense network of longstanding scientific and technological cooperation between Israel and the EU¹¹. Israel's inclusion in the framework programme for RTD creates multicultural cooperation and economic networks between Israel and the EU. For example, during the 5th Framework Program (1999-2002), Israeli organizations participated in 623 cooperative projects with EU partners. At the political level, the RTD programme has increased Israel's susceptibility to EU's political pressures and its dependence on the Europeans; since the Union provides most of Israel's RTD funds. A third development

⁹ On the Association Agreement between the EU and Israel, see: http://europa.eu.int/comm/external_relations/israel/intro/index.htm

¹⁰ *Ibid.*

¹¹ *Ibid.*

was Israel's inclusion in the Union's space policy "Galileo" since March, 2004. Finally, a recent development was the EU's inclusion of Israel in the first wave of countries to negotiate its participation in the European Neighbourhood Policy with the Union¹².

The developments mentioned above assist Israel to develop its strongest economic fields and encourage it to increase its cooperation with the EU. Also, these developments serve as a means to increase the EU's involvement in the Mediterranean region and upgrade its influence on the Israeli decision-making process. The Association Agreement requires Israel to update the EU about the political situation and about its actions. Moreover, the R&D projects increase Israel's dependency on EU funds.

It is due to this enhanced relationship with the EU that Israel understands the greater importance of the Union in its politics and in the peace process. Israel has started to take into consideration the EU's opinions about the conflict and understands its upgraded role in the region. Also, recently, Israel has agreed to institutionalise a role for the EU in the regional peace process and non-proliferation issues. Therefore, it can be argued that, over the last decade, the EU - mainly through economic agreements - has paved its way to become an important actor in the Mediterranean; one that Israel must take into consideration before it acts.

The EU and Turkey

Turkey's relations with the EU are also based on an association agreement; the so called Ankara Agreement which was signed on 12 September 1963 and came into force on 1 December 1964¹³. This agreement stipulated the establishment of a customs union between Turkey and the European Community (EC) in three stages and it also foresaw the *possibility* of Turkey's eventual membership

¹² Keinon Herb, "EU allowed greater role in peace process", *Jerusalem Post*, 26/08/2004.

¹³ It should be noted that the Ankara Agreement was supplemented by an Additional Protocol signed on 23 November 1970 and which entered into force on 1st January 1973.

of the Community. What is crucial to note at this point is that although this agreement set the target as Turkey's eventual membership, it did not render this an automatic consequence of the association process and rather referred to it as a possibility¹⁴. Nevertheless, without waiting until the end of this association process, Turkey applied for membership of the EC on 14 April 1987.

In 1989, in its evaluation of Turkey's application for full membership in the EC, the Commission declared that although it found Turkey eligible for membership in the EU, it would not be useful to open accession negotiations with the country straight away¹⁵. Instead, the Commission called for closer cooperation with Turkey given the country's general opening towards Europe¹⁶. On the other hand, the process stipulated by the Ankara Agreement was still on track despite some interruptions; and it eventually led to a decision by the EC-Turkey Association Council on 6 March 1995 to move to the final phase of the customs union between the two parties. The final phase of the customs union entered into force on 31 December 1995. Turkey's relations with the EU have gained another dimension with the Barcelona Process and Turkey was included in the MEDA Programme which was adopted by a Regulation on 15 July 1996 by the General Affairs Council.

Turkey's relations with the EU almost came to a halt when the Luxembourg European Council of December 1997 excluded Turkey from its list of candidates for membership in the Union. Turkey immediately suspended any political dialogue with the EU

¹⁴ Article 28 of the Ankara Agreement provides: "As soon as the operation of this agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the *possibility* of the accession of Turkey to the Community." [emphasis added] For the text of the Ankara Agreement and its Additional Protocol, see: Official Journal of the European Communities, Vol. 16, No. C113, 24 December 1973; accessed through: http://europa.eu.int/comm/enlargement/turkey/pdf/association_agreement_1964_en.pdf

¹⁵ Representation of European Commission in Turkey, "EU-Turkey: Historical Review", accessed through: <http://www.deltur.cec.eu.int/english/historical.html>

¹⁶ *Ibid.*

and relations could not improve before the EU realised the strategic mistake that it made in Luxembourg in 1997 and declared Turkey as a candidate for membership in the Helsinki European Council in December 1999. The Luxembourg European Council was a watershed in EU-Turkey relations in the sense that it revealed that the Union's main intention was to develop economic ties with Turkey without the promise of membership¹⁷. This had a detrimental effect on democratization in Turkey, and, coupled with general frustration over the support provided to Ocalan (the leader of the PKK) by some European countries, the huge rise in the votes of the nationalist party in the next elections came as no surprise. Therefore, it was not before the 1999 Helsinki European Council that Turkey's relations with the EU improved. The Helsinki European Council became another turning point in EU-Turkey relations and Turkey's attempts at political and economic reform gained unprecedented impetus upon confirmation of Turkey's candidacy. It can be contended that EU conditionality on Turkey could only begin to function effectively after the Helsinki decision. Therefore, it would not be erroneous to regard the Helsinki decision as the turning point which started the Europeanization processes in the country.

Turkey's Accession Partnership was adopted by the European Council on 8 March 2001 and the Turkish government adopted the country's National Programme for the Adoption of the Acquis on 19 March 2001. Turkish governments have adopted a series of EU Harmonization packages since 2001, composed of provisions for extensive political reform in the country. Through the adoption of these Harmonization Packages many issues - from freedom of expression to the role of the military in Turkish politics - have been addressed and brought up to European standards.

Turkey has also entered a period of Europeanization of its foreign policy. It has developed good neighbourly relations with its neighbours; especially with Greece. Its rapprochement with Greece

¹⁷ Ziya Önis, (1999) "Turkey, Europe and Paradoxes of Identity: Perspectives on the International Context of Democratization", *Mediterranean Quarterly*, Vol. 10, No. 3, p. 129.

and its softened attitude on the Cyprus issue, which led to the referendum on the Island, have shown that Turkey has started to pursue a softer line on the world scene. This was mainly because Turkish political and security elites realised that an emphasis on soft security benefits of Turkey's accession to the EU would better help the country in its quest for membership in the Union.

Two major incidents also reflect the shift in Turkish foreign policy towards a softer attitude. The first one is that the Turkish parliament did not agree to provide the military support which the US sought for in its war in Iraq. The second incident which can be evaluated in parallel with this development is that Turkey did not resort to unilateral use of force in Northern Iraq, taking advantage of the US invasion there. The Turkish attitude in both incidents came as a surprise for many Europeans. The decision of the Turkish parliament was not only significant as a democratic practice (since it was known that the military was in favour of military support for the US) but also in terms of the country's preference for the use of soft security measures instead of hard ones. Antonio Missiroli asserts that Turkey "did not act in accordance with its constructed self-image"¹⁸ in this respect. On the other hand, it can also be contended that Turkey's stance on the issue was more compatible with the EU's security identity than most of the other candidate countries'. Dimitrios Triantaphyllou states: "It should also awaken the Europeans that a clearer strategic vision which does not write off Turkey is necessary for the EU - the current crisis having demonstrated that Turkey has much more in common with the vast majority of the current 15 EU Member States and their public opinion than most candidate nations"¹⁹.

All in all, it can be argued that the EU's conditionality over Turkey started to succeed only after the Union offered the country a clear prospect of membership. This has brought about a Europeanization process in Turkey at the domestic and international level. Even the

¹⁸ Antonio Missiroli, (2003) "Turkish Delights? A Response to Bilgin", *Security Dialogue*, Vol. 34, No. 3, p. 354.

¹⁹ Dimitrios Triantaphyllou, (2003) "The Turkish Dilemma", unpublished paper, Paris: EU-Institute for Security Studies (04.03.2003).

shift in Turkish policy on Israel in recent years can partially be explained by reference to this Europeanization process in the country.

Turkish-Israeli Relations over the Last Decade

Since the beginning of the 1990s, Israel-Turkey relations have changed a great deal. Several reasons led to such a change. First of all, the removal of the overlaying impact of the Cold War and the disappearance of the Soviet threat freed both states from regional constraints. Secondly, the regional developments that took place after the Gulf War gave Turkey the opportunity to place its relations with Israel on a different basis; independent of its relations with Arab Countries²⁰. It can also be contended that Turkey released itself from the economic policy of the oil producing countries and came closer to the US (especially during the Gulf War)²¹. Turkey's closer links with the US after the Gulf War also led to improved relations with Israel due to American support. Nevertheless, it should be kept in mind that the improvement in Turkish-Israeli relations has been the result of Turkish initiative rather than of US making. On the other hand, it can be argued that the US support in this regard has been a facilitating factor.

Thirdly, the improvements in the Middle East Peace Process created a suitable ground for the establishment of closer ties between Turkey and Israel since Arab reactions to such ties could have been severer if the Middle East Peace Process was not on track. Fourthly, it can be contended that both Turkey and Israel were faced with the same types of threats in their region. Their

²⁰ Gencer Özcan (1999), "Türkiye-İsrail Yakınlaşmasının Nedenleri, Parametreleri ve Gelecek için Perspektifler" (The Reasons and Parameters of Turkish-Israeli Rapprochement and Perspectives for the Future), in *Türkiye-İsrail Yakınlaşması: Nedenler, Parametreler ve Gelecek için Perspektifler* (Turkish-Israeli Rapprochement: Reasons, Parameters and Perspectives for the Future), Istanbul: Ekonomi Forumu-Friedrich Ebert Stiftung, p. 7.

²¹ Alon Liel (2001), *Turkey in the Middle East: Oil, Islam and Politics*, Boulder: Lynne Rienner Publishers (translated by Emanuel Lotten - first published in Hebrew in Israel, in 1993), p. 241.

stakes can be listed as concerns over the potential aggressive policies of Iran, Iraq and Syria, the proliferation of Weapons of Mass Destruction, the challenge of radical Islam, and international terrorism. Finally, it should be recalled that the two countries are the only parliamentary democracies in their region and they both have liberal economic systems. In terms of their military potential, social structure and cultural traits, the two countries can also be easily separated from their counterparts in the region. The historical ties between the Turks and the Jews also constitute a crucial factor in this regard. Furthermore, the fact that both Turkey and Israel are non-Arab countries located in this region led to their “being grouped together in the eyes of other regional players”²².

All in all, it can be argued that contextual developments that took place after the end of the Cold War paved the way for closer relations between Turkey and Israel at political, economic and security levels. These warm relations and the US support for such relations between Turkey and Israel led to the conclusion of military and economic agreements between the two countries. In the economic field, Turkey and Israel signed a free trade agreement on 14 March 1996²³. This agreement established cooperation between the two countries in fields such as agriculture, industry, telecommunication, medicine, and high-tech industry. As part of this agreement, the parties agreed to lower the tax barriers and achieve greater economic cooperation.

As part of their cooperation efforts in the military field, Turkey and Israel signed a Military Training and Cooperation agreement on 23 February 1996. On 28 August 1996, a Cooperation Agreement on Defence Industry was signed. These agreements strengthened the ties between the two countries and paved the way for strategic partnership between them. This strategic partnership was designed in such a way to form the basis of common action in the future (if and when needed) since it heavily relied on interoperability

²² Efraim Inbar (2002), “Regional Implications of the Israeli-Turkish Strategic Partnership”, *Turkish Studies*, Vol. 3, No. 2, p. 22.

²³ For the text of the free trade agreement between Turkey and Israel, see: <http://www.moit.gov.il/NR/exeres/63E541B5-FDEE-4EC0-BEB9143CB49BOBD2.htm>

between the two countries' armed forces (especially air and naval forces) that would be developed through joint military exercises and training, staff-to-staff meetings and intelligence exchanges. A "Strategic Dialogue Forum" was also established between the two countries as part of the Military Training and Cooperation Agreement.

The scope of the Turkish-Israeli relationship, in this regard, was even regarded as a loose alliance by some analysts and some countries in the region²⁴. Nevertheless, it seems more appropriate to define this relationship as a strategic partnership since it lacks the adoption of the principle of *casus foederis* by the two parties. Furthermore, the two countries keenly reiterated that their partnership was not directed at third countries²⁵. It should also be recalled that Turkish-Israeli partnership is not exclusive and in many instances close cooperation with Jordan and the US has been pursued.

Despite the fact that both countries have been cooperating in many fields, from tourism to education, the most important dimension of their relationship is usually regarded as its military aspect. This may be due to the fact that, once an issue has a security tag attached to it, it inevitably carries a certain degree of importance right from the beginning. Furthermore, the impact of Turkish-Israeli cooperation in the region has been more strongly felt in the security field as the two countries are "militarily stronger than any combination of regional states"²⁶. Although both countries have been careful to stress that their military partnership was not directed at third countries, it would not be erroneous to state that the strategic partnership provided them with a "deterrence impact",

²⁴ See Inbar (2002) for more on how Arab countries regarded this partnership.

²⁵ An important incident to be taken into account in this regard is that Israel refrained from becoming a part of the Turkish-Syrian crisis in 1998. This example also shows that the Turkish-Israeli strategic partnership was not directed at third parties. Efraim Inbar also draws attention to the fact that Turkey and Israel are reluctant to use the coercive potential of their alignment (Inbar (2002), p. 27).

²⁶ Inbar (2002), p. 23.

the degree of which can only match up to that provided by alliances²⁷.

At this point, it would be useful to touch upon the basic motives that led Turkey and Israel to improve their relations respectively. First and foremost, Turkey saw a strategic partnership with Israel as crucial for its internal and external security. The support provided by Syria and Iran to PKK terrorists and the terrorist group's deployment in Northern Iraq were the major factors that urged Turkey to establish closer ties with Israel. Especially, Israeli intelligence capabilities have helped Turkey a great deal in its fight against PKK terrorism. Secondly, both Turkey and Israel had a stake in regional stability and security. This is an important factor in the sense that as the only two democratic countries governed by principles of liberal economy, they were forced to cooperate to achieve peace and stability in the region and for their own survival.

Thirdly, Turkey's relations with the EU had been coloured by mutual mistrust until 1999. Therefore, Turkey sought alternative ways to compensate its mostly problematic relations with the Union. The only regional alternative in this regard was cooperation with Israel. This would also mean better ties with the US not only because of the scope of US-Israel relations but also because of the weight of the Jewish lobby in the US. Through better ties with Israel, Turkey would be able to balance the acts of Greek and Armenian lobbies in the US against Turkey since it would have the support of the Jewish lobby against such acts.

Fourthly, through a cooperation agreement on defence industry, Turkey would be able to purchase high-tech weaponry without the conditionality attached to such contracts by the US and European

²⁷ For example, Israel gained the capability for deterrence against missile attacks from Syria, Iran and Iraq since its partnership with Turkey made it possible for this country to monitor their activities from the north as well. On the other hand, Turkey successfully managed the issue of deployment of S-300 missiles. The purchase of Popeye I missiles (to counter the attack of S-300 missiles) from Israel helped to a considerable extent in this respect. Both instances show that the two countries benefited from their partnership especially in terms of enhanced deterrence capabilities.

countries. Israel has been an alternative source of weaponry in this respect. This was especially significant due to Turkey's need for modernising its military capabilities. Israel has been an apposite partner to help the modernisation of the Turkish armed forces due to its high-tech competence. Furthermore, Turkey would also be able to make use of Israeli technology in fields other than the military.

The motives of Israel were also similar to those of Turkey, especially with regard to the promotion of stability and security in the Middle East. However, the major motive behind Israel's quest for better ties with Turkey was its need to strengthen its legitimacy in the region and its acceptance as a regional actor. Turkish-Israeli cooperation is crucial for ending Israel's isolation in the region and its worries of encirclement by Arab countries. Secondly, Israel also had security concerns which it could effectively handle through partnership with Turkey. Deterring a possible missile attack from Iran, Iraq or Syria was a crucial motive in this respect. A related security concern was the need to enhance the country's early warning capabilities. It was clear that intelligence cooperation between the two countries would lessen the chances of their opponents to carry out surprise attacks against them.

Thirdly, Israel's strategic interest in the Eastern Mediterranean also facilitated security cooperation between the two countries. Inbar contends that a growing number of Israeli strategists consider the Mediterranean Sea to be Israel's new strategic depth²⁸. Naval partnership with Turkey - because of the Turkish ports in the Mediterranean and its naval capabilities - would, thus, provide Israel with the strategic depth that it sought. Such partnership would increase Israeli strike capability and deter a nuclear attack against Israel.

Fourthly, Israel needed to expand its trade to larger and new markets. Turkey seemed an apposite new market in this regard. On the other hand, Turkey needed to upgrade its industrialisation process and thus needed Israeli cooperation in this regard,

²⁸ Inbar (2002), p. 25.

especially to improve its technological competence. Turkey and Israel could also benefit from economic partnership in a variety of fields from water and energy to tourism.

All in all it can be contended that the Turkish-Israeli strategic partnership effectively addressed their security concerns and benefited both parties to a great extent. They have enhanced their regional actorness and could effectively deter their adversaries in the region. They have also benefited economically from their cooperation in different fields. Nevertheless, in recent years, especially after the US invasion of Iraq, a cooling-off of relations between Turkey and Israel has been observed. The negative developments in this regard reached their peak when Turkish Prime Minister Erdogan accused Israel of “state terrorism” upon the deadly consequences of the Israeli military operation in Rafah in May²⁹.

The cooling-off of relations between Turkey and Israel can be explained with reference to several factors. The US invasion of Iraq has tipped the scales in Northern Iraq in an unprecedented way and Turkey’s security concerns in this region have become more complex than ever. Due to US involvement, it is uncertain if Israeli-Turkish intelligence cooperation can produce the same results as it did before in Northern Iraq. The US’s close ties with the Kurds in the region and its ambivalent intentions with regard to the future of Iraq further complicate the picture. Recent developments in Northern Iraq have clearly shown that the US is not a very reliable strategic partner for Turkey. Recent rumours that

²⁹ For different comments on the Turkish government’s and Erdogan’s remarks upon various Israeli acts in the West Bank and Gaza Strip, see: “Turkish Foreign Ministry ‘harshly’ condemns Israeli attack on refugee camp”, *BBC Monitoring Service*, 20.05.2004; “Turkish Premier calls for action to stop use of excessive force against Iraqis, Palestinians”, *AP Online*, 20.05.2004; “Turkey signals shift in Israeli policy”, *Turkish Daily News*, 27.05.2004; “Gaza action triggers Turkey-Israel tension” *BBC Monitoring Service*, Aluf Benn “Background/Diplomatic storm swirls”, *Ha’aretz*, 27.05.04; “Turkey’s Erdogan raps Israel”, *Ha’aretz*, 01.06.2004; Honoch Marmari, “Turkish PM: Israel targeting Palestinians as Jews were treated 500 years ago”, *Ha’aretz*, 03.06.04; “Turkish Prime Minister blames Israel for rising anti-Semitism”, *Reuters*, 16.06.04.

Israel was given military training to the Kurds in Northern Iraq have not been helpful, either.

On the other hand, after the endorsement of Turkey's candidacy for full membership in the EU in 1999, Turkey has been upgrading its relations with the Union and is expecting to start accession negotiations in the year 2005. As its prospects for full membership in the EU have increased, Turkey's relations with the US and Israel have taken a different course. Although the difference in the course of its relations with the US and Israel cannot be attributed solely to the improvement in its relations with the EU, this improvement can be regarded as one of the many factors that shifted Turkey's attention from closer ties with the two countries.

It can also be argued that Turkey has entered a process of Europeanization of its foreign policy which inevitably urges it not to act solely upon security concerns and to adopt a more balanced approach to the Middle East. On the other hand, Turkey has improved its relations with its neighbours; particularly with Greece and Syria. Moreover, it has based its relations with Iran on the basis of economic cooperation despite the problematic nature of their relations. Turkey's attempts to improve its relations with its neighbours can be regarded not only as a part of a necessity for regional stability but also as part of its Europeanization. It should be noted that the requirement of good neighbourly relations is an important condition for EU membership although it is not listed among the Copenhagen criteria. On the other hand, the improvement of Turkey's relations with its neighbours has led to a lessening of its security concerns and thus diminished its need for Israel's strategic partnership in this regard.

Finally, it can be asserted that the pro-Islamic orientation of the Turkish government has also impacted on Turkey's relations with Israel and the government has found itself less constrained condemning Israeli actions on several occasions. Nevertheless, it should not be forgotten that despite all the factors listed above, which lessened the imminence of the Turkish need for strategic partnership with Israel, there are still very compelling factors which render the need for strategic partnership between the two countries

unquestionable. It should also be recalled that Turkish-Israeli cooperation is mainly based on national security concerns (and especially military/security ones). Therefore, it is rather unlikely that political reactions (such as those of the Turkish government) can go that far to impede Turkey's strategic partnership with Israel. Despite its relatively downgraded role in Turkish politics (due to final constitutional reforms) the military is still an important actor in Turkey especially when national security is concerned. This is also why such a beneficial military partnership with one country cannot be easily pushed aside by any Turkish government's unilateral decision.

Thus, the reasons for the cooling-off of relations with Israel should be traced to factors other than superficial ones like the government's pro-Islamic orientation. It should not be forgotten that the Turkish-Israeli Military Training and Cooperation Agreement was signed at a time when a fundamental Islamist party was the head of the coalition government in Turkey. It can therefore be contended that if the rumours that Israel was giving military training to Kurdish groups in Northern Iraq proved true then this would have a more important determining impact on the future of Turkish-Israeli relations than other superficial factors.

Despite harsh remarks by Erdogan on Israeli acts against Palestinians, Turkish-Israeli relations have not derailed. Especially, Israel's official denouncement of claims that Israel was giving military training to Kurdish groups in Northern Iraq has eased the tension between the two countries. Nevertheless, the Israeli attitude in the occupied territories still raises concerns in Turkey. Turkey has offered several times to become a mediator in the Arab-Israeli dispute and despite lukewarm responses by the Arabs and Israelis, Turkey may become well-placed to take on such a task, especially if it can manage to attain a balanced approach towards both parties. With a clear prospect of EU membership, Turkey can more easily strike that balance and be up for such a task. On the other hand, a mediatory role for Turkey in Arab-Israeli relations would also increase the possibilities for the EU to upgrade its role in the region and would help the initiation of a Europeanization process in the region.

Conclusion

Israel, like Turkey, needs to further Europeanise its policies. In order to establish better ties with Turkey and the European Union, it has to take their stance into consideration. Peace and stability in the Middle East depends heavily on Israeli attitudes and if Israel chooses to deal with its problems through softer measures - if it can Europeanise its policies in this regard - it would be beneficial both for Israel and the region in the long term.

Turkey has achieved an emphasis on the softer elements in its foreign policy to a certain extent and has started to benefit from it. This is especially apparent in its relations with Greece and Syria. If Turkey had not stuck to its quest for membership in the EU and started to Europeanise its policies - despite some potential negative consequences in the short term - it would not have achieved improved relations both with its neighbours and with the EU. There is still much to be done in Turkey's Europeanization process. Nevertheless, even at this point, it can be argued that Turkey has achieved a great deal.

The recent cooling-off in Turkey's relations with Israel can be regarded as part of the process of Europeanization in its foreign policy. If Israel needs to legitimize itself in the region and to end its isolation, it has to follow a similar path and enhance the softer – European – element in its foreign policy. This would undoubtedly ease the tension with its neighbours and open the way for peace and stability in the region.

On the other hand, the EU needs to recognise the importance of Turkey and Israel in the Mediterranean region and has to put more emphasis on these countries in its Mediterranean policy. The EU can benefit a great deal from the current partnership between Turkey and Israel, in this respect. Especially if the two countries can achieve further Europeanization of their policies, this would clearly enhance the EU's role in the region. It should also be kept in mind that Turkey's eventual membership of the EU would enable the Union to maintain full control of the northern Mediterranean and this would tip the scales in the region in the

EU's favour in an unprecedented way. In such a case, the Turkish-Israeli partnership would also provide the EU with an opportunity to have an enhanced role in the Eastern Mediterranean; further nurturing its actorness in the Middle East.

To conclude, it can be said that Europeanization (both internal and external) is an irreversible process. Even a country like Turkey, which was mainly known as a military power and a stubborn international actor, has entered a process of Europeanization and started to adopt European values of compromise and tolerance in its relations with third countries. This not only marks the effectiveness of the EU's "silent disciplining power" but also shows the strength of the Union's foreign policy. This is why the EU should be regarded as a very important international actor.

Despite current American influence in the Middle East, it can be contended that the hard security approach adopted by the US in the region may have negative consequences in the long run. On the other hand, the EU's soft security approach may prove more efficient and effective in the future. It is therefore vital for Israel to approach the problem in the Middle East from all possible dimensions and take on a softer - more Europeanised - attitude in this regard. Such a softer attitude may prove more beneficial in the long run.

EU FOREIGN POLICY AFTER SEPTEMBER 11 AND THE SIGNIFICANCE OF THE MEDITERRANEAN

MUNEVVER CEBECI

This study is based on two major arguments. One of them is that the significance of the Mediterranean for the EU has clearly increased after September 11, 2001. The second argument, on the other hand, is that the EU is well-equipped to confront the challenge of terrorism; nevertheless, the effectiveness of its policies depends heavily on the political will of its Member States which seems inadequate for the time being. This paper first analyses the outlook of world politics after September 11 with a special emphasis on terrorism as the dark side of globalisation and then evaluates the policy instruments employed by the EU in its counter-terrorism efforts. The cross-pillar approach adopted by the EU and how the European foreign policy is (and can be) used within this context are all considered. Finally, the significance of the Mediterranean region with regard to terrorism is analysed in detail and the importance of the Euro-Mediterranean partnership is assessed and emphasised.

Terrorism and/in the Globalized World: Construction of “the Global Risk Society”¹?

September 11 is significant for its clear message that nobody is safe and even the most powerful state in the world is vulnerable. On the other hand, it is a clear indication of the reflexive nature of globalisation. Terrorism has been there for a long time, but it was this particular devastating event that made analysts declare openly that it was “the dark side of globalisation”².

¹ For this term see: Ulrich Beck, (2003) “The Silence of Words: On Terror and War”, *Security Dialogue*, 34(3): 255-267.

² Mikkel Vedby Rasmussen, (2002) “‘A Parallel Globalization of Terror’: 9-11, Security and Globalization”, *Cooperation and Conflict*, 37(3): 330.

It has become commonplace to call Western societies “risk societies”³ after the start of the process of modernisation. After September 11, a new term is used by Ulrich Beck to define the globality of the risk that confronts the world as a whole: “global risk society”⁴. Just as the risk societies suffer from the reflexive nature of modernity; the global risk society suffers from the reflexive nature of globalisation. In Beck’s view, the global risk society “emerges in and consists of the perceived urgency in the global consequences of civilizational actions, regardless of whether these consequences of globality are produced through information-technological networks, financial flows, natural crises, cultural symbols, the threatening climatic disaster or the threat of terrorism”⁵.

It is thus the reflexivity of the global risk society that, first, breaks through the silence of words and makes us painfully conscious of the globality in our own life context, and that, second, forms new lines of conflict and alliances. What has been shown in the case of the modern nation-state - that it is held together by continuous communication about the threats it faces - also seems to prove true for the global risk society.⁶

Although terrorism is only one of the many risks facing the global risk society, the shocking events of September 11 revealed that the terrorist risk was more imminent and dangerous than expected. It is a fact that globalisation has some side effects such as the growing gap between the rich and the poor, mass migration, international organised crime that includes illicit arms and drugs trafficking as well as human trafficking, and proliferation of weapons of mass destruction (WMD). The new kind of terrorism that became the focus of discussions after September 11 is especially significant for its unprecedented use of the gifts of modernity and globalisation (such as free market economies, the internet, democratic structures,

³ Ulrich Beck, (1992) *Risk Society*, (translated by Mark Ritter), (London: Sage).

⁴ Ulrich Beck, (2003) “The Silence of Words: On Terror and War”, *Security Dialogue*, 34(3): 255-267.

⁵ *Ibid*, p. 259.

⁶ *Ibid*.

technological advancements, etc) as tools to facilitate terrorist acts. This is also why many analysts contend that radical Islamist terrorists, who seem to oppose modernity and globalisation, in fact, represent an alternative sort of modernity⁷ since they use all the modern tools in perpetrating their acts. Beck contends:

“The opponents of globalisation and its supporters share the same global communications media. Globalisation’s opponents operate, by the same token, on the basis of global rights, global markets and global networks. They also think and act in global categories for which, through their actions, they create a global public sphere and global attention.”⁸

Therefore, it would not be erroneous to suggest that terrorism represents a perfect example to define the reflexive nature of globalisation. This is exactly why terrorism is called as “the dark side of globalisation”. Nevertheless, the fact that terrorism represents a perfect example for defining the reflexivity of globalisation does not and should not mean that it is the only risk that is facing the world today. This *forma mentis* would not only degrade the importance of other risks in the face of terrorism but might lead to the adoption of severe security measures that inevitably lead to restrictions on civil liberties.

Perhaps, too much emphasis has been put on terrorism after September 11. The long-sought-for enemy of the post-Cold War era has been found; at least and especially by the USA⁹. The arguments

⁷ For such an argument please see: Chris Brown, “Narratives of Religion, Civilization and Modernity”, in Ken Booth and Tim Dunne (ed.s), *Worlds in Collision*, (Hampshire and New York: Palgrave MacMillan): 293-302.

⁸ Ulrich Beck, (2003) “The Silence of Words: On Terror and War”, *Security Dialogue*, 34(3): 263-264.

⁹ Ken Booth and Tim Dunne contend: “At the end of the Cold War the United States lost the Soviet Empire but did not find a role. It did when the ‘post-Cold War’ collided with the future on 9/11 and became ‘the war against terrorism’.” (Ken Booth and Tim Dunne, (2002) “Worlds in Collision”, in Ken Booth and Tim Dunne (eds.), *Worlds in Collision*, (Hampshire and New York: Palgrave MacMillan): 19). This statement shows that terrorism has been constructed not only as the most important threat facing the world, but also as the major factor that led to the definition of the new role of the US in the post-Cold War: the Cold

identifying the new threat as terrorism have quickly replaced those which said that the new threats in the post-Cold War era were instability and uncertainty. Of course, terrorism has always been there with the same degree of importance, nevertheless, it was not considered with the same degree of seriousness that is attached to it right now. If the September 11 attacks had not been directed against the US (or another Western state) terrorism would not have been the focus of this much attention at the international level, even if it had led to the same number of casualties in other parts of the world. This is a crucial point to be underlined since it marks the problem with the perception and definition of security and terrorism.

The fact that there is no universally accepted definition of terrorism is the major reason behind differences in the international community with regard the perception of terrorism as a security threat. So, what is terrorism and is it really *the* threat that faces the world today? Terrorism usually (but not always) appears in the form of an asymmetrical strategy employed by the weak against the strong - and in the recent example, in the form of a network war¹⁰ (with hard security implications) - to create public (and now global) fear and thus to achieve political ends.

The most important point about “defining terrorism” is that it is a rather relative term. Even the countries that are under a particular threat of terrorism may regard terrorist acts directed at other countries as acts of insurgency or even freedom fighting. This is especially why it is hard to take universal measures against

War’s saviour would now become the pioneer of the war against terrorism. The exaggerated security discourse on terrorism, actually, has become a way to justify US dominance in the world.

¹⁰ This nature of terrorism as a network war is also called “netwar”. For such definitions, see: Ian O. Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt, Michele Zanini, and Brian Jenkins, (1999) *Countering the New Terrorism*, (Santa Monica: RAND); and John Arquilla and David Ronfeldt (ed.s), (2001) *Networks and Netwars*, (Santa Monica: RAND). On September 11 as a network war, also see: James Der Derian, (2002) “In Terrorem: Before and After 9/11” in Ken Booth and Tim Dunne (ed.s), *Worlds in Collision*, (Hampshire and New York: Palgrave MacMillan): 106-109.

terrorism. The phrase “one’s terrorist, the other’s freedom fighter” summarises the difficulty of finding a common definition of and effective measures against terrorism.

It is the difficulties with finding a common definition that led analysts to attempt to define terrorism by the act rather than by the motive behind it. In this way, even those acts committed with a noble cause but through terrorist methods would be regarded as acts of terror. Despite these attempts at identifying the terrorist acts, the relative nature of the term still creates problems. Chomsky’s piece entitled “Who are the Global Terrorists?” clearly reflects that those acts that fall into the category of commonly accepted terrorist acts may also be committed by states but when the unit of analysis is the state (especially the modern and powerful state), they are not referred to as terrorist acts but rather as “‘counter-terror’ or ‘low-intensity warfare’ or ‘self-defence’”¹¹. This is why the definition of terrorist acts also seems a rather subjective exercise. If one cannot define the problem then, how can one find the right strategy to fight it?

It is crucial to identify the root-causes of a problem in order to deal with it. The same logic applies for terrorism as well. Despite its hard security implications, terrorism actually has social, political economic and cultural roots. Identification of the root causes of terrorism is especially important for selecting the tools to be employed in order to solve the problem. Tackling the root causes of terrorism seems a long-term project whereas measures such as the use of military force against terrorist bases, etc. provide short-term solutions although they may prove hazardous in the long run.

Counter-terrorism Measures and European Foreign Policy

Despite the immediate unanimous support provided by the EU to the US immediately after the attacks, it can be contended that the EU’s approach to terrorism and its counter-terrorism measures

¹¹ Noam Chomsky, (2002) “Who are the global terrorists?”, in Ken Booth and Tim Dunne (ed.s), *Worlds in Collision*, (Hampshire and New York: Palgrave MacMillan): 134.

differ significantly from those of the US. It goes without saying that the US rather prefers a short-term approach based heavily on military response to terrorism. On the contrary, the EU's approach, as expected, is softer and relies intensively on long-term solutions which involve an identification of the root-causes of terrorism and the selection of apposite tools that will be used to eliminate these root-causes.

The first step taken by the EU in response to international terrorism was to reach a common definition of terrorism and to decide on the ways to penalize terrorists. Furthermore, the Union made a list of international terrorist organisations in order to be able to deal with them directly and effectively. The EU also adopted the "European Union Framework Decision on Combating Terrorism"¹² which laid down the guidelines for counter-terrorism efforts.

The EU uses a cross-pillar approach in its counter-terrorism efforts in the sense that a wide range of instruments that are spread through all the three pillars are used for this purpose¹³. This cross-pillar approach is crucial for maintaining the desired degree of consistency between the three pillars and the effective implementation of counter-terrorism measures. Furthermore, all those different sources which nurture terrorism (from financial resources to criminal networks and state support for terrorism) necessitate such a cross-pillar approach. Therefore, policy coordination between the institutions responsible for the three pillars seems a precondition for effective counter measures. Despite all the literature on the weaknesses of the CFSP, it should be admitted that the wide range of policy instruments that can be employed for foreign policy purposes gives the EU a unique strength in this regard. This is not to claim that the CFSP is flawless, but rather to argue that it also has crucial strengths.

¹² For the text of the framework decision, see: Commission of the European Communities, "Proposal for a Council Framework Decision on combating terrorism", Brussels, 19.9.2001, COM(2001)521 final.

¹³ For an analysis of EU's cross-pillar approach to terrorism, see: Simon Duke, (2002) "CESDP and the EU response to 11 September: Identifying the Weakest Link", *European Foreign Affairs Review*, 7: 153-169.

With regard to the use of first pillar instruments in counter terrorism efforts, it can be said that technical and financial assistance; development and reconstruction aid; humanitarian aid; and donation programmes are employed within this framework. A freezing of terrorist assets is ensured through the directives on the freezing of funds and fight against money laundering. Furthermore, besides the “essential element” clauses seen in all association, economic cooperation and trade agreements concluded by the EU, new association agreements made with Algeria, Lebanon and Chile also include clauses on cooperation in the fight against terrorism. The EU provides financial assistance to Pakistan and is a donor for reconstruction and humanitarian assistance in Afghanistan. Moreover, through a wide range of policy realms such as transport policy, Europe-wide measures against terrorism are taken.

In the CFSP pillar, bilateral dialogue with countries and different regions has been accelerated within the context of the fight against terrorism. The EU attaches special importance to the conflict in the Middle East with similar motives and has thus increased its efforts to solve the problem through active participation in the Quartet (the US, The UN, the EU and Russia). It has also decided to act against the proliferation of weapons of mass destruction which feed terrorism. In spite of the fact that the EU members could not agree on an ESDP effort to counter terrorism, the Union is searching for ways to use this mechanism in the fight against this global threat. Nevertheless, there is a risk that the non-military nature of the EU’s counter-terrorism measures may be overshadowed by an intensive use of the ESDP in this regard. This would definitely erode the EU’s unique strength in countering terrorism - i.e. the strength of its civilian approach and its emphasis on the root causes of terrorism. This is why ESDP’s further inclusion in the fight against terrorism might engender negative consequences. On the other hand, it is a fact that any foreign policy needs military support for credibility and effectiveness, and the ESDP can be used in such ways to support the EU’s efforts as a last resort rather than for direct engagement from the start.

Finally, the third pillar, Cooperation in Justice and Home Affairs (JHA), is crucial for the fight against terrorism as it involves police

and judicial cooperation. The EU has adopted several measures to increase cooperation in this field. Furthermore, it has adopted a European Arrest Warrant within this context which facilitates the extradition of criminals. Eurojust was established in 2002 “to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime”¹⁴. Furthermore, Europol has assumed a central role in the fight against terrorism after September 11¹⁵. The Counter Terrorism Unit established under the auspices of Europol is tasked with collecting, sharing and analysing information concerning international terrorism. Member States are also allowed to establish provisional Joint Investigation Teams¹⁶. The EU attaches special importance to cooperation in the field of JHA with third countries. It has been actively involved in multilateral (such as the UN and OSCE) and bilateral (e.g. with the US, Canada, Japan and Russia) frameworks to further such cooperation.

On the other hand, the EU seeks ways to tighten external border controls. A European Borders Agency is also being established in the JHA field to be made operational by 1 January 2005. It can be contended that the EU pays special attention to immigration which may be regarded as among the facilitating conditions for terrorism in particular and a security problem in general. A new regulation on the return of illegal immigrants has been adopted to control immigration.

Upon the March 11 Madrid attacks, the Brussels European Council adopted a Declaration on Combating Terrorism on 25 March 2004, in which all the Member States and the EU itself pledged to do everything in their power to combat all forms of terrorism in accordance with the fundamental principles of the Union. Under the heading “Strategic Objectives for a Revised EU Plan of Action

¹⁴ “What is Eurojust?”, Eurojust’s Website: <http://www.eurojust.eu.int/index.htm>.

¹⁵ “EU Counter-Terrorism Efforts in JHA Field”, Communiqués de Presse, MEMO/04/59, Brussels, 12 March 2004, accessed through: <http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/04/59&for mat...>

¹⁶ *Ibid.*

to Combat Terrorism”, the Declaration provides that the EU should address the factors which contribute to support for, and recruitment into, terrorism and that it should target actions under the EU external relations towards priority third countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced¹⁷.

Under the heading “International Cooperation” in the Declaration on Combating Terrorism, it is stated that the EU should ensure effective and practical cooperation with third countries in combating terrorism, in particular, through the following measures:

Development of technical assistance strategies, to assist vulnerable third countries in enhancing their counter-terrorism capability, and by addressing counter-terrorism concerns into all relevant external assistance programmes to promote good governance and the rule of law ensure that counter terrorism is a key element of political dialogue at all levels with third countries, in particular those which represent a potential terrorist threat to international peace and security. The European Union will analyse and evaluate the commitment of countries to combat terrorism on an ongoing basis. This will be an influencing factor in EU relations with them.¹⁸

The last two measures listed above refer to an effective use of EU conditionality with regard to counter-terrorism efforts in third countries. The statement that the EU’s future relations will depend on the countries’ efforts in this respect is a clear indication of this fact. It would also not be surprising if counter-terrorism were added among “democracy, human rights and the rule of law” in the essential element clauses in EU’s future agreements with third countries.

With regard to the EU’s counter-terrorism efforts, the Declaration’s call for the optimum use of all EU police resources deployed in

¹⁷ Declaration on Combating Terrorism adopted by the European Council at Brussels on 25 March 2004; accessed through: <http://ue.eu.int/uedocs/cmsUpload/79635.pdf> .

¹⁸ *Ibid.*

third countries in the context of EU crisis-management is also significant. This is because the ESDP acquires a new role in the EU's fight against terrorism in this respect. The implicit call in the Declaration for further ESDP involvement in the fight against terrorism is also crucial in this regard.

Finally, the establishment of the position of a Counter-Terrorism Coordinator (which is adopted in the Declaration on Combating Terrorism) is a crucial step in the EU's fight against terrorism. It is expected that the establishment of such a position will provide the Union with a "comprehensive and strongly coordinated"¹⁹ approach against the threat of terrorism. The Counter-Terrorism Coordinator is tasked to coordinate the work of the Council in combating terrorism and, with due regard to the responsibilities of the Commission, to maintain an overview of all the instruments at the Union's disposal with a view to regular reporting to the Council and effective follow-up of Council decisions²⁰. The tasks of the Counter-Terrorism Coordinator clearly reflect the cross-pillar nature of the EU's fight against terrorism and will be crucial in maintaining consistency between the three pillars in this respect.

All in all, it can be argued that the EU is well-equipped to tackle the challenges brought about by September 11. The EU's emphasis on the root causes of terrorism, and, its mainly non-military and cross-pillar approach, mark the Union's difference from other international actors. Nevertheless, there are also many criticisms about EU's approach, especially in terms of its effectiveness, and it should not be forgotten that instruments can only function as long as they are supported by political will. There is no gainsaying that the EU needs to work on its problem of lack of political will behind its foreign policy. The latest developments over Iraq have clearly revealed the need for further Europeanization of national foreign policies of EU Member States.

¹⁹ *Ibid.*

²⁰ *Ibid.*

The Mediterranean and the EU's Counter-Terrorism Efforts

The significance of the Mediterranean with regard to European security has increased considerably after September 11, especially because of the fact that the Mediterranean with its nature as the meeting point of three religions, and the stage for at least three intractable conflicts and economic and social and political grievances, constitutes an important challenge in the EU's neighbourhood. Illegal immigration from and through the Mediterranean, and the region's location as a favourite route for illicit arms and drugs trafficking increase its significance especially because these are crucial components of terrorism. The fact that there are significant number of people (as residents or citizens) in the EU who have origins in the Mediterranean or the Middle East and the region's geographical proximity - the two factors which have made the Mediterranean crucial for the EC/EU especially since the 1970s - also mark the region's importance in the EU's counter-terrorism efforts.

It would not be erroneous to suggest that "instability and chaos in the Mediterranean is perceived as a source of insecurity for Europe"²¹. It is a fact that many countries in the Mediterranean suffer from bad governance (which is the major factor that leads to state failure) and organised crime, that the region itself is torn by conflicts (such as the Arab-Israeli conflict) and that terrorism and proliferation of weapons of mass destruction find a fertile ground to flourish under such circumstances. All these problems facing the region appear as the key threats listed in the EU's Strategy Paper²². The European Strategy Paper also makes special reference to the Mediterranean, stating:

²¹ Michelle Pace, (2002) "The Ugly Duckling of Europe: The Mediterranean in the Foreign Policy of the European Union", *Journal of European Area Studies*, 10(2): 204.

²² "A Secure Europe in a Better World – European Security Strategy" Document proposed by Javier Solana and adopted by the Heads of State and Government at the European Council in Brussels on 12 December 2003. This document can be accessed through: <http://ue.eu.int/uedocs/cmsUpload/78367.pdf>

“The Mediterranean area generally continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union’s interests require a continued engagement with the Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process. A broader engagement with the Arab World should also be considered.”²³

The fact that many states in the Mediterranean are challenged by radical Islamists add to the concerns over the region. Radical Islamist terror which has become the major security threat in recent years capitalises on the economic, political and social unrest in the region and especially on the Arab-Israeli conflict. The Istanbul and Madrid bombings have clearly demonstrated that the target of radical Islamist terror is not only the US but also Europe. With the impact of these recent bombings, the Mediterranean’s security significance for Europe has increased considerably.

It would not be an exaggeration to conclude that in order to tackle terrorism the question of the Mediterranean should be tackled first. Only when the Mediterranean becomes a more stable region can the EU feel more secure. The EU already employs serious instruments in its relations with the Mediterranean: the Barcelona Process, the New Neighbourhood Policy and the initiative of EU Strategic Partnership with the Mediterranean and the Middle East, as well as bilateral relations between the EU and the countries in the region.

The Barcelona Process which started in November 1995 has been the foundation of relations with the Mediterranean as a region. Its major aims have been to create a zone of peace and stability through a political and security partnership; to create an area of shared prosperity through economic and financial partnership; and to establish a partnership in social, cultural and human affairs in order to promote understanding between cultures, with a special

²³ *Ibid.*

emphasis on the development of civil societies²⁴. The EU adopted a Common Strategy on the Mediterranean Region²⁵ in order to further the Euro-Med partnership. In this common strategy, the guidelines of the Euro-Med partnership were outlined as follows: to develop good neighbourly relations; to improve prosperity; to eliminate poverty; to promote and protect all human rights and freedoms, democracy, good governance and the rule of law; to promote cultural and religious tolerance; and to develop cooperation with civil society, including NGOs.

In the Security Strategy Paper, it is stated: “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.” [Emphasis added] What is more, the Union’s New Neighbourhood Policy has a specific emphasis on the Mediterranean in this respect. The prospect of a stake in the EU’s four freedoms and the benchmarks²⁶ introduced by this policy clearly reflect that despite the lack of the use of the leverage of enlargement in its relations with the non-European Mediterranean countries; the EU will acquire a credible tool of conditionality in this regard. The major aim of the New Neighbourhood Policy can be summarised as developing a zone of prosperity and a friendly neighbourhood - a ‘ring of friends’ - with whom the EU enjoys close, peaceful and cooperative relations.

The EU Strategic Partnership with the Mediterranean and the Middle East envisaged by the European Council decision in December 2003 also aims at furthering Euro-Med Partnership

²⁴ European Commission, “The Euro-Mediterranean Partnership”, accessed through: http://europa.eu.int/comm/external_relations/euromed/index.htm

²⁵ For the text of this Common Strategy, see Presidency Conclusions, European Council at Santa Maria da Feira, 19 and 20 June 2000, Annex V. This document can be accessed through:

http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en0.htm

²⁶ For the details of the Union’s new Neighbourhood Policy, see: Commission of the European Communities, “Communication from the Commission to the European Council and the European Parliament: Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”, Brussels, 11.3.2003 COM (2003) 104 final.

through addressing the challenges facing the region within a cooperative framework. The final report on the Strategic Partnership suggests the use of “a wide range of measures, from promoting a WMD-free zone in the Middle East and preventing proliferation to ensuring economic growth and stability, managing and addressing migration issues, ensuring security of energy supply, promoting sustainable development and promoting the rule of law, respect for human rights, civil society and good governance²⁷. The Strategic Partnership’s objective is set as the development of a prosperous, secure and vibrant Mediterranean and Middle East²⁸.

It is crucial to note that all the documents on the Euro-Med Partnership and the New Neighbourhood policy refer to the conflict in the Middle East and call for measures to upgrade the EU’s role in the resolution of this conflict. A clear link is established between a solution to the Arab-Israeli conflict and peace and stability in the Mediterranean and the Middle East in these documents. In the final report on the EU Strategic Partnership with the Mediterranean and the Middle East, it is stated that the resolution of the Arab-Israeli conflict will remain a core strategic priority and that it will not be possible to realise a common zone of peace, prosperity and progress unless a just and lasting settlement of the conflict is in place²⁹.

It is a commonly-agreed fact that the Arab-Israeli conflict feeds into radical Islamist terrorism. It is also due to this fact that in many EU texts the Middle East conflict is mentioned alongside terrorism. For example in a document on the EU Action in Response to 11th September 2001, the Commission contends:

²⁷ For the text of the Final Report on EU Strategic Partnership with the Mediterranean and the Middle East, see:

<http://www.eu-del.org.il/English/specialftr.asp?id=41>

²⁸ *Ibid.*

²⁹ For the text of the Final Report on EU Strategic Partnership with the Mediterranean and the Middle East, see:

<http://www.eu-del.org.il/English/specialftr.asp?id=41> .

“The EU was already deeply involved in the search for peace and stability in the *Middle East* long before the attacks of September 11th 2001, but those events have undoubtedly thrown into even sharper focus the urgent need to tackle regional problems that can give rise to terrorism. The EU plays a crucial role in preserving the Palestinian Authority as a negotiating partner, by providing substantial financial assistance.”³⁰ [Emphasis original]

Similarly, the Mediterranean is also mentioned in the same document. The Commission states:

“The events of September 11th demonstrated the need for political and cultural dialogue with those parts of the world where terrorism comes into being. The EU has supported dialogue to counter racial, religious and cultural prejudice. A *Euro-Mediterranean Foundation* is to be set up under the Barcelona Process. Firm commitments to enhanced inter-cultural dialogue have been made at a meeting of EU Member States, Candidate Countries and the Organisation of the Islamic Conference in Istanbul on 12 February 2002.”³¹ [Emphasis original]

Even before September 11, terrorism was mentioned as an important problem to be tackled within the cooperative framework of the Euro-Mediterranean Partnership. For example in the Common Strategy on the Mediterranean Region, it is provided that cooperation against global challenges to security, such as terrorism, organised crime and drug trafficking should be reinforced³². In the more recent documents, however, the impact of September 11 can easily be traced. In the final report on the EU Strategic Partnership with the Mediterranean and the Middle East, the EU’s overarching objective is set as setting up “appropriate consultation and

³⁰ The European Commission, “EU action in response to 11th September 2001: one year after”, Commission briefing of 9 September 2002; accessed through: <http://europa.eu.int/comm/110901/index.htm> .

³¹ *Ibid.*

³² For the text of this Common Strategy, see Presidency Conclusions, European Council at Santa Maria da Feira, 19 and 20 June 2000, Annex V. This document can be accessed through: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en0.htm

cooperation mechanisms for enhanced political dialogue on conflict prevention and crisis management, counter-terrorism and non-proliferation”³³. The means to carry this objective with regard to counter-terrorism forward are stated in the document as the following: Implementation of reinforced operational cooperation in the fight against terrorism among judicial and police authorities; through the Justice and Security sub-committees existing or currently being established under Euro-Mediterranean Association Agreements and the ENP [European Neighbourhood Policy] Action Plans. Building on existing engagement with the GCC [Gulf Cooperation Council] including on the question of tackling financing of terrorism and seek other opportunities for technical cooperation.

In the Commission Communication on the New Neighbourhood policy, it is stressed:

“Cross-border cultural links, not least between people of the same ethnic/cultural affinities, gain additional importance in the context of proximity. Equally, threats to mutual security, whether from the trans-border dimension of environmental and nuclear hazards, communicable diseases, illegal immigration, trafficking, organised crime or terrorist networks, will require joint approaches in order to be addressed comprehensively.”³⁴

In the same document, and under the title “Intensified Cooperation to Prevent and Combat Common Security Threats”, it is emphasised that cooperation, joint work and assistance to combat threats such as terrorism and trans-national organised crime, etc. should be prioritized³⁵. In the document, it is stated that the fight against terrorism is a potential area for closer cooperation and that the new neighbours should also be assisted in the implementation of all the

³³ For the text of the Final Report on EU Strategic Partnership with the Mediterranean and the Middle East, see:

<http://www.eu-del.org.il/English/specialfr.asp?id=41>

³⁴ *Ibid.*

³⁵ *Ibid.*

relevant international instruments in this field, notably those developed in the UN³⁶.

A thorough analysis of all the documents referred to above reveals that the Mediterranean is a crucial area of concern in EU's counter-terrorism efforts. The root causes of terrorism do exist in this region and they need to be tackled immediately and through the use of effective measures. It is due to this fact that the EU has given greater emphasis to the Euro-Mediterranean Partnership process and also created complementary mechanisms, such as the New Neighbourhood Policy and the EU Strategic Partnership with the Mediterranean and the Middle East, in order to support this process.

Concluding Remarks

In foreign policy-making, the EU does not solely rely on the instruments of its CFSP. Rather, it uses a wide-range of instruments which carry a cross-pillar characteristic, in that it may use the instruments of one pillar to deal with the issues that are relevant for another pillar. The special tools that it uses for creating a foreign policy impact and maintaining security (besides its CFSP and ESDP) are *development aid* which involves humanitarian and reconstruction aid; *enlargement*; and *framework instruments* (cooperation, association and partnership agreements). Most of these tools are unique to the EU and even those that are also used by other international actors do not usually engender the same degree of effectiveness.

All these three sets of tools are significant in the sense that they heavily rely on the *conditionality* that the (third) countries in question should respect basic values such as democracy, human rights and the rule of law and refrain from supporting terrorism. Considering that the EU is the biggest provider of development aid; holds the highest proportion of world trade, and generates a magnetism (especially the membership prospect) by virtue of the strength of its core, it can be asserted that the Union creates a

³⁶ *Ibid.*

unique security impact through the use of such tools. The crucial point to keep in mind in this regard is that the EU uses a non-military approach in creating this impact. The use of non-military tools in its foreign policy has led to the Union's definition as a "civilian power" by many analysts. From the promotion of human rights and democracy in third countries to the international fight against terrorism, the EU's major strength lies in the civilian emphasis in its foreign policy.

In view of the facts stated above, it can be concluded that the EU is well-placed to deal with terrorism. This is because; through the use of all the available cross-pillar foreign policy instruments, the EU approaches terrorism from all possible dimensions. Furthermore, its commitment to finding the root causes of terrorism and dealing with them through soft-security measures gives it a unique strength in finding long-term solutions to the problem.

The Mediterranean is of great importance in EU's counter-terrorism efforts since it is one of the major areas in the world which provides a fertile ground on which terrorism can flourish. The most important point to keep in mind, however, is that finding a solution to the issues of peace and stability in the Mediterranean and to terrorism requires political will on the part of the EU Member States. The foreign policy tools available for tackling these problems can only be used effectively and credibly if they are supported by strong political will. Otherwise, all the efforts for achieving peace and stability and fighting terrorism will be doomed to failure.

THE “AREA OF FREEDOM, SECURITY AND JUSTICE” IN THE EU’S DRAFT CONSTITUTIONAL TREATY AND ITS IMPLICATIONS FOR THE MEDITERRANEAN

JÖRG MONAR

1. Introduction

Under the heading of the “area of freedom, security and justice” (AFSJ) cooperation and integration in the domain of justice and home affairs (JHA) has by now not only become a fundamental integration and treaty objective of the EU¹ but also one of the fastest growing areas of its legislative and other action. According to statistics from the EU Council General-Secretariat,² the JHA Council adopted from 1 May 1999 (the date of the entry into force of the Amsterdam Treaty) to the end of December 2003 no less than 500 texts in this field, a range of new structures have been created with Europol and Eurojust being only the most prominent ones, in the context of the JHA Council ministers of interior and justice are now normally meeting on a monthly basis (which makes the JHA Council one of the most frequently meeting Council formations) and already on two occasions (Tampere in October 1999 and Seville in June 2002) the Heads of State or Government of the Union have dedicated European Council meetings almost exclusively to JHA issues. The EU *acquis* in justice and home affairs is among the fastest growing areas of legal action, and - although progress is sometimes slow - the EU’s agenda in the JHA domain is now wide-ranging and ambitious to an extent which would have been difficult to imagine at the beginning of the 1990s.

Having regard to the importance gained by the AFSJ as a policy-making area of the EU it is not surprising that the AFSJ figured high on the agenda of both the European Convention, entrusted

¹ Formally codified in Article 2 of the Treaty establishing the European Union of equal legal status as, for instance, Economic and Monetary Union and the Common Foreign and Security Policy as fundamental Union objectives.

² Kindly made available to the author by Hans Nilsson, Head of the Judicial Co-operation Unit.

with the drawing up of a draft constitutional treaty for the EU, and the following IGC. Numerous changes and new elements regarding the AFSJ were introduced in the final draft of the constitution adopted by the Convention in July 2003, some of which proved to be rather controversial in the subsequent IGC. This applied, in particular, to the question of majority voting on legislative measures in the criminal law domain and the introduction of a European Public Prosecutor's Office. These issues actually belonged to those which had remained unresolved at the time of the "failure" of the Brussels summit in December 2003. In the end some tortuous - and in part rather questionable - compromises were arrived at which have been duly codified in the Draft Treaty establishing a Constitution for Europe (hereinafter referred to as "Draft Treaty") as adopted in the final session of the IGC on 18 June 2004.³

Because of the prominence given to the AFSJ in the work of the Convention and the IGC it seems worthwhile to provide a critical evaluation of the results and to ask, at the end what implications a successful ratification could have for the EU's cooperation with its Mediterranean partners.

2. The New Legal Framework

By far the most fundamental change the Draft Treaty brings for the AFSJ is the recasting of its overall legal framework. The existing division between the EU's three "pillars" is replaced by a single legal framework in a single legal text. This step will remove the existing split in the JHA domain between, on the one hand, asylum, immigration, border controls and judicial co-operation in civil matters falling under Title IV of the EC Treaty (TEC) ("first pillar") and, on the other hand, judicial co-operation in criminal matters and police co-operation falling under Title VI of the EU Treaty ("third pillar"). The formal abolition of the "pillar" division will put an end to the need to adopt "parallel" legislative acts under

³ This chapter is based on the latest available consolidated version of the Draft Treaty which was published on 6 August 2004 (Council document CIG 87/04) with its revised numbering of the articles.

the different “pillars” in certain domains of “cross-pillar” implications (such as money laundering), will reduce the potential for controversies over the appropriate legal basis, will put an end to the artificial separation of decision-making structures between “first” and “third pillar” matters in the Council and will facilitate the negotiation and conclusion of agreements with third countries on “cross-pillar” matters. The new single legal framework also means that the Union will be able to act internally and externally⁴ as single legal actor with a single set of legal instruments - not the current division between “first” and “third pillar” instruments - which will be an important contribution to a more coherent and clear-cut legal *acquis*. Combined with this is the abolition of most of the restrictions and distinctions between the role of the European Court of Justice in the JHA domain under the two pillars (see below).

Yet the major progress made with the abolition of the “pillar” structure is partially undermined by a number of special provisions for the individual JHA policy areas: According to Article III-264 the European Commission, which has an exclusive right of initiative for asylum, immigration, border control and judicial co-operation in civil matters, will have to share the right of initiative with the Member States in police and judicial co-operation in criminal matters. Whereas in the aforementioned areas (asylum etc.) the Draft Treaty provides with one small exception (family law) for qualified majority voting, substantial parts of police and judicial co-operation in criminal matters will still be governed by the existing unanimity requirement.⁵ A similar distinction applies to the role of the European Parliament which is granted co-decision on most of the issues of the first named areas, but is limited to assent or consultation procedures on quite a number of last named ones. All this means that from an institutional and procedural point

⁴ By virtue of Article I-7 the Union is vested with full legal personality which removes any currently remaining uncertainties on this issue.

⁵ Certain measures in the criminal law domain according to Article III-270(2)(d) and 271(1); establishment of a European Public Prosecutor’s Office and extension of its mandate, Article III-274(1) and (4); operational police cooperation, Article III-275(3); framework law on operations of national authorities in another Member State, Article III-277 (see below section 7).

of view the old “pillar division” will at least to some extent continue to exist. This “hidden” continuation of the pillar separation could lead to problems in the adoption of cross-cutting packages of measures because of different procedures, majority requirements and forms of involvement of the Parliament. It also significantly reduces the transparency of the provisions relating to the AFSJ and - of course - runs against the principle of a single legal framework.

It should also be mentioned that according to Article III-258 it is up to the European Council to “define the strategic guidelines for legislative and operational planning” within the AFSJ. This is at best a rather superfluous re-emphasis of the general guideline-setting competence of the European Council. Yet it can also be interpreted as an attempt to strengthen the role of the European Council in the JHA domain and to give it a more intergovernmental orientation. This again does not serve the idea of a single and coherent legal order.

A further weakness of the new single legal framework is the absence of any clearer definition of the objectives of the AFSJ as a fundamental treaty and integration objective. As fundamental public goods “freedom”, “security” and “justice” are such extremely broad objectives that a somewhat more precise definition of the AFSJ’s objectives - as is done, for instance, for the Common Foreign and Security Policy in Articles I-40 and I-41 - would have been highly appropriate. Instead Article I-3(2) dealing with the AFSJ contains only a reference to an EU “without internal frontiers” and establishes a link between the AFSJ and the single market with its “free and undistorted” competition. This seems rather misleading and unfortunate as the AFSJ as a political project has long since far outgrown the Schengen objective of allowing for the abolition of internal border controls and as its links with the economic aims of the single market are of a rather peripheral nature. The language here seems to fall back to the 1980s, which is rather astonishing as this was drawn up by a Convention on the “future of the European Union”. The “specific provisions” on the AFSJ in Article I-42 only contain some general guidelines for its construction (mutual confidence promotion etc.) and add little to a

clarification of its concept and basic aims. It seems particularly regrettable that the occasion has been missed to spell out the need for a balanced development of the AFSJ with equal consideration given to all three of the public goods. So far around 80% of the measures adopted have been directly or indirectly linked to internal security - and correspondingly few to “freedom” and “justice”.

3. The Charter of Fundamental Rights as Part of the Legal Framework

In a wider sense part of the new legal framework of the AFSJ is also the Charter of Fundamental Rights which is fully incorporated in Part II of the Draft Treaty. There can be no doubt that measures in the JHA domain can affect fundamental rights of individuals in a much more direct way than, for instance, most of the single market measures. With the full incorporation of the Charter, the Draft Treaty clearly creates a better basis for comprehensive fundamental rights protection at EU level - and not only through national constitutional law and international legal instruments (such as the European Convention on Human Rights). Although it is true that the protection of certain fundamental rights - such as non-discrimination - can already be regarded as adequately ensured in the current EC legal order, there are still a number of gaps of relevance for JHA measures which will be filled through the incorporation of the Charter. This applies, in particular, to the right to the protection of personal data (Article II-68) which - having regard to the proliferation of data-bases and exchange systems in the context of the AFSJ (SIS, Europol, Eurodac, etc.) and the rapidly developing co-operation with third countries (example: the Europol-USA agreement of December 2002 which provides for the exchange of personal data) - is of increasing importance.

Of considerable relevance for the AFSJ are also the judicial rights laid down in Title VI of the Charter. With the inclusion of the right to legal aid (Article II-107, last sentence), the principle of proportionality of offence and penalty [Article II-109(3)] and the right not to be tried or punished twice for the same criminal offence (*ne bis in idem* principle, Article II-110) these judicial rights go clearly beyond mere minimum guarantees such as the rights to an

effective remedy and of defence and the principles of presumption of innocence and of legality. Taken together they define important elements of a common approach of the Member States to criminal justice and could well serve as important foundation stones for the gradual creation of an EU criminal justice system.

The incorporation of the Charter is also not without importance for the development of external relations in the JHA domain. The right to life and the prohibition of the death penalty (Article II-62), the right to the integrity of the person (Article II-63), the prohibition of torture and inhuman or degrading treatment or punishment (Article II-64) and the right to an independent and impartial tribunal previously established by law (Article II-107) could clarify and help to strengthen the Union's position in negotiations with third countries on legal assistance and extradition agreements. It should be recalled here that the problem of the death penalty and the revolting US practices in the Guantanamo Bay prison camp were among the most difficult issues in the negotiations on the EU-US legal assistance and extradition agreements signed on 25 June 2003.⁶

It is worth mentioning that the preamble of the Charter contains a special reference to the AFSJ as one of the elements through which the Union places man "at the heart of its activities". While this sounds good as a general affirmation of goodwill, one would have wished a slightly stronger reference to the fact that JHA co-operation in the context of the AFSJ can actually (and should) make a contribution to the effective protection of the Charter rights within the EU. It should also be noted that the Draft Treaty does not provide for a right of individuals to bring direct actions before the Court of Justice on fundamental rights issues. As a result fundamental rights protection by the Court will normally be exercised via the preliminary rulings procedure, arising from cases brought before national courts.

⁶ Council document no. 9153/03.

4. The Revised Policy-Making Objectives

The first thing to note as regards the policy-making objectives for JHA co-operation is that the Draft Treaty maintains the Treaty of Amsterdam approach of providing detailed lists of individual objectives for each of the main policy-making areas which almost read like legislative programmes. This is to be regretted. First of all, it is most unusual for constitutional texts to include such detailed programmatic elements which can quickly become outdated and drastically reduce the transparency of the text. Then there is also the disadvantage that these lists of objectives can be interpreted as excluding everything from EU action which is not explicitly mentioned. This is all the more of relevance as the Draft Treaty reinforces the principle of conferral by explicitly stating that all competences not (explicitly) conferred upon the Union remain with the Member States [Article I-11(2)].

The policy-making objectives currently contained in Title IV TEC and Title VI TEU are both amended and added to by the Draft Treaty. Only the more important changes can be mentioned here.

Policies on Border Checks, Asylum and Immigration

As regards border controls the Draft Treaty now provides for a “policy” rather than the current “measures” only. This seems to imply a higher degree of integration, although the term “common policy” - not very popular in some capitals - has been avoided. The most significant innovation is the gradual establishment of an “integrated management system for external borders” [Article III-265(1)(c) and (2)(d)]. This reflects the Member States’ recent move towards a much more intensified co-operation on external border issues which - driven also by the challenges of enlargement - has already come out very clearly in the Council plan for the management of external borders⁷ and the Seville European Council conclusions (both June 2002). The project of a Common European Border Guard/Police - which had some support also inside of the Convention - has not found its way into the Draft Treaty, but the

⁷ Council document no. 10019/02.

term “integrated management” is wide enough not to exclude it in the more distant future.

As regards asylum, the Draft Treaty introduces for the first time the traditionally highly charged term “common policy” [Article III-266(1)]. Yet the use of this term is less revolutionary than it might seem since the asylum policy objectives set by the European Council of Tampere in October 1999 were already so ambitious that the term could have been used ever since if some Member States had not preferred the less charged term “common asylum system”. Nevertheless, the formal introduction of a “common policy” reinforces the common ambition in this area, which is indeed added to by a number of additional objectives. This applies, in particular, to the introduction of a “uniform status of asylum” [Article III-266(2)(a)], a “uniform status of subsidiary protection” [Article III-266(2)(b)], common procedures for the granting and withdrawing of asylum or subsidiary protection status [Article III-266(2)(d)] and “partnership and co-operation” with third countries for the purpose of managing inflows of people applying for either status [Article III-266(2)(g)]. Although some elements of these objectives are already to be found in current Article 63 TEC, the foreseen common uniform status clearly goes beyond the more fragmentary existing treaty provisions which were largely based on a common minimum standards approach only. The explicit empowering of the Union to take action in relations with third countries seems a useful and even necessary complement to the substantial internal objectives in this field.

More surprising than in the area of asylum policy is the use of the term “common policy” in the area of immigration policy where the Draft Treaty seems to expect the Union to deliver on issues on which many Member States have so far largely failed to deliver effective policy responses: “efficient management of migration flows”, “fair treatment” of legally resident third country nationals, “prevention” and enhanced combating of illegal immigration and trafficking in human beings [Article III-267(1)]. These very ambitious objectives are unfortunately not matched by correspondingly comprehensive powers of the Union. New are only provisions on measures against illegal immigration, unauthorised

residence, trafficking in persons [Article III-267(2)(c) and (d)] as well as the conclusion of readmission agreements with third countries [Article III-267(3)], all areas, however, in which the Union has already become active. Provision is also made, it is true, for measures promoting the integration of third-country nationals, but these have to exclude any harmonisation of the laws and regulations of the Member States [Article III-267(4)]. It seems rather doubtful whether much of a “common policy” on the crucial issue of integration can emerge on that basis.

The most significant restriction on a “common immigration policy”, however, is imposed by Article III-267(5) which provides that Member States will fully keep their right to determine “volumes of admission” of third-country nationals for work purposes, whether employed or self-employed. With this provision one of the most crucial elements of any policy on legal immigration - the decision on numbers - is taken out of the sphere of potential EU action. This will clearly not help with the development of a common approach on opening up more channels for legal immigration, which the Commission had already advocated in 2000 because of the dramatic demographic change within the EU. It could well mean that the “common immigration policy” of the EU might remain - as it currently is - largely a policy on illegal immigration. One has to ask oneself, however, whether in a Union of 25 Member States with major differences between the historical, cultural and socio-economic context of national immigration policies and, indeed, very different immigration pressures a fully fledged “common policy” including legal immigration is indeed feasible. Yet in any case, having regard to the applicable limitations, the use of the term “common policy” in the Draft Treaty in relation to immigration policy matters seems hardly justifiable.

Judicial Co-operation in Civil Matters

In this domain the current catalogue of aims in Article 65 TEC is added to by the objectives of a “high level of access to justice”, the development of alternative methods of dispute settlement and support for the training of the judiciary and judicial staff [Article

III-269(2)(e), (g) and (h)]. As the Union has already become active in all of these areas this represents largely a codification of existing practice, although it clearly creates a clearer basis for future action. It is important that by virtue of Article III-269(1) co-operation in civil matters is to be based on the principle of mutual recognition, but “may” also include measures of approximation of national laws - which introduces a harmonisation dimension.

Judicial Co-operation in Criminal Matters

In this area the Draft Treaty increases the number of objectives from the current four (Article 31 TEU) to twelve, a number which would be even higher if one included the tasks defined for Eurojust and the European Public Prosecutor’s Office. New is, in particular, the possibility to adopt framework laws on minimum rules regarding the mutual admissibility of evidence, the rights of individuals in criminal procedure, the rights of victims of crime and other “specific aspects” of criminal procedure [Article III-270(2)], the considerably increased list (which can be added to further) of the areas of “particularly serious crime” for which minimum rules concerning the definition of criminal offences and sanctions can be established [Article III-271(1)], an authorisation for EU action in the field of crime prevention (Article III-272) and the possibility of the establishment of a European Public Prosecutor’s Office (Article III-274). All these are innovative elements, but they also raise a number of questions.

One may welcome the inclusion for the first time of criminal procedure in the treaty-defined domain of judicial co-operation as a necessary and even overdue addition. Yet harmonisation measures in the criminal justice domain are almost inevitably a sensitive issue, especially for the English and Irish “common law” systems whose criminal procedures are significantly different from those of the civil law countries. It is hardly surprising therefore that this point raised serious difficulties during the IGC negotiations, this all the more so because the Convention draft had provided for qualified majority voting on this issue. In the end the new EU competence in this domain was retained, but at the price of the introduction of a very peculiar compromise regarding decision-

making in this area (see section 7 below). Rather than establishing a rather incomplete list for potential EU action it might also have been more appropriate to open the whole area of criminal procedure to co-operation, subject to a unanimity requirement to adequately protect the interests of Member States with fundamentally different legal traditions.

The extension of the list of forms of “serious crime” eligible for EU legislative action has to be seen as a step forward, especially as regards cross-border crimes of rapidly increasing importance, such as trafficking in human beings and computer crime. One can, of course, question the approach of listing individual crimes as this will require a cumbersome separate decision-making process if other forms of crime would need to be added at a later stage.

There can be no doubt that EU action in the field of crime prevention (on best practice identification and training, for instance) can add a useful additional dimension to EU measures in the fight against cross-border crime. Yet the scope of this action is limited by the exclusion of any approximation of national legislative and regulatory provisions (Article III-272).

The provision on the possible - not mandatory - establishment of a European Public Prosecutor’s Office has been amongst the most controversial ones in the IGC negotiations. The Convention draft had provided for a very broad mandate for the Office which would have included all “serious crimes affecting more than one Member State”. This met stiff opposition primarily from the British Government which was rather sceptical anyway about the idea of establishing such an office. In the end a compromise was arrived at which limits the Office’s mandate to crimes affecting the financial interests of the Union [Article III-274(1)] but provides for the possibility of the European Council deciding to extend the Office’s mandate generally to serious crime having cross-border implications [Article III-274(4)]. As unanimity will already be required in the Council (of ministers) for the establishment of Eurojust, this means that a European Public Prosecutor’s Office with enlarged competences will have to take the double hurdle of unanimity in both the Council and the European Council. It also

has to be said that the Draft Treaty remains vague on how the Office should actually be created, providing that it should emerge “from” Eurojust. This leaves the question open whether the Office will be part of Eurojust, a separate institution, or whether it may indeed replace Eurojust.

In spite of these slightly more problematic aspects, the importance of the agreement in principle reached on the introduction of a European Public Prosecutors Office should not be underestimated: According to Article III-274(2) the Office will be responsible - within the limits of its mandate - for both the investigation and prosecution of crimes, exercising the functions of prosecutor in the competent courts of the Member States. After the introduction of the European Arrest Warrant at the beginning of 2004 this constitutes a further major step away from the principle of territoriality in the direction of a real European criminal justice area.

As regards Eurojust, Article III-273 largely codifies existing functions, this with a strong emphasis on Eurojust’s task to strengthen coordination and cooperation between national prosecution authorities. The only innovative element is the possibility to enable Eurojust to also “initiate” criminal prosecutions conducted by national authorities. In this form this is currently not provided for by the Eurojust Decision.⁸ Such an initiating role could indeed help with making the best possible use of the information and expertise available to Eurojust in the fight against cross-border crime.

Police Co-operation

The Draft Treaty streamlines and simplifies current provisions on general police co-operation while leaving their substance largely unchanged (Article III-275) - one of the few instances in which the Draft Treaty actually simplifies existing provisions, which was part of the Convention’s original mandate. As regards Europol (Article

⁸ Article 6 of the Eurojust Decision is much more vague in this respect (Official Journal of the European Communities, No. L 61 of 6.3.2002)

III-276) there are some clearly innovative elements. According to Article III-276(2)(b), Europol can not only be vested with co-ordinating functions but also have as tasks the “organisation and implementation” of investigative and operational action carried out jointly with national authorities. At first sight this may appear like a significant step forward in the direction of an “operational” role of Europol. This remains controversial in several Member States, and in many cases substantial changes to national legislation would indeed need to be introduced to enable Europol officers to take an active role in implementing policing measures. Yet Article III-276(3) severely restricts what would appear as a stronger operational role of Europol by reserving “coercive measures” exclusively to national authorities and by providing that any operational action by Europol must be carried out “in liaison and in agreement with” national authorities. One can detect a slight tension here between an attempt, on the one hand, to strengthen Europol’s role, and, on the other hand, to remove grounds for fundamental objections from the Member States. The underlying idea seems to be to make a distinction between powers of investigation - which Europol should to some extent be vested with - and operational law enforcement measures - which should remain with national authorities. This, however, should have been made much more clear in the relevant provisions which are of a rather tortuous wording. Interestingly the Convention - and in the end the IGC - seem to have been willing to go further with operational powers on the prosecution side - as the provisions on the European Public Prosecutor’s Office show - than on the policing side, an asymmetry which is clearly not in the interest of effective co-operation between European police and prosecution authorities.

A further new element is the provision for a European law or framework law on the conditions and limitations under which national law enforcement authorities may operate in the territory of another Member State (Article III-277). This has been a notoriously difficult issue for several decades with major differences persisting in national legislation which - in many Member States - continues to impose very tight restrictions on even only the movements of police officers from other Member States within the national territory. Not surprisingly, unanimity is provided for this sensitive

issue - which could well delay adoption of common legislation for many years to come.

5. Division of Powers and Subsidiarity

According to Article I-14(2)(j) of the Draft Treaty the AFSJ is a domain of “shared competence”, i.e. a domain in which the Member States shall exercise their competence only to the extent that the Union has not exercised, or has decided to cease exercising, its competence. This means to some extent a strengthening of EU competence as Union action in the JHA domain will automatically generate a pre-emptive effect on further national measures in this domain, which is currently far from clear, at least in the area of the “third pillar”. As a result of this pre-emptive effect Member States could well find it more difficult to take national action on a given issue, such as, for instance, illegal immigration, even if the Union has only taken partial action.

There is a further element of strengthening the Union side of the division of powers between the EU and its Member States. The strong emphasis placed in Article I-11(1) and (2) on the principle of conferred competences would seem to provide a heightened barrier to a gradual extension of “shared” EU powers. Yet the “flexibility clause” of Article I-18(1)⁹ allows EU action beyond explicitly mentioned powers if such action “should prove necessary (...) to attain one of the objectives set by the constitution”. As pointed out, the AFSJ is indeed one of these fundamental “objectives” listed in Article I-3, but lacks any more precise definition as regards its content and scope. At least in principle this could offer the EU quite a wide margin of manoeuvre for extending its scope of action in the JHA domain.

Apart from the principle of conferred competences, however, the Draft Treaty contains at least two other elements which are likely to support a restrictive interpretation of Union powers in the AFSJ domain. One of those is the revised subsidiarity principle of Article I-11(3) which now provides that the Union shall act in domains

⁹ A continuation of the current general enabling clause of Article 308 TEC.

outside of exclusive Union competence only “if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, either at central or at regional and local level”. Apart from generally increasing the burden of proof for EU action also in the JHA domain, the EU institutions will now also have to take into account the regional level which - especially in the case of the German *Länder* can have quite substantial powers to act on a number of JHA issues. It should also be mentioned that Article III-259 specifically mentions the role of national parliaments in ensuring compliance by legislative initiatives in the areas of police and judicial co-operation in criminal matters with the principle of subsidiarity in accordance with the “early warning” procedure provided for by Protocol on the application of the principles of subsidiarity and proportionality. Although this controlling role of national parliaments applies in principle to all legislative initiatives, the specific mentioning of it in respect of these areas of JHA co-operation could increase the pressure of justification for new measures, especially for the European Commission.

The second element which could contribute to a restrictive interpretation of Union powers is the new principle of the “respect” of “essential State functions” introduced by Article I-5(1) of the Draft Treaty. These functions explicitly include “maintaining law and order” and “safeguarding internal security”. Article III-262 takes up this principle again by providing that the JHA provisions shall not affect the exercise of national responsibilities with regard to maintaining law and order and safeguarding internal security. As most of the areas covered by the AFSJ are directly or indirectly linked to public order and internal security issues these articles could provide substantial arguments for Member States opposing an extension of EU action in certain fields of the JHA domain.

On the whole the picture regarding the division of powers is therefore a rather mixed one, with the Draft Treaty providing both some potential for strengthening the Union side of the division of powers scale, and new grounds for the Member States to restrict Union action. All this looks like a recipe for controversies which could well come up sooner or later before the Court of Justice.

6. Solidarity as a New Integration Principle

The introduction of an explicit principle of solidarity into the context of JHA co-operation is one of the most significant innovations of the Draft Treaty. If one takes the idea of the AFSJ - as a single “area” in which Member States want to find common responses to common challenges-seriously, then it would seem only logical that Member States are also solidary with each as regards the burden of these common responses. A particularly obvious example for the need of solidarity is the protection of the EU’s external borders where Member States face rather different challenges and problems because of their different geographical positions, the result being that some face a significantly higher “bill” for ensuring the high common standards of external border security agreed at the EU level. The question of solidarity is all the more important after the accession of the ten new Member States in 2004, some of which still have major capability deficits in terms of implementing some of the JHA *acquis*, particularly the EU(Schengen) external border security standards.

The Draft Treaty introduces the principle of solidarity no less than four times regarding areas of relevance to JHA co-operation. These are the framing of a common policy on asylum, immigration and external border controls [Article III-257(2)], the adoption of provisional measures for the benefit of Member States experiencing an emergency situation caused by a sudden inflow of third-country nationals [Article III-266(3)], the validity of the “principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States” for the whole of Section 2 of Chapter IV (policies on border checks, asylum and immigration, Articles III-268) and - outside of the provisions on the AFSJ - the general solidarity clause of Article I-43(1) on the mobilisation of all instruments at the Union’s disposal to prevent terrorist threats, to protect democratic institutions and the civilian population and to assist a Member State in the event of an attack. Although different meanings can obviously be given to the term “solidarity” and although a considerable margin of discretion is left to the Member States as regards the fulfilment of their solidarity

duties¹⁰, the formal introduction of the principle nevertheless marks a substantial step forward towards a system of common support for common tasks and effective burden-sharing - with the significant inclusion of the use of EU budgetary means. One can regret, however, that the solidarity principle has not simply been extended to all domains of the AFSJ as needs for solidarity can also emerge in other fields such as, for instance, the fight against organised crime where at least some of the new Member States still lack sophisticated investigation equipment.

7. The Reforms of the Decision-Making System

Much attention was given before and during the work of the Convention to the deficits of the decision-making system regarding the AFSJ, and in particular to the issue of the persisting unanimity requirement as one of the reasons for lack of sufficient progress in a number of areas. The Draft Treaty provides indeed for a number of substantial reforms on the decision-making side.

As regards voting requirements, the Draft Treaty brings a major breakthrough towards qualified majority voting. Co-decision by the European Parliament with majority voting in the Council becomes the standard decision-making procedure also for the domain of JHA co-operation. There are a number of exceptions. Unanimity will still apply to measures concerning family law with cross-border implications [Article III-269(3)], the establishment of minimum rules concerning “other” (i.e. not explicitly mentioned) aspects of criminal procedure [Article III-270(2)(d)], the identification of “other” (i.e. not already explicitly mentioned) areas of serious crime for which minimum rules concerning the definition of criminal offences may be introduced [Article III-271(1)], the European law on the establishment of the European Public Prosecutor’s Office [Article III-274(1)], the extension of the Prosecutor’s Office’s mandate [Article III-274(4)], legislative measures regarding operational co-operation between national law

¹⁰ A Declaration to Final Act on Articles I-43 and III-329 (see Council document CIG 86/04 ADD2 of 25 June 2004) leaves it to the individual Member State to choose “the most appropriate means” to comply with its solidarity obligations.

enforcement authorities [Article III-275(3)] and the laying down of the conditions and limitations under which national law enforcement authorities may operate in the territory of another Member State (Article III-277). While all these are clearly important and sensitive areas, these exclusions from majority voting should not conceal the fact that the Draft Treaty introduces majority voting on a very broad scale indeed, and this in areas such as criminal justice co-operation which were at the last IGC (2000) still far from being considered as eligible for majority voting.

While this extension of majority voting constitutes certainly a significant change, it also raises certain questions. On the one hand there can be no doubt that more majority voting on JHA matters will increase the Union's decision-making capacity on the further development of the AFSJ. The last few years have amply demonstrated - especially in the domain of asylum and immigration - that unanimity means all too often blockage or major delays, and even where decisions are taken agreements on the basis of the least common denominator. In view of the 2004 enlargement (and possible further rounds of enlargement) the advantage of increasing decision-making capacity through majority voting carries considerable weight.

On the other hand, however, this comes at a price which at least some Member States might increasingly regard as heavy. The Draft Treaty provides for majority voting in areas where Union measures can cut deeply into national legal systems and traditions as well as national concepts of law and order. Examples are the establishment of rules and procedures to ensure the recognition "throughout of the Union" of "all forms" of judgments and judicial decisions [Article III-270(1)(a)], the establishment of minimum rules concerning the definition of criminal offences in areas of serious crime (Article III-271) and the rules regarding the functions and the scope of action of the European law enforcement agencies Europol and Eurojust (Articles III-273 and III-276). It should be mentioned that measures regarding the collection, storage, processing, analysis and exchange of "relevant information" - an area of particular sensitivity to citizens - are also subject to majority voting. It seems quite a legitimate question to ask to what extent the advantage of an

increased decision-making capacity outweighs the cost of some Member States potentially being forced to introduce substantial changes which could run “against the grain” of their national legal systems as a result of being outvoted in the Council. Differences between national legal systems and concepts of public order are at least in some areas - the different approaches to violent demonstrators or drug addicts are only two examples among many - so considerable that the “costs of adaptation” for outvoted Member States could be very high indeed. This applies particularly to police and judicial co-operation in criminal matters. Yet because of the still very different situations and challenges in the field of immigration one may also wonder whether passing to majority voting on conditions of entry and residence and the rights of legally resident third country nationals [Article III-267(2)(a) and (b)] is fully justified.¹¹ There have been, inter alia, major concerns in Germany about this issue.

Against this background, it is unsurprising that the Convention’s proposals on majority voting met some opposition in the IGC. This was strongest in the domain of criminal justice cooperation, mainly because of the substantial differences between common and civil systems in this domain. As most of the other Member States were not willing to go back to a general unanimity requirement a compromise had to be negotiated, the bases of which were already worked out in November/December 2003. This compromise consists of two different elements.

The first element is the introduction of a clause in Article III-270(2) providing that any minimum rules adopted in the criminal procedure domain shall take into account the differences between the legal traditions and systems of the Member States. An earlier proposal in the IGC - in the end discarded - had in this context even referred explicitly to the “common law” systems.¹²

¹¹ However, already under current treaty provisions (Article 63 TEC) some of these aspects would have come under majority voting by 2004.

¹² See the so-called “Naples Document” (CIG 60/03 of 9 December 2003).

While this constitutes a relatively moderate protective clause which may have more impact on proposals made than on the actual decision-making process, the second element of the compromise - which has become known as the so-called “emergency brake” - is a far more problematic innovation. According to Article III-270(3) and Article III-271(3) a Member State which considers that a draft European Framework Law in the respective domains of procedural and substantive criminal law is likely to affect “fundamental aspects of its criminal justice system” can refer this draft legislative act to the European Council. This has the effect of suspending the normal legislative procedure under Article III-396. The European Council can then within four months either refer the draft back to the Council - in which case the normal legislative process is resumed - or request the Commission or the proposing group of Member States to submit a new draft which automatically means non-adoption of the original draft. In case the European Council does not act within the four months deadline or if the legislation concerned is not adopted within twelve months after the submission of a new draft, Article III-270(4) and III-271(4) provide that a group of at least a third of the Member States willing to proceed with the proposed legislation on the basis of an “enhanced cooperation” as defined in Articles I-44(2) and III-419(1) will automatically be given authorisation to do so.

This provision constitutes a monstrosity, and not a small one in a “constitution” which has its fair share of such features. It enables any of the Member States to simply interrupt a legislative procedure through a referral to the European Council. This not only undermines the idea of regular legislative process, but also gives to the European Council a *de facto* legislative role which according to the institutional system of the Union it should not have. No less questionable is the automatic granting of a permission to proceed with “enhanced cooperation” in case of a failure of the referral procedure. This not only eliminates the formal decision of the Council which would normally be required but also the mandatory assessment of such an “enhanced cooperation” framework, which could well affect the interests of non-participating Member States, by the European Commission. Here one really has to ask whether it would not have been a much “cleaner” and certainly more

transparent solution - especially in a Treaty claiming some sort of a “constitutional” status - to simply maintain the unanimity requirement for the criminal justice domain.

Another aspect of the decision-making system to which the Draft Treaty introduces changes is the right of initiative. While the European Commission is vested with an exclusive right of initiative for border checks, asylum, immigration and judicial co-operation in civil matters, the draft provides that it has to share its right of initiative in the areas of police and judicial co-operation in criminal matters with the Member States (Article III-264). Those, however, can only introduce initiatives with at least one quarter of their total number (i.e. after the 2004 enlargement, seven). This provision would seem to be a good compromise between, on the one hand, the preservation of a right of initiative of the Member States (which have introduced a number of useful proposals during the last few years) and, on the other, the need to prevent a proliferation of initiatives from individual Member States which are all too often inspired by purely national interests. The one quarter requirement could lead to a healthy “concentration” of national initiatives.

Of importance for the Union’s decision-making capacity in the context of the AFSJ is also the structure of the Council. The senior “Article 36 Committee” which currently co-ordinates Council work in the context of the “third pillar” is not any longer provided for in the Draft Treaty which will leave legislative co-ordination responsibility solely with the COREPER. Yet Article III-261 provides for the establishment - without prejudice to the role of the COREPER - of a standing Council committee in charge of promoting and strengthening operational co-operation on internal security. As operational co-operation between national authorities is crucial for the effective implementation of EU policies in the JHA domain but in its nature very different from the legislative process, it certainly makes sense to establish a separate co-ordinating committee for this task, provided that the COREPER - as the supreme decision-preparing body below the ministerial level - can still ensure overall coherence and consistency. One may ask, however, whether it is actually necessary to formally provide for such a committee in a “constitution”.

8. Implementation

The effective and comprehensive implementation of decisions is of particular importance in the JHA domain: Doubts about effective implementation of certain measures in other Member States can increase security risks and therefore make Member States more reluctant to engage in common measures. It can drastically reduce trust between national law enforcement and judicial authorities which is crucial to effective cross-border co-operation. This is an all the more important issue in the recently enlarged Union where much trust still needs to be built up between authorities in “old” and “new” Member States. It therefore seems very sensible - though again not absolutely necessary in a “constitution” - that the draft provides for adoption of arrangements for the “objective and impartial evaluation” of the implementation of Union policies in the AFSJ context (Article III-260). The model for this provision have clearly been current “collective evaluation” procedures which - especially in the Schengen context - have led to some positive results. Such “peer review” monitoring of implementation complements the much harder and more inflexible formal treaty infringement proceedings before the Court (Articles III-360 to III-362).

9. Democratic and Judicial Control

As a domain which in many cases directly touches citizens’ interests and rights, effective democratic and judicial control is of obvious “constitutional” importance to JHA co-operation. The Draft Treaty considerably strengthens the role of the European Parliament which gains co-decision powers under the “ordinary legislative procedure” [Article III-396]) or - in the case of “other” aspects of criminal procedure [Article III-270(2)(d)], the extension of the list of areas of serious crime subject to potential harmonisation measures [Article III-271(1)] and the establishment of the European Public Prosecutor’s Office and the extension of its competences [Articles III-274(1) and III-274(4)] - at least “consent” powers in most of the fields covered by the AFSJ. Only in very few fields will the Parliament according to the Draft Treaty still be limited to its current purely consultative role: administrative

co-operation between Member States [(Article III-263)], measures in favour of Member States facing an emergency situation because of a sudden inflow of third country nationals [Article III-266(3)], measures concerning family law with cross-border implications [Article III-269(3)], operational co-operation between national law enforcement authorities [Article III-275(3)] and the definition of the conditions under which national authorities may operate in the territory of another member State (Article III-277). While one can see a certain logic in limiting the EP's role under provisions such as Articles III-263, 275(3) and 277 which concern largely the role of national authorities, this is much less evident in the case of measures in the civil law domain - which can affect all EU citizens - and in the case of "solidarity" measures in favour of Member States facing a mass influx of third country nationals - as this might involve substantial EU budgetary funds. Nevertheless, the Draft Treaty brings a clear breakthrough for democratic control at the European level as the EP becomes in fact a real co-legislator for the further construction of the AFSJ. This breakthrough is further enhanced through explicit information rights of the EP regarding the evaluation of implementation of Union policies (Article III-260) and the proceedings of the standing committee on operational co-operation (Article III-261) as well as its involvement in the evaluation of the activities of Eurojust [Article III-273(1)] and Europol [Article III-276(2)].

A slight question has to be raised, however, over the EP's capacity to fully cope with all these increased powers. Already under the current "light" consultation procedure the Parliament sometimes had to struggle to keep pace with the occasionally massive legislative agenda of the JHA Council. One should also note that the EP will have no role in the definition of the strategic guidelines for legislative and operational planning within the AFSJ by the European Council (Article III-258), that it has no say if the "emergency brake" procedures according to Articles III-270(3) and III-271(3) lead to an "enhanced cooperation" and that no provision has been made for giving the Parliament a greater say on the multi-annual action plans of the Council which - although non-legislative in nature - have done much to shape the AFSJ during the last few years.

The position of national parliaments is strengthened by Article III-259 which not only gives them a particular responsibility on ensuring EU compliance with the subsidiarity principle in police and judicial co-operation in criminal matters but also grants them the same rights of participation that the European Parliament has regarding the evaluation of the implementation of Union policies, the proceedings of the standing committee on operational co-operation and the evaluation of the activities of Eurojust and Europol. Yet making full use of these new possibilities of scrutiny will require quite substantial reorganisation in some national parliaments, not all of which currently have effective monitoring procedures for EU JHA measures in place.

Regarding judicial control, it has already been pointed out above that as part of the formal abolition of the pillar structure most of the remaining “pillar-specific” restrictions on the role of the Court of Justice have been removed. There is only one exception: According to Article III-377 the Court’s jurisdiction does not extend to operations carried out by the police or other national law enforcement services and to measures under national law regarding the maintenance of law and order and the safeguarding of internal security. This restriction is in line with the principle of the “respect” of “essential State functions” in maintaining law and order and safeguarding internal security in Article I-5(1) and should not unduly restrict the Court’s power of judicial review of Union measures. The removal of all other restrictions has to be welcomed as a significant - and overdue - step towards comprehensive judicial control and protection within the AFSJ. Yet the burden of cases arising from JHA issues could significantly increase in the future and this may make it necessary to make use of the possibility opened by Article III-264 to establish one or more specialised courts of first instance attached to the High Court for certain classes of action or proceedings brought in specific cases. Asylum and immigration as well as the areas of civil law and criminal co-operation would be the most obvious areas for considering the establishment of such specialised courts.

10. Overall Assessment

The reforms of the Draft Treaty are substantial enough to regard them as creating indeed a new basis and framework for the further development of the AFSJ. The most significant elements in this respect are the formal abolition of the three “pillars”, the incorporation of the Charter of Fundamental Rights, the extension of the policy-making objectives, the introduction of solidarity as an integration principle and the breakthroughs on majority voting and parliamentary participation. Taken together these elements constitute clear “added value” in respect of the existing framework. They create a significant potential for the further development of the AFSJ as a major political project of the EU, both in terms of an increased capacity to act in all the main policy areas, including highly sensitive domains such as cooperation on criminal justice issues, and more guarantees for citizens in terms of protection of their rights and democratic control.

The Draft Treaty also has its flaws. No effort has been made to arrive at a clearer definition of the fundamental objectives of the AFSJ or to emphasize the need for a better balance between “freedom”, “security” and “justice”. In the absence of that it is rather likely that the current emphasis on security, reinforced by the terrorist threat since 11 September 2001, will continue to shape the further development of the AFSJ. This increases the risk of the AFSJ becoming a pure internal security project with its inevitable accumulation of primarily restrictive measures.

Then the Draft Treaty is also unbalanced, providing in some areas much more progress than in others. The provision for potential cross-border prosecution powers for the European Public Prosecutor’s Office on the one hand, while on the other Europol is still not vested with any operational powers is one example. The introduction of a “common” immigration policy with much more action possibilities on the side of the fight against illegal immigration than on that of legal immigration is another.

Finally the Draft Treaty bears in many parts the mark of cumbersome compromises. Yes, the “pillars” have been formally

abolished, but a number of special decision-making rules lend them a sort of “ghostly” after-life which overshadows and blurs the unity of the AFSJ. More general provisions in one paragraph are in many cases made subject to detailed special rules which partially restrict or change the meaning of the more general provision or obscure the general rationale of Union action in the respective field.

11. Implications for EU Relations with Mediterranean Partners

Justice and home affairs played a comparatively marginal role during the first years of the Barcelona process, but they gradually moved up on both the multilateral and bilateral agenda, mainly as a result of the extension of internal EU objectives and action in this domain. When the Union included in June 2000 a substantial range of JHA issues in its Common Strategy on the Mediterranean Region¹³ - from visa policy issues over migration to the fight against organised crime and terrorism - there could not any longer be any doubt that this domain had become one of the priorities also in relations with the Mediterranean partners. Although not all aspects of the EU’s JHA cooperation agenda have been met with enthusiasm by Mediterranean partners - the Union’s strong pressure regarding readmission arrangements is probably the most prominent example - the overall response has been positive enough to allow for some real progress of cooperation in this domain. While provisions relating to justice and home affairs have been included in all Euromed association agreements concluded or under negotiation, a major step forward at the multilateral level was achieved with the adoption of the “Regional cooperation programme in the field of justice, combating drugs, organised crime and terrorism as well as cooperation in the treatment of issues relating to the social integration of migrants, migration and movement of people” by the Euromed ministerial conference in Valencia on 22/23 April 2002.¹⁴ Its most concrete results have so

¹³ OJ L 183/5 of 22.7.2000 (paragraphs 22 and 23).

¹⁴ For text see Euromed Report, Issue 44, 29 April 2002

(http://europa.eu.int/comm/external_relations/euromed/publication/euromed_report44_en.pdf).

far been the implementation of cooperation projects on the training of magistrates and of police forces (managed by the European police college CEPOL) as well as the development of a permanent observation and analysis system regarding migratory flows in the Mediterranean. The progress made was welcomed on the occasion of the informal Euromed ministerial meeting in Dublin on 5/6 May 2004,¹⁵ and the second stage of the implementation of the Valencia programme has been programmed for 2005 to 2006 with a total budget of Euro 15 million. A number of JHA relevant projects are also funded - some of them with quite substantial means - under the the bilateral cooperation programmes with individual Euromed partners. The bilateral programme on border control management with Morocco approved on 22 August 2003, which is aimed at a better management of migratory flows by combating illegal immigration of origin and transit and has a total financial volume of Euro 40 million, is a prominent example in this respect.

While clearly some significant progress has been made in recent years as regards the Union's cooperation with Mediterranean partners in the JHA domain, the Draft Treaty, if ratified, will give a new impetus to Euromed relations. The reforms which the Draft Treaty brings to the AFSJ are likely to have major implications for the future development of the Union's relations with the Mediterranean partners in this domain.

First, the enhanced internal capacity to act which the Draft Treaty gives to the Union in nearly all policy-making domains is likely to be paralleled by stronger external action. In addition, the introduction of a single legal personality of the Union in combination with the abolition of the pillar structure makes it easier for the Union to engage in unified comprehensive action vis-à-vis third countries. This could lead to stronger pressure on Mediterranean partners to accept EU priorities in the JHA domain to expand cooperation frameworks.

¹⁵ See paragraph 71 of the Presidency Conclusion of the meeting: <http://www.eu-del.org.il/english/whatsnew.asp?id=280>

Second, with its extended possibilities for the Union to act in domains such as the fight against crime, terrorism and illegal immigration and the absence of any rebalancing between “security” on the one hand and “freedom” and “justice” on the other, the Draft Treaty is likely to enhance the Union’s internal security objectives in JHA relations with the Mediterranean partners. This is all the more probable as there is clearly a growing internal security threat perception vis-à-vis the Mediterranean as a source of major illegal immigration flows, of organised crime¹⁶ and of infiltration by Islamist terrorist groups. As a result, relations in the JHA domain are likely to become even more “securitised” with more emphasis by the EU on restrictive measures and law enforcement cooperation.

Third, as the “common immigration policy” provided for in the Draft Treaty is essentially a common policy on the fight against illegal immigration with much less potential to develop a common approach on legal immigration, measures against illegal immigration are likely to figure even higher on the Union’s agenda in relations with Mediterranean partners than they already do. This could also mean that certain measures in favour of Euromed partners might become more conditional upon the extent to which they cooperate effectively with the Union on “managing” migration.

Fourth, the provision for an “integrated management system for external borders” will - in combination with the general emphasis on internal security - mean that the Union is likely to further harden its external borders. So far, most of the measures have focused on land borders (especially in Eastern Europe), but since the Seville European Council of June 2002 and the Council Action Plan on borders¹⁷ adopted in the same month there has been an increasing number of projects relating to Mediterranean sea borders, including joint patrolling by naval units. The introduction by the Treaty of an

¹⁶ Europol’s “2003 EU Organised Crime Report” (The Hague, 21 October 2003, File number 2530-132) gives several indications in this respect.

¹⁷ “Plan for the management of the external borders of the Member States”, Council document no. 10019/02.

explicit solidarity principle in relation with external border controls could well lead to a significant upgrading of the pooling of resources by Member States and the development of more systematic and more common-standard-based border controls in the Mediterranean. While this would clearly add to the “fortress Europe” aspect of the AFSJ, it might also offer some further potential for cooperation as close operational cooperation with countries on the “other” side of the EU border has increasingly become a central element of the EU’s external border strategy.

Overall, it is to be expected that the strengthening of the AFSJ resulting from the Draft Treaty will lead to a stronger projection of some of its elements, especially its security rationale, to the Mediterranean. This tendency is already very much reflected in the justice and home affairs priorities defined in the European Commission’s European Neighbourhood Policy Strategy Paper of 12 May 2004.¹⁸ From a justice and home affairs perspective the new “European neighbourhood” concept, of which the Mediterranean is a key part, is essentially a neighbourhood relevant for the EU’s internal security - and the Draft Treaty will give the Union the capability to act more than ever before in this perspective.

¹⁸ COM(2004)373, especially pp. 16-17.

THE EURO-MEDITERRANEAN CHALLENGE: DEMOCRATISATION OR GOOD GOVERNANCE?

RODERICK PACE

The EU's Mediterranean initiatives have their strong and weak points. For that reason some recently proposed policy directions are worthy of close scrutiny. The first, which however will not be analysed at length here, concerns the interface between the Euro-Mediterranean Partnership (EMP) and the new Neighbourhood Policy as well as the Strategic Partnership with the countries of the Middle East which was announced last June. Has the EMP been devoured by the Neighbourhood Policy so that in fact we are living in the post-EMP stage already? Many are confounded by this uncertainty and the EU needs to clarify the position as soon as possible in order to ensure greater transparency of goals and perhaps improved decisiveness in action. The second issue which shall be analysed at more length here is that as a result of modest policy achievements in the Mediterranean region, that have often been judged to fall short of projected targets, the EU seems to be constantly groping for useful conceptual tools that would extricate its initiatives from the morass of ineffectiveness. Prescriptions are often discarded as quickly as they are prepared. Rather heroically last year the Commission was proposing mainstreaming human rights in its policies towards the Mediterranean region in an aggressive manner. Recent Commission proposals seem to suggest that the EU ought to pursue good governance first. Does this entail that democratic reforms and main-streaming democracy have taken a back seat in the Commission's approach to the Mediterranean? What is the position of the member states? What the Commission seems to be suggesting is that the EU should first pursue good governance and democracy may or may not follow afterwards.

Last year the European Commission published two communications, one in May the other in October, the first dealing with democratisation in the Mediterranean region, the second with the issue of governance in developing countries. Although the latter is not specific to the Mediterranean region the Communication has obvious ramifications on the evolution of the EU's Mediterranean

policies.¹ The two communications seem to espouse two different policy approaches, two distinct paradigms, to political reform in the region. The first emphasises the need of radically changing the political structure of Mediterranean societies, albeit gradually, to help them cross over from authoritarianism to liberal democracy. We can label this the '*high politics*' of democratic transition. The second takes a bottom-up approach, claiming that in developing countries more emphasis should be placed on governance, which by a process of spill over may lead to the attainment of a democracy. The strong points of this approach is that it encourages the conditions for eventual rapid economic growth while dispensing with the messier and more daunting challenges of deep political changes as implied by the human rights/democracy approach. We can also call this approach the '*low politics*' of a broader democratisation process. It attaches more importance to economic and social reform as a catalyst for political change. In addition there seems to be some claim on the part of its supporters that it dispenses with one important problem that has dogged efforts to induce political change from outside: it can be *country-owned* and *country-driven* thus whitewashing the image of 'external interference'. In brief the policy issue does not seem to be a simple choice between democracy and good governance. In all probability the optimal approach to the region is one which includes elements of both governance and democracy, perhaps something resembling Sylvia Chan's Asian model which could be applied to the peculiar characteristics of the Mediterranean region.² This paper seeks to focus on issues just raised particularly on the relationship between democracy and governance, seeking to establish the extent to which they are different, whether one is prior to the other, whether a distinction between the two is necessary for the success of the EU's policies in the Mediterranean region or

¹ Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee, on *Human Rights in the Mediterranean Region* [Com (2003) 294 final of 21 May 2003] and on *Governance and Development* [Com (2003) 615 final 20 October 2003]

² Chan Sylvia, *Liberalism, Democracy and Development*, Cambridge University Press, 2002.

whether such a distinction is possible or whether some other paradigm is required.

The question of the relationship between democracy and economic reform/development is a very old one with writers often taking very diametrically opposed positions. There are those like Samuel Huntington, who believe that some cultures are inherently incompatible with liberal democracy. There are some who favour what Amartya Kumar Sen refers to as the “Lee Hypothesis” which claims that ‘disciplinary’ states can better handle economic change and achieve substantively higher rates of economic growth than democracies. Sen disagrees with this assessment on theoretical and practical grounds. Sen’s approach is fully espoused by the Arab writers of the UNDP *Arab Human Development Reports*.³ The EU, the USA and many international organisations not least among them the UN are explicit in declaring that democracy and economic liberalisation go hand in hand.⁴ The positive causal link between economic growth and democracy has meanwhile been challenged by Sylvia Chan who claims that the success of some Asian economies rests on the fact that they were capable of freeing themselves from classical liberal approaches preferring instead a particular mix (or matrix) of economic and civil liberties with less emphasis on political liberties.

The related issue of ‘external interference’ in the ‘internal affairs’ of states is one of the major ones that trouble the EMP. Thus a new approach which steers an independent course from the current European policies, perhaps a modified Chan model could in all probability enjoy more support in the Mediterranean Region if it could dispense with the image of interference. It could also be more responsive to the region’s unique conditions. This of course will have to be tested empirically. Meanwhile, the notion of ‘interference’ itself needs to be opened up and analysed further. For

³ *Arab Human Development Report* (2002 and 2003), UNDP, Arab Fund for Economic and Social Development.

⁴ These issues were covered in Pace R., “Democracy, Economic Development and Regional Stability in the Mediterranean Region,” in Xuereb Peter G., *Euro-Med Integration and the Ring of Friends*, EDRC, 2003, pages 101-134.

the colour of its skin seems to vary depending from which angle one looks at it. 'Interference' is conveniently invoked by governments sensitive to criticism by members of the international community for their unsatisfactory democratic and human rights record. However, failed policies produce economic and social upheavals and produce shockwaves of varying degrees of strength and importance in the rest of the world community. In an open and interdependent world system such as ours, serious problems of poverty and political instability caused by bad policies, worse still by failed states, cannot anymore be simply ignored and left to fester in some forgotten and isolated corner of the globe because of their broader repercussions and the swift manner in which their side effects could spread beyond these isolated corners.

In short, in a more open and interdependent world system, political instability has comparable transboundary spill over potential and negative effects or externalities as environmental pollution. What one does in one's own country is not necessarily solely of concern to itself. It is legitimate for states whose welfare can be negatively affected by domestic turbulence in their neighbouring states and its fallout, to demand that the latter observe standards and norms of behaviour in their domestic domains or to co-operate with them in containing such turbulence. One cannot lead a peaceful life in a condominium unless one can persuade the neighbours to lower the volume of their noise. Were states to be completely isolated from one another, and leaving aside the vexed issue of the universality of rights, then the world could perhaps afford to be indifferent to what governments did in their respective national domains. Alas, in a more open world characterised by globalisation, in which crime, proliferation of weapons of mass destruction, terrorism, migrants and refugees can move more easily across political frontiers and threaten the peace and stability of otherwise peaceful societies, questions of democracy, human rights, good governance, ethnic and minority rights cease to be purely 'local affairs' and take on more of the properties of "global responsibilities" such as transboundary pollution or pandemics. No amount of 'cultural diversity' arguments suffice to justify indifference or 'non interference' particularly when matters threaten the broader global welfare. Without having to engage in a discussion on whether rights are

natural, God-given or universal, at a minimum the respect of certain common norms becomes essential. This is what international law and international regimes are there for - to help states relate peacefully to one another, on the assumption that there exists some minimum global community of interests which can only be achieved by collective common action.

States have an array of means to encourage unstable states to conform, short of compelling them by the use or threat of using force. Milda Anna Vachudova analysing the democratisation process in Central and Eastern Europe, made reference to “*passive leverage*” i.e. the force of attraction of markets and institutions.⁵ The quest to attain membership of the EU encourages states to change their political systems and adopt market economies. Alternatively states can use coercion through economic sanctions, denial of market access or as some would argue (e.g. the Bush Administration) the use of “pre-emptive” force. All these policy choices are controversial to say the least. What seems certain is that a Union of 25 states with a population of 450 million such as what the EU has become, has every capacity to practise “*passive leverage*” to advance freedom and stability.

Whatever policy line is followed in the Mediterranean region, it is bound to raise a measure of misunderstanding and acrimony. For countries on both shores of the sea misunderstanding and the problem of lack of communication must be addressed. Roberto Aliboni argues in favour of devising a ‘common language’ to bridge this divide.⁶ The European Commission’s recent Communications on democracy and good governance must be seen as an integral part of this attempt at finding a common language. What is lacking is a detailed reaction to this position by the southern Mediterranean states which could serve as a first step towards achieving a common language. For in constructing this

⁵ Vachudova Milada Anna, “The Leverage of International Institutions on Democratising States: Eastern Europe and the EU”, *EUI Working Papers*, RSC No 2001/33, European University Institute, Florence, 2001.

⁶ Roberto Aliboni, “Common Languages on Democracy in the Euro-Mediterranean Partnership”, *EuroMeSCo Papers*, No 31, May 2004

common language it goes without saying that both sides must be seriously and extensively involved.

But first it is essential to resolve the first issue, namely that in the Commission Communications under discussion, as has already been pointed out, there seems to be a cleavage between governance and democracy which could possibly lead to different but not perhaps unconnected policy outcomes. From this point onwards, this analysis seeks to identify the relationship between 'governance' and 'democracy' and then to go on to explore a number of issues related to them and the manner in which economic and political reforms could be approached in the EMP.

Good Governance

In the last quarter of 2003, the European Commission published a Communication on governance and development.⁷ The Communication is interesting from many angles, however its central point is that it contrasts 'governance' and 'good governance' and to the extent possible it attempts to disaggregate 'governance' from democracy. The Commission seems to be suggesting a new approach to the challenge of democratisation in third countries involving a three stage process moving from governance to good governance and then on to the last and final stage which would be the achievement of democracy:

- STAGE 1** Essentially the aim would be to develop **governance** in a partner country until it reaches the highest stage of development which is **good governance**;
- STAGE 2** Further develop **good governance** until it spills over into **democracy**;
- STAGE 3** Strengthen **democracy**.

⁷ Ibid., *Governance and Development*, Com (2003) 615 final, Brussels 20.10.2003

According to the Commission, one of the many attractions of this approach is that the governance process would be ‘owned’ by the country concerned and that the reforms to be carried out would be country-driven. The Communication’s approach as shown here also seems to cut short the argument as to which should come first, democracy or economic reform. Democracy is the final, cumulative stage of development which begins from the initial step of attempting to achieve governance. Disaggregating democracy and governance is not a completely novel approach and it finds resonance in (for example) Dimitris Xenakis and Dimitris Chrysoschoou who argue that:

“good governance...seen primarily as a flexible policy structure, aims at distancing itself from absolute notions of democracy and democratisation, focusing instead on a set of norms and rules that are associated with what can be taken to denote a system of working relations based on the constitutive elements of openness and transparency; public accountability; lack of corruption; the institutionalisation of civil society; the socio-political dimensions and, crucially, sources of legitimacy; civic competence (defined as the institutional capacity of citizens to be actively engaged in the political process); individual and collective liberties; civic entitlements; minority and human rights; efficient public-sector management; equitable distribution of public resources; deliberative political processes; the independence of the judiciary; the conception and enactment of well-articulated laws, and so on.”⁸

This approach to governance is surely intended to extricate it, as the writers emphasise, from the more complex and difficult question of political reforms aimed at instituting full-blown liberal democracies which are feared and resisted by the political elites in the south. This difficulty constitutes a real obstacle in the further development of the EMP. Thus while the EU rhetoric (less so in

⁸ Xenakis Dimitris and Chrysoschoou Dimitris, *Agora Without Frontiers*, Volume 9, No 4, Institute of International Economic Relations, Athens, March-May 2004, page 270.

practice) maintains that democracy and the market economy must progress hand in hand, the southern Mediterranean states may be readier to accept a more limited programme of political reform, a cocktail of elements from both the democratic process and good governance. Such a matrix of selected items would hopefully help the southern littoral states achieve good governance possibly with or without any further end points in mind.

But when discussing governance and democracy a further difficulty arises. Broadly speaking when reference is made to democracy, it is the Western-Liberal model based on the market economy, the respect for fundamental freedoms, the separation of powers and the rule of law that most people, including its most ardent opponents have in mind. When it comes to defining governance, the opposite is the case. The term has been given so many different meanings by governments and international organisations that it would perhaps be easier to list its denotations, which are many, than to find a measure of consensus on its connotation. *Appendix One* comprises a table of various approaches to measuring and defining governance. Some meanings of governance are very loaded. Sylvia Chan observes that although international organisations such as the World Bank have done their best to avoid declaring openly what kind of political regime is desirable to achieve good governance, emphasising instead the process by which authority is exercised and the capacity of governments to design, formulate and implement policy, it is clear that “politically neutral recommendations presuppose profound political change and represent a political vision. In essence, the concept of ‘good governance’ means a state enjoying legitimacy and authority derived from a democratic mandate and built on the traditional liberal notion of ‘separation of powers’ and the ‘rule of law’, as commonly agreed to be the case in Western industrialised countries. In other words it is derived from the model of ‘liberal democracy’.”⁹ This has very important implications for designing policies and for establishing criteria to measure their progress. Besides, ‘governance’ has a dual personality in being both an

⁹ Ibid., Chan (2002) page 17.

objective to be achieved and a criterion for measuring policy outcomes.

The Commission defined governance as a basic measure of quality and performance of any political/administrative system and went on to define it like this:

“Governance is a key component of policies and reforms for poverty-reduction, democratisation and global security. This is why institutional capacity-building, particularly in the area of good governance and the rule of law is one of the six priority areas for EC development policy that is being addressed in the framework of EC programmes in developing countries”.

While there is no internationally agreed definition of governance, the concept has gained importance and over the last ten years...Governance concerns the state's ability to serve the citizens. Such a broad approach allows one conceptually **to disaggregate** governance and other topics such as human rights, democracy or corruption. Governance refers to the rules, processes, and behaviour by which interests are articulated, resources are managed, and power is exercised in society. The way public functions are carried out, public resources are managed and public regulatory powers are exercised is the major issue to be addressed in that context. The real value of the concept of governance is that it provides a terminology that is more pragmatic than democracy, human rights, etc. In spite of its open and broad character, governance is a meaningful and practical concept relating to the very basic aspects of the functioning of any society and political and social systems. It can be described as a basic measure of stability and performance of a society. As the concepts of human rights, democratisation and democracy, the rule of law, civil society, decentralised power sharing, and sound public administration gain importance and relevance as a society develops into a more sophisticated political system, governance evolves into good governance.”¹⁰

¹⁰ Ibid., points 3 and 4

The Commission's definition of governance conforms to its three-stage scheme outlined above. Curiously the wording seems to place corruption outside the realm of governance. In its Communication, the Commission also quotes the definition of governance inserted in Article 9.3 of the *Cotonou Partnership Agreement*:

“In a context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of the rule of law in the management of resources and capacity-building for elaborating and implementing measures aiming in particular to preventing and combating corruption”.

In the Cotonou definition of governance, there is a tacit acceptance that good governance does not precede democracy, but democracy is what makes good governance possible. At the very least this is a controversial assertion with various policy implications and which is at variance with the current Commission definition as discussed earlier in this paper. Thus even before governance-centred policies could emerge there is a great need for clarifying the meaning of 'governance'.

Apart from the many different meanings that have been attributed to 'governance' the term takes on a different aspect when it is applied to different levels of decision-making, namely the global, regional (i.e. international region), sub-regional, national and sub-national which may also include sub-national regional and local levels. Applied to the EMP, governance is used on the one hand in the discussion of the individual polities of the Mediterranean states, but it is also significant in a different though not wholly unconnected sense in a discussion of the institutional structure of the EMP itself.

The literature also seems to indicate that the stronger the attempt to define governance in a most comprehensive manner so as to encompass most if not all of the shades that it has been painted in, the more it approaches the definition of democracy. Thus the exercise of conceptually separating governance and democracy as a 'linguistic' device in order to avoid the implementation problems and obstacles allegedly generated by democracy, becomes a futile one when governance becomes more than just a simple set of criteria to guide economic and social reforms and begins to demand deeper and broader political reforms for its sustenance, if not a root and branch overhaul of the political system. In addition, can good governance be sustained in the longer term without democratisation? The evidence from the Mediterranean region seems to show that authoritarianism, corruption, clientalism, the rentier economy and excessive bureaucracy are mutually reinforcing. For example, how can Mediterranean societies overcome the drawbacks just mentioned without the essential elements of a democracy? How can institutions whose arbitrariness is not open to public scrutiny and control eradicate the worst side effects of authoritarianism, i.e. bad governance? The invocation of the '*Asian model*' has obvious relevance when answering this question.

A quick survey of the Mediterranean region shows that the economic growth experience of the democratic countries is much better than that of those which are still in the grips of authoritarianism. But this may also be no more than circumstantial evidence. This relative success could be explained by the fact that the northern littoral states entered the phase of economic liberalisation before the southern shore ones, which plodded on with their outdated, often state-centric, economic policies well into the 1990s. Thus the critically determining factor which led the southern shore countries to fall behind could owe more to the wrong economic policy choices than to their kind of political regime. In other words it may be argued that if the economic philosophy is changed it is just possible to attain brisk economic growth without the immediate need, though it may nevertheless happen later as a result, of changing the political system. The case of Egypt's liberalisation process started in 1974 undermines this

argument. As Richard Pomfret observed, although in that year Egypt proclaimed a new ‘*open door*’ policy to replace import-substitution, “Foreign investors rushed to take a look at Egypt but few decided to stay when they saw how difficult it was to do business there.”¹¹ What drove them off? Mostly the same kind of problems such as bureaucracy, red-tape, corruption, the lack of financial intermediaries, in short those same aspects of bad governance and underdeveloped market economy that are blamed today for the region’s poor economic performance and its inability to attract foreign direct investment (FDI) in sufficient quantities. It seems that political stagnation in the southern Mediterranean states has delayed the transition to good governance, which in turn has stifled economic growth.

The evidence is even more compelling when the case of Turkey is brought in. For a long time Turkey followed an import-substitution economic policy. Political turbulence in the seventies led to the intervention of the military in 1980 and political stability was soon established. The 1980 intervention also led to a change in policy in Turkey from one of protectionism and import-substitution to one of more openness. But this new policy thrust still fell short of achieving the right macroeconomic fundamentals (inflation and public spending to mention two) and these combined with corruption and red-tape continued increasing unabated. Then crisis struck: towards the end of 2000 and the first few months of 2001, Turkey came close to economic collapse. High inflation, a growing public debt, a runaway public deficit and extreme resistance to getting on with economic reforms depressed business confidence, instigating a run on Turkish banks. In the light of this crisis, a strong restructuring programme was put in place with the help of the IMF and the Turkish Lira was floated. Three years later, growth averages 6-7 per cent per year, inflation has come down to single digits, expectations about inflation are good, i.e. that it is being tamed, and all the main macroeconomic indicators except the crucially important public debt figure are looking healthy.¹²

¹¹ Pomfret Richard, *Diverse Paths of Economic Development*, Harvester Wheatsheaf, 1992, page 80.

¹² See *IMF Survey*, Volume 33, No 17, 20.09.2004

Turkey's case shows that a cocktail of political instability, wrong macroeconomic policies and bad governance are disastrous. Further, that half-baked solutions comprising a restoration of political stability and more open economic policies which do not however give sufficient attention to crucial economic policies such as controlling inflation and public spending while ignoring the need of good governance may also lead to a dead end. What seems to work is a formula comprising the maintenance of political stability, sound and far-reaching economic policies that leave no crucial element out and good governance.

Contrasting the case of Turkey with that of Egypt (the two most populous Mediterranean states) we can draw a number of conclusions: authoritarianism or centralised political control is no guarantee of success unless it is enlightened as to where it wants to arrive at. Authoritarianism with no clear macro-economic policies (pre-200/01 Turkey) is as bad as authoritarianism with some worthy economic policies but without good governance. Extending this analysis to the broader Mediterranean region we find that all of the countries of the southern Mediterranean are under some form of authoritarian regime, though the intensity of this authoritarianism differs a lot across the group. All suffer from a huge deficit in good governance. Their economic performance also varies: some have performed badly mostly due to internal political upheavals (Algeria, Lebanon), some suffered as a result of international embargoes (Libya) while others have done relatively well due to more open economic policies. Nearly all of them have pursued state-centric economic policies for a long time. All have suffered from adverse geo-political developments such as the war in Iraq. In general it can be said that where modest economic growth was achieved it was however swamped by their growing populations leading to no real improvements in GNP per capita. It is then very difficult to nail the cause or causes of the region's economic problems to a single factor. The evidence is that those countries that have relatively-speaking advanced most on the road to economic reform (Turkey, Israel and Tunisia) seem to have performed better. Indeed, what has been repeatedly stressed by major aid donors over the years is the need of improving good governance and overcoming the enormous resistance to change.

The 2004 *World Bank Strategy Paper for the MENA Region* summarises the problems thus:¹³

1. The region is politically sensitive: Geo-political considerations, the Israeli-Palestinian conflict, the war in Iraq, a process of political transition in the face of strong vested interest groups, religious extremism, and volatility which creates enormous uncertainty all increase the degree of political sensitivity in the region. This sensitive political environment leads to prudence on the part of the leaders in adopting new policies with long-term benefits but immediate social costs.
2. The region is slow and lagging in reforms: Countries are slow to move on structural reforms and for decades have performed well below their potential. Oil and strategic rents have enabled many countries to postpone reforms while putting in place social and employment policies that are proving increasingly unsustainable. Serious governance issues in both the public and corporate sectors are not being adequately addressed. MENA policies are ill-suited to the global economy. The region has not featured in the upsurge of private capital to developing countries. Distortions continue to thwart competitiveness. Savings rates are below those in comparator countries. In the absence of successful non-oil trade diversification, it will be very difficult for MENA countries to find alternative sources of sustained growth as neither oil, nor aid, nor workers' remittances are likely to be sufficient to generate adequate employment and incomes in years to come. That is why one of the key pillars of our strategy is to assist governments to build a business climate conducive to investment, jobs and sustainable growth.

¹³ World Bank: Middle East and North Africa Region, Strategy Paper (*Updated June 2004*)

[http://lnweb18.worldbank.org/mna/mena.nsf/Attachments/MNA+Strategy/\\$File/MNA+Strategy+2004.pdf](http://lnweb18.worldbank.org/mna/mena.nsf/Attachments/MNA+Strategy/$File/MNA+Strategy+2004.pdf) (21.10.2004)

Furthering the Quest for a Common Language

Another approach to the question of political reforms in the Mediterranean Region favours a more parsimonious and top-bottom approach urging radical democratic and economic changes in order to usher in the liberal economic-democratic state. This approach gained popularity, not least with the EU, following the fall of communism and in the light of the convulsions that shook Central and Eastern Europe afterwards. In the heady days following the fall of the Berlin Wall many were ever so ready to graft the European experience on to other regions, despite the markedly different conditions.¹⁴ Fortunately since then European policies are more down to earth. In this case as well, cultural differences and experiences, not to mention the need to avoid all semblance of 'interference' have also led to the promotion of the need of constructing a common language of democracy or of bridging the gap between the many discourses on democracy if any headway is to be made towards the establishment of mutually acceptable criteria, not only to assess progress - or regression - in the democratisation process but also to map out a clearer course of action for the future. It was partly as a reaction to this approach that other courses of action have been proposed such as the one beginning with governance as discussed in the previous section.

The insistence by the EU, and the Western democracies, on the need of political reforms to strengthen democracy and the respect of fundamental freedoms in their partner countries in the developing world, is often interpreted, not least in the Mediterranean region, as an interference in the internal affairs of states which goes against the principle of state sovereignty. This reaction is a symptom of the cleavage that exists between the claims to 'universality' of Western, liberal values and those of cultural relativism. According to R.J. Vincent the debate between universality and cultural relativism has been going on in the history

¹⁴ For example in 1990 Spain and Italy proposed the convocation of a Conference on Security and Co-operation in the Mediterranean (CSCM) in order to repeat the 'success' of the Conference on Security and Co-operation in Europe (CSCE) in the Mediterranean Region.

of Western political thought for around two centuries.¹⁵ One of the many claims of the cultural relativity argument is that the moral claims deriving from outside a culture have no validity within it. This amounts to asserting that a society is effectively withdrawn from the moral scrutiny of others. Vincent poses the question: “should the rest of the world have no say about a society in which the rulers practice slavery or starve their people?”¹⁶ The acceptance of a minimum set of ‘universal’ rights cannot thus be altogether avoided. Also, as argued earlier, in the global society, it is arguable how much and to what extent that which happens locally is purely local.

In the universality versus cultural relativity debate there seems to be an underlying motif that what is developed in one cultural domain cannot be universalised or applied in other domains - which is not true. It is like saying that if freedom from torture emerged as a value in Western societies then its application in other socio-cultural contexts is not necessary, worse that a culture could actually sanction the torture of humans as one of its basic values (moral relativism). There is also evidence that cultures and civilisations borrow from one another in their evolution.

The alleged incompatibility of democracy with Muslim societies (the cultural relativity argument) comes from three main angles: from ruling elites in the Arab world, from their religious fundamentalist opponents and from some Western Liberal thinkers who argue like Samuel Huntington does that “*Islamic culture explains in large part the failure of democracy to emerge in much of the Muslim World*”¹⁷ or like Francis Fukuyama who holds that although Islam poses a threat to liberal practices in the Arab World, in the longer term the Islamic World would seem more vulnerable to liberalism.¹⁸ Fukuyama’s views, if correct (depending of course

¹⁵ Vincent R. J., *Human Rights and International Relations*, Cambridge University Press, 1995.

¹⁶ Ibid. page 55.

¹⁷ Huntington Samuel P., *The Clash of Civilizations and the Remaking of World Order*, Touchstone Books 1998, page 29.

¹⁸ Fukuyama Francis, *The End of History and the Last Man*, Penguin Books, 1992, pages 45-46

on what he means by “vulnerability”), would also justify a sceptical attitude by Islam towards liberalism. The views expressed by Huntington and Fukuyama are consistent with those of the ‘Orientalist’ school which holds that democracy is alien to Muslim culture. But *Orientalism* consists of many strands, one of which is culturally deterministic maintaining that democracy and Islam are incompatible for inherently cultural reasons, while the other is historic, attributing the lack of democracy in the Muslim world to historic reasons, which are contingent. In opposition to the *Orientalists* stand the neo-*Thirdworldists* who focus on the elements of democracy permeating Islamic political systems which have the potential of developing further if encouraged to do so or if conditions turn in their favour.¹⁹ The views expounded by Huntington, Fukuyama and the *Orientalists* are also contested and contrasted by some Islamic scholars such as Khaled Abou El Fadl who argues that in sharp contrast to the authoritarianism which is rampant in most Moslem states, a constitutional democracy protecting individual rights is the most suitable polity to help Moslems attain Islamic values as enshrined in the Koran and the Shari’a.²⁰ This kind of reconciliation of liberalism with the Koran has the advantage of maintaining the unity of the aims (as seen from a western perspective) of ‘religious’ and ‘secular’ law which is the main characteristic of Muslim culture and society.

The first strand of Islamic thinkers, those who harp on the incompatibility of Islam and democratic/liberal values, argues that because of its claims to universality, liberalism is not only intolerant of local, indigenous values and cultures but it also subdues Islamic values. Thus the ‘universality’ of the principles of democracy and of fundamental freedoms is attacked and labelled “Western”. The “West” is accused of trying to impose its values upon the weaker developing world. This criticism has a special appeal among extremist religious-inspired Islamic movements

¹⁹ Aliboni, pp 11-12.

²⁰ El Fadl Khaled Abou (edited by Joshua Cohen and Deborah Chasman), *Islam and the Challenge of Democracy*, A Boston Review Book, Princeton University Press, 2004

opposing their governments in the Arab World as well as among the elites resisting political reform for whatever reason. Political elites claim that democracy would deliver power to religious fundamentalists and that this would represent a definite step backwards in the ‘modernisation’ of Arab societies. Those who oppose the elites propose an “Islamic” alternative. Hence, “modernizers” and “fundamentalists” find common ground in their opposition to liberalism which both perceive as a threat to their power base: the ruling elites because they have to relinquish power and subject it to a *demos*, the religious fundamentalist movements because they lose their dogmatic monopoly which gives them power over people, which could in turn help them attain power. In short, as the purportedly Arab proverb goes when confronting liberalism “the enemy of my enemy is my friend”.

Aliboni identifies a third but radically different strand of opposition to external interference arising from liberal elements, religious or otherwise, nestled in the Arab World itself and who are committed to developing their own ‘home-grown democracy’ and who for that very reason believe that external influences obstruct their efforts.²¹ Aliboni proposes two key challenges for EU (and I suppose) Western approaches in the democratisation endeavour: one is to reduce if not eliminate the perception of “interference” or intrusion in internal affairs; the other is to seek to end the collusion between “moderates seeking authenticity and governments seeking only to survive” in other words to divide the opposition to liberalism. The problem with this second approach is to find enough entry points in societies in democratic transition to allow the EU to influence the process. This is difficult to achieve since the development and role of civil society still lags somewhat behind in the Arab countries when compared to the EU.

The search for a common language of democracy obviously involves a normative discussion of the universality (or otherwise) of democratic values and their compatibility with Islam, some

²¹A short discussion paper entitled “New Political Approaches to Democracy Promotion” discussed at a EuroMeSCo seminar for Senior Officials of the Euro-Mediterranean Partnership organised in Malahide, Dublin, June 1st 2004.

allusions to which have been made above, and which the ‘governance’ approach tries to avoid. A ‘normative’ discussion is not useless and it helps sharpen the debate and strengthen the case of groups in Muslim societies who base their political programmes on the notion that there is compatibility between a constitutionally based liberalism and Islam. However, in the context of the Euro-Mediterranean Partnership (EMP) it is important to maintain our focus on a number of other important issues that are often lost sight of in the heat of the normative *versus* positivist debate. Firstly, the EMP partners have accepted the Universal Declaration on Human Rights and most subsequent international declarations on democracy and human rights which place special obligations on them. In addition, when the EMP itself was launched in Barcelona in 1995, all parties agreed to “*respect human rights and fundamental freedoms and guarantee the legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion both individually and together with other members of the same group, without any discrimination on grounds of race, nationality, language, religion or sex.*”²²

This is a quasi-contractual obligation to respect such rights if not for the fact that the Declaration is not a treaty. Moreover (and this is where the contractual obligation lies) in line with this aim, the so-called ‘human rights and democracy’ clauses were inserted in the bilateral free trade accords concluded by the EU with each of its Mediterranean Partners. Furthermore, the inclusion of these clauses in the bilateral agreements with the EU’s partners demonstrated amply enough that the spirit of Barcelona required that progress in the political and economic field as well as in the third basket were to be linked. The EU’s reluctance to enforce more compliance with this requirement for many years and the partners’ careful selection of what to go along with and what not to accept are enough to highlight one of the many glaring deficits of the Partnership but can never cover up or excuse failure to act on an international commitment. The lesson for the EU out of all this is that in future it should either restrict itself to what is doable or to ensure that

²² Barcelona Declaration page 137

international commitments are kept. Otherwise it would be difficult to prevent a complete descent into universal scepticism when confronted with Mediterranean affairs.

However, more important than these considerations is the fact that the universality of democratic rights and fundamental freedoms has been accepted by human rights activists in the Arab world itself. In this context, while keeping in mind the sharp differences in outlook between the educated elites who espouse such views and the popular masses, it is important to take note of initiatives such as the landmark *Casablanca Declaration*, adopted by the Arab Human Rights Movement at its First International Conference which met between the 23–25 April 1999. The Declaration clearly rejects:

1. The manipulation by some Arab governments of patriotic sentiments and the principle of sovereignty so as to avoid complying with international human rights standards.
2. The use of civilisational or religious specificity to contest the universality of human rights. (A denial of the Huntington-Fukuyama thesis and Islamist arguments rejecting democracy for its alleged inherent incompatibility with Islam);

On the other hand the *Casablanca Declaration* accepts and emphasises that “*Commendable specificity is that which entrenches the dignity and equality of citizens, enriches their culture and promotes their participation in the administration of public affairs.*”²³ This is much in line with El Fadl. In short, not all the opponents of authoritarianism are apprehensive of the universality

²³At the invitation of the Cairo Institute for Human Rights Studies, and hosted by the Moroccan Organization for Human Rights, the First International Conference of the Arab Human Rights Movement: Prospects for the Future met in Casablanca between the 23 and 25 April 1999 to examine the condition of human rights conditions in the Arab world, as well as the responsibilities, tasks and prospects of the Arab human rights movement. After extensive discussions, the Conference declared that the only source of reference in this respect is international human rights law and the United Nations instruments and declarations. The Conference also emphasized the universality of human rights.

of human rights and democratic principles. It is axiomatic then that the EU should do its utmost to seek to create a constructive dialogue with those elements in Muslim societies which think in like manner. Certainly, it is not in the EU's interest to lessen or dilute its insistence on democratisation at a time when the debate in the Arab World seems to be gathering momentum.

Regional Initiatives

The EU is not the only actor in the Mediterranean and Middle Eastern Region. Exogenous pressures for Arab reform originate also from the USA. In Appendix 2 the main initiatives in the region and which exert pressure on the governments of the region are listed. These include the EU's "Strategic Partnership" and the US "Middle East Partnership Initiative" as well as the Arab League's renewed interest in the need for democratic reforms. These initiatives show how different pressures are not only building inside the Arab states themselves but also from outside. Does a joint EU-USA effort make sense in view that the two powers collaborate jointly in the 'Quartet' on Middle East Peace Process and are running parallel programmes in the region? American intervention in Iraq has accentuated anti-Americanism in the region apart from rocking trans-Atlantic relations raising doubts on the advisability of a joint effort at least for the foreseeable future. Hence it looks as if the EU has no choice but to pursue its policies on its own until the clouds over the Middle East begin to clear.

The main challenge which the EU policies face, not least in the context of the Mediterranean Region's reform process, is that of maintaining the momentum and of ensuring that governments committed to reform stay on the road. The main difficulty with this lies primarily in the fact that certain events, as in the case of 9/11, may cause reversals in such processes. Apart from this, Political elites in the Arab world have in the past been criticised for paying lip service to commitments in the field of democratization and human rights much to the consternation of reformist elements within Arab society. The *Arab Human Rights Charter* is one such

glaring example.²⁴ Originally approved in 1994 and re-endorsed in May 2004 by the Arab League, it has so far (August 2004) been ratified by only three Arab countries. To add to the complications, Arab governments are being selective as to which parts of the Charter they wish to implement. An item which appeared in *The Jordan Times* of May 21st 2004 is perhaps indicative of the overall very guarded approach to human rights and democratic principles:

Arab Human Rights Charter Endorsed

AMMAN (Petra) - A Royal Decree issued on Wednesday endorsed the Arab Human Rights Charter as established by the Arab League and approved by the Council of Ministers last March. The charter seeks to reaffirm respect of human rights as basic and sublime in nature. It provides for the right of humans to determine their destiny, to have control over their wealth and resources, to have the right to live in peace and dignity under the umbrella of national sovereignty and territorial integrity, and to have the right to resist foreign occupation.

In the meantime, while Arab elites argue over the content of the Charter, internal and external pressures are building up. Reference has already been made in previous publications²⁵ to the *Arab Human Development Reports* written by a group of Arab experts which have roundly criticised a number of shortcomings in Arab societies which need urgent attention. The situation is succinctly captured in a sub-head to a commentator's article in the electronic weekly of the influential *Al Ahram*, entitled "Whose human rights?" written just prior to the Tunis Arab League summit last May, which amongst other things re-endorsed the Arab Charter: "*While Americans promote occupation as a potential vehicle for human rights, Arabs stall on enforcing the rights they honour on paper.*"²⁶ The same writer commented on the many fundamental

²⁴ The text of the Charter can be read in Brownlie Ian and Goodwin-Gill Guy S. (eds.) *Basic Documents on Human Rights*, Oxford University Press, fourth edition, 2002, pp 774 forward.

²⁵ Ibid Pace R., op.cit.

²⁶ *Al Ahram Weekly on Line*, 4-10th March 2004, Issue No 680.

differences dividing Arab leaders and which are delaying the ratification of the Charter such as the question of more rights for women and the abolition of capital punishment. Similarly, according to *Arabic News* of 12th May 2004, the Speaker of the Moroccan House of Representatives (lower parliamentary chamber), Abdelouahed Radi, while inaugurating the African Parliamentary Union (APU) held in Rabat between 11-12 May 2004, underlined the urgency of establishing democracy in Africa in order to enable the continent to overcome the problems it is facing. He was reported to have said that “*the dissemination of democratic values and practices, the modernization of political institutions, as well as the consolidation of the culture of human rights and the civil society constitute indeed the main, urgent, and basic tasks that need to be undertaken by our peoples*”.²⁷

This discussion is also pointing towards another element which is important: that one must avoid the trap of treating the Arab world as a monolith or a homogeneous, monochromatic bloc. Specialists are rarely entrapped in this fallacy but popular images frequently fall into it, unwittingly sucking in some Western political leaders in their vortex. Policy analysis cannot be allowed to be dictated by popular images though these have to be taken into account. EU policies towards the Mediterranean have always tried to maintain a differentiated approach to each partner even when the avowed aim of these policies was to achieve a uniform ‘global’ approach, such as in the celebrated “Global Mediterranean Policy” of the 1970s. The Euro-Mediterranean Partnership has allowed a modicum of differentiation as well. But the Neighbourhood Policy and the Strategic Partnership promise a stronger dose of differentiation, a tailor-made approach to every partner while maintaining overall coherence. The main challenge is whether the course will be maintained or whether substantive parts of the policy and the Strategic Partnership will be jettisoned along the way?

²⁷ <http://www.arabicnews.com>, May 12th, 2004

Neighbourhood Policy

The Euro-Mediterranean Partnership has today become a strange animal indeed. At one and the same time it is both autonomous and yet part of the overarching EU “Neighbourhood Policy”. It is not clear how the two policies interface. In meeting the goals of its Neighbourhood Policy the EU does not intend to pursue a common approach to all its neighbours nor to countries of the same region. The common approach was the nadir of the *Global Mediterranean Policy* of the 1970s and of the *Euro-Mediterranean Partnership* despite the fact that on numerous occasions the EU was forced to depart from its self-imposed norm to take account of local differences or in order to compromise when negotiations stalled. The Commission now favours a “tailor-made approach”. According to this approach, the Action Plans will be differentiated to reflect the existing state of relations with each country, its needs and capacities as well as common interests. They will be put forward by the Commission and approved by the respective Cooperation or Association Councils. This shift in policy stance may not be altogether bad. Perhaps, a differentiated approach is in fact what is needed to ensure better results for it allows the EU enough elbow room to deal with countries in the same region in accordance with their different and uneven levels of economic and political development. The main limitation of this approach is that the EU partners may practice *linkage politics* by demanding similar treatment on the basis of concessions made by the EU in another bilateral setting. Thus the real space of manoeuvre available to the EU in treating partners “differently” may be less than at first meets the eye. One has to allow sufficient time to pass to assess the final outcome of this approach.

The Action Plans are based on a **commitment to shared values**, meaning respect for human rights, including minority rights, the rule of law, good governance, the promotion of good neighbourly relations, and the principles of the market economy and sustainable development as well as to certain key foreign policy goals. The pace at which the EU develops links with each partner is meant to reflect the extent to which these common values are effectively shared, in short implemented by the partner. The Action Plans will

contain a number of priorities intended to strengthen commitment to these values. They also cover a number of other key areas such as political dialogue which comprises the fight against terrorism and the proliferation of weapons of mass destruction as well as measures to resolve regional conflicts. In addition the Plans cover economic and social development policy, offering neighbouring countries the prospect of a “stake in the EU internal market based on legislative and regulatory approximation”, participation in a number of EU programmes (education and training, research and innovation) and improved interconnection and physical links with the EU (e.g. In the fields of energy, transport, environment and information society). In trade the EU foresees increased market openings in accordance with WTO principles and convergence with EU standards. In the field of Justice and Home Affairs close co-operation is envisaged to include issues such as border management, migration, the fight against terrorism, trafficking in human beings, drugs and arms, organised crime, money laundering and financial and economic crimes. It is very hard to see what would motivate partner states which are reluctant to reform to actually accept change. The nirvana for those who behave well is a new privileged partnership in the form of **European Neighbourhood Agreements**, to replace the present generation of bilateral agreements, when Action Plan priorities are met say in three to five years time. The stick with which to punish non-compliance is not clearly identified.

The Plans are also intended to encourage regional and sub-regional co-operation. For the Mediterranean region this implies further developing various forms of cross-border co-operation as well as the promotion of infrastructural interconnections and networks, in particular in the energy sector. The aim is for the Mediterranean partners to develop new forms of co-operation with each other. The European Commission has started to draw up a series of country reports under the auspices of the Neighbourhood Policy. In the case of the Mediterranean region, five country reports were published last May covering Tunisia, Morocco, Jordan, Israel and the Palestinian Authority.

There is nothing wrong with a flexible approach in as much as the overall goals to be achieved are not lost sight of. What is required together with flexibility is perseverance in order to ensure that the initiatives are pursued to a successful conclusion or as close to it as possible. This flexible approach also opens the way for the EU to focus on a critical group of countries which would carry on their reform efforts ahead of the pack and which exercise a locomotive role for the other countries of the southern Mediterranean Region.

The Asian Model

Reference has been made in this analysis to the so called Asian model discussed by Sylvia Chan. Chan's discussion is a variant of the "Lee Hypothesis". She starts the discussion by decomposing "liberal democracy" into its three main components (or dimensions): *economic liberties* (capitalism), *civil liberties* (courts/legal system) and *political liberties* (democracy). She argues that defining liberal democracy in this way is better than looking at it as a unitary concept. The writer next poses the question as to whether the 'liberal' and 'democratic' parts of 'liberal democracy' complement one another or whether there is a trade-off between them? From a political angle they are complementary, but democracy without limits can also threaten civil liberties. She further argues that there is a more conflictual relationship between 'economic' liberties and democracy. An effective democracy cannot do without civil liberties. But some civil liberties can still be provided under an authoritarian or undemocratic regime.

To be said to possess the three dimensions of 'liberal democracy' outlined here is to say that one is able to exercise them. A poor person is not judged to be free if he cannot exercise any or all of these freedoms. Thus if and to the extent that they lead to destitution, economic, civil and political liberties are in conflict with both the liberal and democratic parts of liberal-democracy. Thus if economic liberties have negative consequences on distribution, they have to be restrained. This counts for political and civil liberties as well: although restrictions on these may affect the distribution of wealth less than restrictions on economic liberties, political liberties may conflict more than civil ones with improving

material welfare.²⁸ This discussion, coupled with the decomposition of liberal democracy into its three main components, leads the writer to observe that the mix of these liberties is different in different societies and that "...the mix of liberties at any given time itself depends on the particular history, culture and tradition of the particular society as well as the more specifically political skills of the leaders."²⁹

Using Asia's newly industrialising countries and Japan as case studies, Chan concludes that

"it may therefore be concluded that a distinctive set of institutions embodying a particular mix of liberties, in combination with a set of internal and external pressures, produced economic development through the achievement of 'security', 'stability' and 'information flow' in the Asian countries considered here. The ways in which 'security', 'stability' and 'information and openness' contribute to economic development are in some cases the same in Asia as in the West and in some cases not. The important thing is that the connection does not depend on their being a 'liberal democratic' regime but a regime with a different mix, manifestation and institutionalisation of 'economic', 'civil' and political liberties."³⁰

In short, the writer argues that the Asian economies have achieved success by adopting a particular mix of 'economic', 'civil' and political liberties, which is different from that which is found in established liberal democracies - and it seems to work well.

Of course the causal link between the Asian model or 'mix' and the economic success of the East Asian NICs and Japan is attractive but not completely unassailable. What results would have been obtained had the mix consisted of full blown democracy and the same set of economic liberties? Of course a satisfactory answer to

²⁸ Chan, page 44-56.

²⁹ Ibid page 55.

³⁰ Ibid., page 219

this question cannot be given. However, it would be relevant to observe the performance of these countries as they increase democratic freedoms (freer media, political contestation and competition as is happening in Taiwan and South Korea). The link between these countries' culture, work ethic and practices and other sociological factors and economic growth need to be explored further in order to establish which factors really explain their success. As Amartya Sen observes: "The economic policies and circumstances that led to the economic success of East Asian economies are by now reasonably understood...There is nothing whatsoever to indicate that any of these policies is inconsistent with greater democracy and actually had to be sustained by the elements of authoritarianism that happened to be present in South Korea or Singapore or China."³¹

Democratisation or Good Governance?

It is difficult to judge which of the two approaches discussed here, good governance or democracy should be accorded precedence or which will translate into more stability in the Mediterranean region. EU rhetoric is still targeted on the need to achieve democracy. The Commission appears to be proposing a "*governance > good-governance > democracy*" approach as discussed in the first section of this paper. The advantage of this approach is that it is flexible, allows for short to medium-term goals to be targeted, leading eventually to a situation where the longer-term goals could begin to be focused on. However, this Commission approach maintains democracy as the ultimate step to be achieved – though there is no predicting where the three-stage process will stop in each of the Mediterranean partners once it has been initiated. Much will depend on local conditions, the regional context at the time and the political will to see the reforms through. All of these are contingent factors. The other strong point of this approach is that a different menu could be established for each of the partner countries.

³¹ Sen Amartya, *Development as Freedom*, Oxford, 1999, page 150.

The difficulty with the governance approach is that what is meant by ‘governance’ has to be closely defined since governance means so many different things to different people, governments and international institutions and each meaning has different policy implications. It is also doubtful whether good governance is sustainable in the medium-term, let alone in the longer-term, without a democratic infrastructure. It can be argued that a measure of authoritarianism could be useful in ensuring good governance. The argument that a benevolent authoritarian government could possibly provide enough safeguards to maintain governance is plausible and seems to be rendered plausible by the ‘Asian model’ expounded by Sylvia Chan. But the evidence from the Mediterranean region seems to show that authoritarianism has shielded corruption, inertia, crony capitalism, red tape and others element of bad governance that have obstructed economic forces from playing their role. Hence a legitimate question to ask is: can good governance be maintained within a society that does not have the separation of powers, the rule of law, and political leaders who are liable to be sanctioned by the people in free elections? How long will it take for good governance to degenerate into bad governance again without a system of checks and balances provided by democracy?

The other problem with the “Asian Model” is that while sufficient time has passed to allow for a better appraisal of the liberal model which is still with us, not so much time has lapsed in the case of the ‘Asian’ approach. And should we speak of the Asian “approach” or “approaches”? There are obvious differences of approach across the continent.

The analysis in this chapter applied to the situation in the Mediterranean region seems to point to the following policy aims:

1. The desegregation of ‘governance’ and ‘democracy’ is useful but only to a limited extent. Both concepts form part of a single continuum. One can envisage good governance in an authoritarian system but it is more likely to break down in that case, as a result of the absence of checks and balances, than it is likely to do in a full-fledged democracy.

2. There is nothing wrong in adopting a gradual approach to political reform in the Mediterranean, beginning first by focusing on good governance. This would entail combating excessive bureaucracy, corruption, rentier practices, red tape and clientalism. This process can be strengthened by the introduction of civic and political rights. The ultimate aim should be the achievement of democracy because it is the only way of ensuring that there will not be a relapse into misgovernance.
3. There are then what we may refer to as pragmatic considerations. Firstly, if there is an 'internal' awakening in the Arab world in favour of the need of achieving political reform in a democratic direction as exemplified by public statements made by the Arab League last May, it is not in Europe's interest to throw cold water on it by lowering its targets.
4. The EU is not acting alone in the region. Indeed, apart from the internal pressures being felt internally in the Mediterranean states, there are other major initiatives in the region such as the USA's Greater Middle East initiative that are exercising pressure for reform. These too must be carefully considered in the EU's strategy - without necessarily associating with them.
5. Achieving good governance is important in the Arab states but it will not eliminate the EU's image of 'intrusion'. What it does is that it limits this 'intrusion' to levels of 'low politics' that are less visible to the Arab publics and for this reason more acceptable to them and the ruling elites alike than more profound political reforms are.
6. Good governance is probably untenable in the long-term without democracy. It can never be an end in itself and thus it can never put to an end once and for all one of the main bones of contention in the EMP - namely democracy or 'good governance'.

7. It is rather too much to hope for that the transition from good governance to democracy will happen automatically and naturally as in a spillover process. It will have to be helped along by the EU assisting those elements in Arab societies which are supportive of democracy and by the appropriate economic and financial concessions for those governments who proceed with reforms. But in trade and economic matters the EU has tended to be protectionist, particularly in agriculture, rather than proactively using concessions as a bargaining chip to encourage bolder political and economic reform. "Passive leverage" has to be intensified by the EU.
8. Policies that pursue different economic, political and 'governance' goals concurrently and which are tailor-made to the individual countries of the EMP each in accordance with its experience, the level of development, and its unique conditions might be more effective because they allow for the mutually re-inforcing elements of democracy and governance to develop side by side and sustain each other. This approach probably also facilitates the transition to democracy. The broad strategy taken in the EU's Strategic Partnership seems to fit this need. However, a close watch will have to be kept in future with respect to the balance kept between the goals (political/economic), the EU's commitment towards ensuring the success of the policy and whether there will be some back-tracking on the part of the Partners.

Appendix 1

The data included in this Appendix is published by the **Public Sector Governance Group** of the World Bank. This brings together officials of the Bank working on lending and non-lending activities relating to core public sector reform, including civil service reform, public expenditures, tax policy and administration, decentralization/intergovernmental fiscal relations, and generic issues in public service delivery. It can be accessed at <http://www1.worldbank.org/publicsector/about.htm> The contents is indicative of the multi-varied forms of indicators and their reliability which are employed in promoting and measuring good governance. The Table is being included just as a demonstration of the many varied methodologies in which ‘governance’ is employed and what kind of data the different users are analyzing.

Selected Performance Indicators

Sources	Aspects of Governance Assessed (partial list only for some sources)	Specificity	Method of Data Collection	Coverage across countries	Coverage over time	Reliance on Subscribers (y/n)	Use in Published Studies
WDR97 (Private sector survey) World Development Report 1997	Policy Unpredictability, Quality of Government Services, Corruption and Red Tape, and Judicial Unpredictability	Med	Business Survey	Med	Low	No	Low
CPIA (World Bank) Country Policy and Institutional Assessment	Property Rights and Rule-Based Governance Quality of Budgetary & Financial Management	Med	Experts (many)	High	Low	No	None

	Efficiency of Revenue Mobilization Efficiency of Public Expenditures Transparency, Accountability and Corruption						
KKZ (Kaufmann, Kraay and Zoido-Lobaton) Paper for the World Bank	Graft Rule of Law Voice and Accountability Political Instability and Violence Government Effectiveness Regulatory Burden	Low	Aggregation	High	Low	No	Low
TI (Transparency International)	Corruption Perceptions Index	Low	Aggregation	Med	Low	No	Med
Freedom House	Political Freedoms Civil Liberties	Low	Experts (few)	High	High	No	High
International Country Risk Guide (ICRG)	Corruption in Government Law and Order Tradition Bureaucratic Quality	Low	Experts (few)	High	High	Yes	High
BERI (Business Environment Risk Intelligence)	Bureaucratic Delays Contract Enforceability Nationalization Risk Policy Stability	Low	Experts (many)	Low	High	Yes	Med
Heritage Foundation	Property Rights Black Market Regulation	Low	Experts (few)	High	Low	No	Low
GCR (Global Competitiveness Report)	Civil service Independence from Politics Competence of Public Sector	Med	Business Survey	Low	Low	No	Low

	Personnel Tax Evasion Effectiveness of Police Force						
WCY (World Competitiveness Yearbook)	Bribing and Corruption Tax Evasion Public Service Exposed to Political Interference Personal Security and Private Property	Med	Business Survey	Low	Low	No	Low
CIM (Contract- intensive Money)	Contract Enforcement and Property Rights	Med	Objective	High	High	No	Low
Policy Volatility Data [xls 162 K]	Policy Credibility and Fiscal Management	High	Objective	Med	Med	No	None
Telephone Delays	Quality of Government Service Delivery	Med	Objective	High	Med	No	Low

Appendix Two

Recent Initiatives on Strengthening The Democratisation Process in the Arab World

On the 23rd of May 2004, the 16th Arab League Summit convened in Tunis approved a Declaration which included the following:

“2.3 Endeavour, in light of the document on the reform and modernisation process of the Arab World, to carry on reform in our countries, to keep pace with accelerated world changes through the consolidation of democratic practice, the broadening of participation in political and public life and the reinforcement of the role of all components of civil society, including the non-governmental organisations in conceiving the guidelines of the

society of tomorrow. Endeavour also to widen women's participation in the political, economic, social, cultural and educational fields, reinforce their rights and their position in society and carry on promoting family and the protection of Arab youth."

* * * *

On the 16th of June 2004, the General Affairs Council of the European Union approved the report entitle *EU Strategic Partnership with the Mediterranean and the Middle East*. This was approved by the EU Heads of Government during the European Council which met in Brussels on June 17-18 2004 under the Irish Presidency.

The EU's **Strategic Partnership (SP)** proclaims the EU's readiness to support economic and political reform in the Mediterranean region, the Middle East and outer Middle Eastern region, sometimes referred to as the "Greater Middle East", and in particular the political reform programme in line with the Arab League's decision taken in Tunis in May. One of the relevant principles of action approved by the EU leaders emphasises that *"successful implementation (of all elements of the strategy) requires a long term and coherent engagement with a pragmatic approach."* The **SP** aims to take a differentiated approach to each of the partners in order to avoid the pitfalls of 'one size fits all' approaches. Another principle is that those countries which are more consistent in their reforms will benefit more financially and economically (carrot).

In the words of the **SP** "the primary political concerns of the EU involve good governance, democracy, the rule of law, human rights, gender, respect for the rights of minorities, co-operation on non-proliferation, counter-terrorism, conflict prevention and resolution, and economic development as recognised by the Arab League Summit on 23 May 2004."

On the Political Dialogue on Human Rights and the Rule of Law, the **SP** states that "the EU should adopt the following general approaches, taking account also of requests from partners in the Mediterranean and the Middle East:

- To deepen the political dialogue with partners focusing on concrete reform issues;
- To develop systematic support for the rule of law and good governance, with emphasis on legal reform and human rights with a constructive involvement of national authorities;
- To support electoral processes and judiciary reform;
- To engage with non-violent political organizations and civil society movements at all levels in society with such engagement open to all organizations committed to non-violent and democratic means;
- Work to implement the recommendations of the relevant Commission communication on human rights and democracy, as endorsed by the November 2003 Council, including through existing bilateral and regional programmes and increased focus through the European Initiative on Democracy and Human Rights.”

* * * *

The USA’s “Middle East Partnership Initiative”

(Source: <http://mepi.state.gov>)

The Middle East Partnership Initiative (**MEPI**) was initiated by President George Bush to support economic, political, and educational reform efforts in the Middle East. The initiative strives to link Arab, U.S., and global private sector businesses, non-governmental organizations, civil society elements, and governments together to develop innovative policies and programs that support reform in the region. The MEPI is the administration's primary diplomatic policy and development programmatic tool to support this new U.S. policy.

It is structured in four reform areas: the economic, political, educational and women’s pillar. In the economic field the MEPI policy and programs support region-wide economic and employment growth driven by private sector expansion and

entrepreneurship. In the political pillar the MEPI champions an expanded public space where democratic voices can be heard in the political process, the people have a choice in governance, and there is respect for the rule of law. In the education pillar, the policy supports education systems that enable all people to acquire the knowledge and skills necessary to compete in today's economy and improve the quality of their lives. Finally, in the women's pillar, the MEPI works toward economic, political, and educational systems where women enjoy full and equal opportunities.

Among the hallmark activities being conducted under the auspices of MEPI are the establishment of the Middle East Finance Corporation (economic pillar); a Regional Judicial Forum and Regional Campaign Schools (political pillar); "Partnership Schools" that offer creative, innovative alternatives for quality and relevant education for children and serve as models for governments as they build schools in the future (education pillar); and regional micro-enterprise and business internships for women (women's pillar).

To date, the administration has committed \$129 million to MEPI (\$29 million in FY 2002 supplemental and \$100 million in FY 2003 supplemental). This MEPI funding is in addition to the bilateral economic assistance we provide annually to the Middle East.

L'ACCORD D'ASSOCIATION TUNISIE-UNION EUROPEENNE ET LE PROCESSUS DEMOCRATIQUE EN TUNISIE

JINAN LIMAM

Dans ses tentatives pour constituer une puissance cohérente avec une identité propre et visible au sein du concert international, l'UE a choisi de mener une « politique étrangère de projection »¹ qui consiste à projeter à l'extérieur du territoire communautaire une influence politique, économique et culturelle. Le terme de projection implique « une sorte d'agression de l'Union européenne projetant ou essayant de projeter à l'extérieur ses valeurs en utilisant les moyens de pression dont elle dispose: reconnaissance de nouveaux Etats ou de gouvernements ; attribution ou retrait d'aides; conclusion, suspension ou extinction d'accords internationaux ; application de sanctions économiques »².

Parmi les objectifs de l'UE, fixés dans l'article 3 du projet de Traité établissant une Constitution pour l'Europe, figure d'ailleurs en bonne place la promotion des valeurs de l'Union. L'importance croissante accordée aux droits de l'homme et à la démocratie au sein de l'UE ainsi qu'au plan international, ont conduit à la projection de ces valeurs dans ses relations extérieures s'efforce en les intégrant dans la coopération au développement, la politique commerciale et la politique étrangère et de sécurité commune.

La projection des valeurs fondamentales de l'Union est déjà engagée grâce au dialogue global, entamé avec les voisins méditerranéens au niveau multilatéral, lors de la Conférence de Barcelone en 1995, et au niveau bilatéral par la conclusion des accords d'association. Ces deux niveaux complémentaires de partenariat établissent un dialogue politique étroit visant la sécurité et le respect commun de la démocratie, des droits de l'homme et de

¹CHARILLON (F), « Fin ou renouveau des politiques étrangères? », *Notes et études documentaires*, 2001, pp. 13- 33, voir spéc.p. 28.

² RIDEAU (J), "Le rôle de l'Union européenne en matière de protection des droits de l'homme", *Recueil des cours de l'Académie de droit international*, Tome 265, 1997, p.356.

l'Etat de droit, un dialogue économique et commercial visant la réalisation d'une zone de libre échange d'ici 2010, et cela dans la perspective de participation au marché intérieur de l'Union élargie et un dialogue socioculturel visant le développement des échanges humains entre les deux rives de la Méditerranée. La perspective d'un tel processus est l'alignement de la législation nationale sur l'acquis communautaire ce qui revient concrètement pour la Tunisie et les autres partenaires de se plier aux règles posées par l'Europe.

Les droits de l'homme et les libertés fondamentales représentent une dimension essentielle dans le dialogue engagé entre l'UE et la Tunisie à la fois dans le contexte régional du processus de Barcelone et dans l'accord d'association conclu entre la Tunisie et l'Union européenne en 1995 et entré en vigueur le 1 mars 1998. Il est fait référence de façon significative aux droits de l'homme explicitement dans les premier et troisième volets ainsi que dans le préambule³ de la déclaration de Barcelone.

L'insertion de cette dimension relative à l'importance du respect de certaines valeurs communes revêt une fonction essentielle, celle d'«éveiller l'attention sur les atteintes aux droits de l'homme par le passage du niveau national au niveau international, et d'en faire un objet légitime des relations réciproques»⁴. La fin du monde bipolaire a en effet insufflé une nouvelle dynamique aux entreprises de démocratisation, les dispositifs internationaux - politiques ou économiques - visant à inciter les Etats à acquérir le label démocratique connaissent une véritable explosion⁵.

³ Les pays partenaires se déclarent dans le préambule « convaincus que l'objectif général consistant à faire du bassin méditerranéen une zone de dialogue, d'échanges et de coopération qui garantisse la paix, la stabilité et la prospérité exige le renforcement de la démocratie et le respect des droits de l'homme... ».

⁴ RIEDEL (E) et WILL (M), « Clauses relatives aux droits de l'homme dans les accords extérieurs des Communautés européennes », in *L'Union européenne et les droits de l'homme*, sous dir. P. ALSTON, Bruylant, Bruxelles, 2001, p.773.

⁵ WHITEHEAD (L), « Entreprises de démocratisation : le rôle des acteurs externes », *Critique internationale*, n°24, juillet 2004, p.110.

Si la politique extérieure européenne vise à partager «cette communauté de valeurs» avec ses voisins méditerranéens, c'est parce que la démocratie, le respect des droits de l'homme et l'Etat de droit⁶ ainsi que le pluralisme sont autant de conditions préalables à la stabilité politique et à un développement socio-économique pacifique et durable de ces Etats.⁷ Cette interdépendance horizontale entre le développement et les droits de l'homme est étayée par une interdépendance verticale, la stabilité et la prospérité des Etats du sud de la Méditerranée sont inextricablement liées à celles de l'UE⁸. Cet espace de coopération est ainsi inscrit, non seulement dans la géographie et dans l'histoire, il est en plus obligatoire car vital. Cette sensation d'interdépendance est le fondement même de la nouvelle politique de voisinage⁹.

Dans cette perspective l'ambition de projection recèle en vérité un profond souci de protection. La représentation de l'UE comme un point à partir duquel se développe un rayonnement "civilisateur" peut en cacher une autre plus défensive où l'image de l'ennemi «étranger» y est importante et dans laquelle l'UE «se perçoit plus comme un sanctuaire dont les marches sont à défendre»¹⁰. En effet le meilleur moyen pour l'Europe de se protéger contre les périls venus de son voisinage du Sud notamment l'immigration et le terrorisme est de créer au sein même de cette zone une aire de prospérité fondée sur «la sécurité démocratique»¹¹. Cette vision de

⁶ Ces principes sont énoncés dans la Charte des droits fondamentaux de l'Union européenne, adoptée lors du Conseil européen de Nice en décembre 2000. La Charte met en exergue les droits sur lesquels l'Union est fondée et qu'elle respecte conformément à l'article 6 du TUE.

⁷ Commission des Communautés européennes, «L'Europe élargie- Voisinage : un nouveau cadre pour les relations avec nos voisins de l'Est et du Sud», Communication au Conseil et au Parlement européen, 11.3.2003 COM (2003) 104 final.

⁸ Conseil européen de Thessalonique, 19 et 20 juin 2003, Bulletin de l'Union européenne 6-2003, p.16.

⁹ Commission des Communautés européennes, «l'Europe élargie- Voisinage : un nouveau cadre pour les relations de l'Est et du Sud», préc.

¹⁰ CHARILLON (F), préc., p.30.

¹¹ Ce concept est énoncé sans être expressément défini dans la Déclaration du Sommet de Vienne du Conseil de l'Europe du 8 et 9 octobre 1993.

la démocratie comme facteur de sécurité a été accentuée surtout depuis le 11 septembre, la dimension libératrice du changement de régime a cessé d'occuper le premier rang des bienfaits de la démocratie, pour céder la place à sa dimension sécuritaire.¹²

L'UE semble en effet déterminée à proposer son aide, financière notamment en contrepartie de progrès concrets dans le respect de certaines valeurs communes et la mise en œuvre effective des réformes politiques, économiques et institutionnelles. Par cette conditionnalité politique, l'Union semble défendre un idéal démocratique dont la finalité ultime est de provoquer et/ou encourager la transition démocratique dans les Etats associés, dans une tentative de généraliser le modèle de société politique démocratique, société incarnée par l'Union elle même¹³.

Pour le partenaire européen, la Tunisie est un modèle de réussite économique et social, dans ces domaines l'alignement sur la législation européenne est assez bien accepté et engagé et cela grâce à la volonté politique de la Tunisie. La situation des droits de l'homme et des valeurs démocratiques demeure le seul ombre au tableau, les réformes dans ce domaine progressent au ralenti.

A l'instar des autres Etats arabes, la Tunisie se montre récalcitrante pour engager des réformes politiques démocratiques. Cette résistance se justifie, selon les autorités tunisiennes, par le caractère exclusivement national et souverain de toute décision de réforme politique. Celle-ci ne relève pas par conséquent de la concertation diplomatique avec le partenaire européen. La Tunisie a fustigé à

¹² WHITEHEAD (L), op.cit, p. 121.

¹³ L'article III -193 du titre V relatif à l'action extérieure de l'Union du projet de traité établissant une Constitution pour l'Europe, dispose que « L'action de l'Union sur la scène internationale repose sur des principes qui ont présidé à sa création, à son développement et à son élargissement et qu'elle vise à promouvoir dans le reste du monde : la démocratie, l'Etat de droit, l'universalité et l'indivisibilité des droits de l'homme et des libertés fondamentales, le respect de la dignité humaine, les principes 'égalité et de solidarité et le respect du droit international conformément aux principes de la Charte des Nations Unies. »

maintes reprises le discours moralisateur voire même messianique de l'Union et de ses Etats¹⁴.

Si la démocratisation et le respect des droits de l'homme constituent constamment la pomme de discorde dans les relations de l'Union avec la Tunisie (ainsi qu'avec tous ses partenaires arabes), c'est notamment en raison d'une différence fondamentale d'approche. Bien que l'Union européenne insiste sur le caractère « commun » de ces valeurs et s'attache à rappeler qu'un consensus international est établi de longue date, selon lequel « les droits de l'homme et les libertés fondamentales sont universels, indivisibles et interdépendants »¹⁵, l'approche de la Tunisie, largement partagée par les autres partenaires arabes semble ambiguë sur la valeur universelle des droits de l'homme.

Le rapport du PNUD sur le développement humain dans le monde arabe paru en 2002 a tiré la sonnette d'alarme sur l'état des libertés dans le monde arabe. Ces pays¹⁶ souffrent en effet d'un déficit de liberté. Cela se traduit par de mauvais résultats en termes de gouvernance et de libertés fondamentales. Le rapport conclut qu'une réforme et une consolidation en profondeur de la gouvernance, le renforcement des libertés politiques et économiques et l'amélioration de la participation du public représentent trois éléments essentiels pour parvenir à un développement économique, social et humain durable. Les pays arabes se situent nettement au-dessous de la moyenne mondiale pour l'ensemble des six indicateurs de gouvernance utilisés dans le rapport qui sont : la qualité des institutions, la corruption, le respect de l'Etat de droit, le poids de la réglementation, l'efficacité du

¹⁴DELAPLACE (D), « l'Union européenne et la conditionnalité de l'aide au développement » *Revue trimestrielle de droit européen*, juillet-septembre 2001, N°3, pp.609-626, Voir spec.p.609.

¹⁵ Commission des Communautés européennes, « Donner une nouvelle impulsion aux actions menées par l'UE dans le domaine des droits de l'homme et de la démocratisation, en coopération avec les partenaires méditerranéens (orientations stratégiques) » Communication de la Commission au Conseil et au Parlement européen 21.05.2003 COM(2003) 294 final.

¹⁶ Algérie, Arabie Saoudite, Bahreïn, Comores, Djibouti, Egypte, Emirats arabes Unis, Iraq, Jordanie, Koweït, Liban, Libye, Mauritanie, Maroc, Oman, Palestine, Qatar, Somalie, Soudan, Syrie, Tunisie, Yémen.

gouvernement, l'instabilité politique; exception faite du respect de l'Etat de droit où ils réussissent à être légèrement au-dessus de la moyenne¹⁷.

Ce constat d'échec dressé par ce rapport concerne entre autres des partenaires de l'Union européenne¹⁸ dont la Tunisie. Faut-il conclure alors à l'échec des efforts engagés par l'UE pour assurer une transition démocratique dans ces Etats?

La démocratisation ne serait, somme toute, affaire ni de démocrates ni de culture démocratique. Elle nécessiterait une libéralisation politique supposant à la fois une conjoncture politique, un projet et un processus dont l'issue est incertaine. L'authenticité du régime démocratique se mesure de manière non moins indispensable à celle d'indicateurs plus difficiles à étalonner tels que le développement d'institutions conformes à l'étiquette de ce régime, l'existence préalable ou la création d'un Etat de droit, l'ébauche d'un système de partis et surtout la sincérité des acteurs politiques en cause¹⁹.

Toute démocratisation implique dans un premier temps une transition démocratique. Le concept de transition désigne «l'intervalle entre un régime politique et un autre. Cela signifie, que la transition définit un laps de temps délimité à chaque extrémité par l'existence d'un régime politique présumé stable, c'est un processus à travers lequel les nouvelles règles du jeu politique sont produites et acceptées avant de pouvoir donner lieu à un nouvel ordre politique »²⁰.

¹⁷ Résumé préparé par les services de la Commission européenne, Voir COM (2003) 294 final, préc.

¹⁸ Ces partenaires méditerranéens sont l'Algérie, l'Egypte, la Jordanie, le Liban, le Maroc, la Syrie, la Tunisie et l'Autorité palestinienne.

¹⁹ G. HERMET, *ibid*.

²⁰ GUILHOT (N) et SCHMITTER (P-C), « De la transition à la consolidation. Une lecture rétrospective des democratization studies », *Revue française de Science politique*, Vol 50, n° 4-5, 2000, p.618-619.

Dans cette perspective le changement du pouvoir survenu en Tunisie le 7 novembre 1987 marque la fin d'un régime et l'avènement d'un autre sans pour autant être marqué par une rupture violente et brutale avec le pouvoir politique précédent. Mais peut-on considérer ce changement politique comme le déclencheur d'une transition démocratique?

Dès son établissement, le nouveau pouvoir s'est attaché à mettre en exergue la nature démocratique du nouveau régime politique. Cela s'est manifesté au niveau de la déclaration du 7 novembre 1987²¹ et au niveau du pacte national, élaboré le 7 novembre 1988²². Parmi les autres signes d'ouverture politique on peut mentionner : la révision de la Constitution du 25 juillet 1988, qui a notamment modifié l'article 39 mettant fin ainsi à la présidence à vie instaurée suite à la révision de 1975, la suppression de la Cour de sûreté de l'Etat et l'emploi de procureur général de la République, la loi organique sur les partis politiques²³ puis leur Constitutionnalisation dans l'article 8²⁴, la modification du code électoral²⁵ pour « permettre » l'accès des partis d'opposition à la chambre des députés, la création d'un Conseil constitutionnel par le décret de 1987, puis sa constitutionnalisation en 1995, l'adoption d'une loi

²¹ « Notre peuple a atteint un tel niveau de responsabilité et de maturité que tous ses éléments et ses composantes sont à même d'apporter leur contribution constructive à la gestion de ses affaires, conformément à l'idée républicaine qui confère aux institutions toute leur plénitude et garantit les conditions d'une démocratie responsable.. Notre peuple est digne d'une vie politique évoluée et institutionnalisée, fondée réellement sur le multipartisme et la pluralité des organisations de masse. ».

²² « Nous, représentants des partis politiques, des organisations sociales et professionnelles.. adoptons ce pacte national ...pour asseoir la démocratie et consolider l'Etat de droit. », Recueil des textes relatifs à l'organisation politique et aux libertés publiques, Publications de l'imprimerie officielle de la République tunisienne, 2002, p.13.

²³ JORT n°31 du 6 mai 1988, Loi organique n° 88-32 du 3 mai 1988 organisant les partis politiques, p.703.

²⁴ Article 8 paragraphes 3, 4, 5, 6 et 7, tel que amendé par la loi constitutionnelle n° 97-65 du 27 octobre 1997.

²⁵ Voir notamment les articles 72, 88, 104, 105, 105 bis tels que modifiés par la loi organique n°93-118 du 27 décembre 1993.

organique relative à l'installation des organisations non gouvernementales en Tunisie²⁶...

Cependant un changement de pouvoir ne peut conduire à une transition démocratique que si le nouveau pouvoir en place est issu d'élections concurrentielles, librement et équitablement disputées et conduites dans un contexte général de respect des libertés publiques²⁷. Les élections qui remplissent ces critères sont en effet une condition essentielle à l'avènement d'un régime démocratique. Elles constituent le premier maillon sans lequel une démocratie ne peut exister.

La tenue régulière des élections présidentielles et législatives en Tunisie n'est pas un critère suffisant de démocratisation. Ces élections demeurent non concurrentielles malgré leur caractère pluraliste. Elles se déroulent dans un contexte général marqué par la restriction des libertés publiques. Pour ces motifs, on peut légitimement réfuter l'emploi de « transition démocratique » dans l'étude du cas de la Tunisie, bien qu'une telle expression soit fréquemment employée dans les documents préparés par les instances européennes relatifs à la Tunisie. D'autres expressions moins euphoriques telles « réformes démocratiques » ou « processus démocratique » seront privilégiés dans cette étude. Elles traduisent mieux le caractère fragmenté de la démocratisation et la persistance des difficultés dans ce domaine, ce qui place la Tunisie toujours dans une phase pré-démocratique.

A l'évidence, le contexte politique national présente une importance capitale pour les possibilités et les limites des mesures européennes visant à favoriser l'Etat de droit, la démocratie et les droits de l'homme. Cependant même lorsque le processus de démocratisation paraît surtout mû par des facteurs internes, il importe de prendre en considération les incitations, contraintes et mécanismes de transmission extérieurs qui peuvent entrer dans des

²⁶ JORT n° 56 du 30 juillet 1993, Loi organique n° 93-80 du 26 juillet 1993.

²⁷ BRATTON (M) et VAN DE WALLE (N), *Democratic experiments in Africa. Regime transitions in comparative perspective*, Cambridge University Press, 1997, p. 13.

interactions stratégiques cruciales²⁸. Inversement, même lorsque des puissances étrangères proclament leur intention d'amener un changement de régime dans une société politique jusque-là indépendante et souveraine, il convient de prendre en compte les filtres, adaptations et réinterprétations internes au travers desquels cette volonté extérieure prendra corps localement. En effet « la frontière entre facteurs externes et internes n'est donc pas étanche et la mondialisation, qui ne cesse de faire reculer la souveraineté, la rend chaque jour un peu plus poreuse »²⁹.

Si on essaye d'évaluer le niveau de réalisation de cet « idéal type » démocratique en Tunisie tout en ayant à l'esprit la palette des moyens déployée par l'UE à travers le lien de l'association qui la lie à la Tunisie peut - on dire que ces instruments ont pu d'une façon optimale effectivement appuyer le processus démocratique en Tunisie?

Tel le dieu Janus, et comme tout régime politique, le régime tunisien, offre deux visages³⁰. Le premier revêt un aspect formel (qui englobe l'aspect procédural/institutionnel/normatif), quant au deuxième, il implique les conduites et les comportements régulés des acteurs politiques que l'on présume conformes à ce cadre réglementaire. Cette distinction subtile est utile pour réfléchir sur la dynamique du changement démocratique en Tunisie. En substance, les exigences sont celles d'un fonctionnement de la démocratie dans les textes et dans la pratique.

Bien que l'accord d'association soit entré en vigueur officiellement depuis 1998, et malgré l'appui aussi bien politique que financier de l'UE à la démocratisation, (I), la mise en œuvre des réformes démocratiques que génère cet accord avance au ralenti faute de volonté politique nationale déterminante(II).

²⁸ WHITEHEAD (L), « Entreprises de démocratisation: le rôle des acteurs externes », *Critique internationale*, n°24, juillet 2004, p.119.

²⁹ *ibid*

³⁰ GUILHOT (N) et SCHMITTER (P-C), « De la transition à la consolidation. Une lecture rétrospective des démocratisation studies », *Revue française de Science politique*, Vol 50, n° 4-5 , 2000, p.616.

SECTION 1 LA CONDITIONNALITE POLITIQUE, VECTEUR DES REFORMES DEMOCRATIQUES

L'Union européenne, par sa politique de conditionnalité apporte un levier incontestable pour aider à élaborer des réformes et concrétiser leur mise en œuvre. L'accord d'association fonctionne en effet sur le principe des contreparties. L'Union a obtenu l'engagement de la Tunisie de mettre en œuvre des réformes politiques et structurelles en contrepartie notamment des « mesures d'accompagnement » instituées par le règlement MEDA.

Pour appuyer le processus des réformes démocratiques en Tunisie, l'UE fait appel à des instruments diversifiés, tels l'engagement d'un dialogue politique et avec la société civile (paragraphe 1) et le financement de ces réformes (paragraphe 2).

Paragraphe 1 Le Dialogue Politique Comme Instrument Constructif d'appui au Processus Démocratique

L'approche constructive de l'UE dans ses relations avec la Tunisie en faveur du respect des droits de l'homme et de la démocratisation comporte un dialogue ouvert entre l'UE, ses Etats membres et le gouvernement tunisien, profondément ancré dans le processus multilatéral de Barcelone et dans le cadre juridique bilatéral concrétisé par l'accord d'association signé avec la Tunisie et entré en vigueur en 1998. Cette complémentarité entre les dimensions nationale et régionale vise l'établissement de relations durables, fondées sur la réciprocité, la solidarité, le partenariat et le codéveloppement.

L'accord d'association prévoit en effet un dialogue politique structuré et régulier sur des questions bilatérales et internationales d'intérêt mutuel. Tout le titre premier de l'accord est consacré au dialogue politique, qui constitue un domaine tout à fait nouveau de la coopération entre l'UE et ses partenaires méditerranéens. Le respect de la démocratie et des droits de l'homme constitue désormais un aspect indispensable de l'association. L'insertion d'une clause relatives aux droits de l'homme dans l'accord d'association pourrait être assimilée à une solution satisfaisante

(A). Cependant étant très souple, cette clause souffre d'une application insuffisante, ce qui a conduit les instances communautaires à renforcer leur action en renforçant le dialogue grâce à une approche différenciée et progressive (B).

A. L'insertion de la clause type relative à l'élément essentiel

Pour renforcer et intensifier le dialogue politique, l'accord d'association comprend une clause expresse de conditionnalité dans le domaine des droits de l'homme. Selon l'article 2 « Les relations entre les parties, de même que toutes les dispositions du présent accord, se fondent sur le respect des principes démocratiques et des droits de l'homme qui inspirent leurs politiques internes et internationales et qui constituent *un élément essentiel de l'accord* ». Ainsi le respect commun de la démocratie, des droits de l'homme et de l'Etat de droit constitue un élément essentiel de l'association³¹.

Cette clause type, faisant du respect des droits de l'homme et de la démocratie un "élément essentiel" dans les accords extérieurs de l'UE, a été élaborée et généralisée depuis 1995 dans tous les accords d'association, de coopération, de développement ou de partenariat conclus par l'UE avec les pays tiers³², ce qui constitue donc l'« acquis communautaire » dans ce domaine³³.

Pour que ce dialogue soit fécond, l'effet de cette clause relative à « l'élément essentiel » a été encore renforcé par un article additionnel sur les mesures à prendre en cas de non respect de

³¹ Déclaration de l'Union européenne Lors de la quatrième réunion du Conseil d'association Tunisie-Union européenne tenue à Bruxelles le 30 septembre 2003.

³² Cette clause relative à l'élément essentiel dite clause bulgare a été insérée pour la première fois dans les accords avec la Roumanie (JO, L 357/2, 1994, article 119, paragraphe 2.) et la Bulgarie (JO, L 358/3, 1994, article 118, paragraphe 2). Cette clause a été reprise dans l'accord Lomé IV (1995) conclu entre la CE les Etats ACP. Elle figure également dans les accords d'association conclus avec les Etats méditerranéens, et dans les traités conclus avec le Vietnam et la Corée du sud.

³³ RIEDEL (E) et WILL (M), « Clauses relatives aux droits de l'homme dans les accords extérieurs des Communautés européennes », in *L'Union européenne et les droits de l'homme*, sous dir. ALSTON (P), Bruylant, Bruxelles, 2001, p.762.

l'obligation prévue par l'accord³⁴. Cette clause de non respect doit être considérée dans le cadre d'une déclaration interprétative. Sans envisager le cas particulier où la suspension d'un accord sanctionne des violations des droits de l'homme par l'Etat cocontractant, et cela contrairement à l'opinion émise par le Parlement européen³⁵, les articles 300 et 301 du Traité CE constituent le fondement juridique pour la suspension des accords³⁶ en cas de non respect de la clause³⁷.

Considérer la suspension comme l'un des moyens dans la palette des réactions en cas d'atteinte grave aux droits de l'homme et aux mécanismes démocratiques est fondé également sur le droit conventionnel international, selon l'article 60 de la convention de Vienne sur le droit des traités du 23 mai 1969 "une violation substantielle d'un traité bilatéral par l'une des parties autorise l'autre partie à invoquer la violation comme motif pour mettre fin au traité ou suspendre son application en totalité ou en partie".

Ainsi si la suspension des accords d'association conclus avec les partenaires est juridiquement possible, une controverse a toujours existé quant à l'opportunité d'une telle mesure. Le Parlement

³⁴ La clause de non respect est généralement formulée comme suit : « si une partie considère que l'autre partie n'a pas rempli une des obligations que lui impose le présent accord, elle peut prendre des mesures appropriées. Auparavant, elle doit, sauf cas d'urgence spéciale, fournir au conseil d'association toutes les informations pertinentes nécessaires à un examen approfondi de la situation en vue de rechercher une solution acceptable par les parties. Lors du choix des mesures appropriées, la priorité doit être donnée à celles qui perturbent le moins le fonctionnement de l'accord. Ces mesures sont notifiées immédiatement au conseil d'association et font l'objet de consultations au sein de celui-ci à la demande de l'autre partie ».

³⁵ Résolution du 20 septembre 1996 sur la Communication de la Commission sur la prise en compte du respect des principes démocratiques et des droits de l'homme dans les accords avec les pays tiers, JOCE C 319, 28 octobre 1996, rapport de Carlos Carnero Gonzalez, Doc. PE A 4-0212/96, 216/274.

³⁶ La suspension est décidée par le Conseil de l'UE sur la proposition préalable de la Commission, le parlement doit être informé de la décision de suspension.

³⁷ Voir J. AUVRET-FINCK, « Les procédures de sanction internationale en vigueur dans l'ordre interne de l'Union et la défense des droits de l'homme dans le monde », *Revue trimestrielle du droit européen*, n°39, janvier- mars 2003, p.10.

européen et de nombreuses ONG des droits de l'homme insistent pour qu'une évaluation régulière, obligatoire et transparente du respect des droits de l'homme par tous les pays partenaires soit mis en place et pour que l'Union soit disposée à suspendre l'accord lorsqu'un pays partenaire persiste à enfreindre les droits de l'homme de façon grave et systématique. A l'heure actuelle, il n'existe pas une seule affaire de suspension d'accord par l'UE fondée exclusivement sur la clause relative aux droits de l'homme.

Le non recours à cette sanction peut être ramené à la position défendue par la Commission et certains Etats membres qui pensent que la suspension du régime commercial préférentiel en vigueur n'aurait que des conséquences très limitées pour les élites gouvernantes des pays partenaires qui connaissent un déficit démocratiques³⁸. Ainsi l'insertion de cette clause revêt une valeur dissuasive et incitatrice plus que punitive car elle vise essentiellement à encrever et à renforcer le processus de démocratisation dans les pays partenaires.

La supervision de l'application de la clause est confiée au Parlement européen, au Conseil et à la Commission. Ces trois organes sont en effet habilités à établir des déclarations concernant la situation des droits de l'homme dans les pays partenaires. En outre, il est procédé fréquemment à des démarches confidentielles, généralement effectuées par la Troika ou par la présidence, avant que la Communauté ne critique publiquement la situation des droits de l'homme dans un Etat particulier³⁹.

B. Le renforcement du dialogue institutionnalisé

Le dialogue doit permettre une ouverture globale des partenaires les uns sur les autres, c'est ce qu'implique l'article 3 qui dispose que le dialogue politique est destiné à "permettre à chaque partie de prendre en considération la position et les intérêts de l'autre partie".

³⁸ BYRNE (L) et SHAMAS (CH), « L'incidence des programmes MEDA sur les droits de l'homme », Réseau euro-méditerranéen des droits de l'homme, septembre 2002, p.27.

³⁹ RIEDEL (E) et WILL (M), préc.p.770.

Ce dialogue doit traiter en particulier des conditions permettant de garantir la paix, la sécurité, la démocratie et le développement régional. Il est ainsi nécessaire pour encourager la confiance mutuelle et créer un environnement approprié au sein duquel les thèmes d'intérêt commun peuvent être abordés.

Pour l'UE le dialogue politique constitue le cadre idéal pour discuter avec la Tunisie de la situation politique dans le pays, il est conçu comme devant servir de levier pour engager des réformes démocratiques et apporter ainsi à la Tunisie un soutien significatif à ses efforts de réforme politique. Ces réformes sont jugées indispensables pour un développement global.

Le troisième volet de la déclaration de Barcelone et de l'accord d'association Tunisie-UE portant sur la « dimension sociale et culturelle », prévoit l'engagement d'un dialogue avec la société civile locale. La société civile joue en effet un rôle essentiel dans la mise en œuvre et le suivi de toute politique relative aux droits de l'homme et à la démocratisation. Le forum de la société civile qui se tient avant les réunions des ministres euro-méditerranéens des affaires étrangères, constitue l'unique cadre institutionnel d'un tel dialogue. Il rassemble les ONG et d'autres représentants de la société civile de l'UE et des partenaires méditerranéens.

L'article 5 de l'accord d'association prévoit différents niveaux d'établissement du dialogue politique: au niveau ministériel, le Conseil d'association représente un cadre privilégié pour l'établissement de ce dialogue. Il se réunit au niveau ministériel au moins une fois par an. Depuis l'entrée en vigueur de l'accord, le Conseil s'est réuni quatre fois⁴⁰. Ce dialogue est également engagé au niveau des hauts fonctionnaires essentiellement dans le cadre du Comité d'association, qui se réunit plus fréquemment que le Conseil. La création d'un sous-Comité justice-sécurité, lors du dernier Conseil d'association en septembre 2003 offre un espace

⁴⁰ La première réunion du Conseil en 1998, la deuxième réunion du Conseil en janvier 2000, la troisième réunion en janvier 2002, la quatrième réunion en septembre 2003.

supplémentaire de concertation politique. Finalement ce dialogue est engagé au niveau diplomatique et parlementaire.

Les parties tunisienne et européenne, lors des réunions du Conseil d'association ont toujours exprimé leur attachement à la poursuite et à l'intensification du dialogue politique institutionnalisé par l'accord d'association, "ce dialogue doit être conduit dans un esprit de partenariat, ouvert à l'ensemble des thèmes d'intérêt commun et sans tabou"⁴¹. Insister dans chaque déclaration de l'UE sur l'absence des tabous démontre combien cette question est délicate et donne un aperçu sur l'ampleur des réticences à ce sujet. D'ailleurs, lors de la dernière réunion du Conseil d'association Tunisie-Union européenne, le dialogue politique s'est déroulé essentiellement dans un cadre informel (le 29 septembre à l'occasion d'un dîner c'est à dire hors de la réunion officielle tenue le 30)⁴².

Le Parlement européen, intervenant important dans la formulation et la mise en œuvre des politiques de l'UE en matière de droits de l'homme, joue lui aussi un rôle important pour maintenir les droits de l'homme à l'avant-plan du programme de travail de l'UE. Cela résulte du fort intérêt que manifestent traditionnellement le Parlement et ses membres pour les questions liées aux droits de l'homme. Le Parlement entreprend des missions relatives à la situation des droits de l'homme dans les pays situés en dehors de l'UE, établit des rapports sur la situation des droits de l'homme, fait des déclarations, soumet des questions au Conseil et à la Commission et adopte des résolutions.

Concernant la situation des droits de l'homme en Tunisie, le Parlement a adopté trois résolutions, la première le 15 juin 2000, la seconde le 14 décembre 2000, la troisième le 14 mars 2002 dans lesquelles il a dénoncé des situations particulières d'atteinte aux

⁴¹ Déclaration de l'UE lors de la quatrième réunion du Conseil d'association UE-Tunisie, Bruxelles 30/9/2003.

⁴² Synopsis Euromed, Lettre d'information hebdomadaire sur le partenariat euro-méditerranéen et le programme MEDA, 2 octobre 2003, n° 242.

droits de l'homme ainsi que le contexte politique général peu démocratique, tout en brandissant la menace de sanctions.

D'autre part l'UE s'est déjà dotée d'une palette d'instruments d'information sur la question des droits de l'homme dans les pays tiers, tels les rapports annuels sur les droits de l'homme dans le monde (Rapport du Parlement européen et Rapport de l'UE). L'Union rédige également des documents de stratégie par pays (CSP). Ce document stratégique fixe les objectifs de coopération de l'Union et les domaines prioritaires de coopération sur la base d'une évaluation complète de l'agenda politique du pays partenaire et de sa situation politique et socio-économique.

Selon le CSP relatif à la Tunisie et couvrant la période 2002-2006, le dialogue qui intervient au sein du Conseil et du Comité d'association, «progresses avec difficulté dans la mesure où la Tunisie est rétive à l'égard des critiques de l'Union européenne concernant les questions des droits humains »⁴³.

Consciente des limites de son action dans la promotion de la démocratie dans les Etats associés, l'Union européenne s'est dotée, dans le cadre de sa politique de voisinage, d'une nouvelle approche différenciée et progressive fondée sur des critères de référence. Ces critères sont élaborés en principe unilatéralement par l'UE, mais rien n'exclut la participation des Etats partenaires dans cet exercice pour renforcer le sentiment d'appropriation partagé.

L'engagement de l'Union devrait être progressif et subordonné au respect d'objectifs de réforme préalablement fixés. L'octroi de nouveaux avantages sera parallèle aux progrès réalisés par les pays partenaires dans la mise en œuvre des réformes politiques. Les critères de référence sont donc ce que l'Union attend de ses partenaires. L'adoption de ces critères offre aux pays partenaires une meilleure prévisibilité et une plus grande certitude que la

⁴³ Document de stratégie par pays relatif à la Tunisie pour la période 2002-2006, p.6. Ce document est disponible sur le site :

http://europa.eu.int/comm/external_relations/tunisia/csp/index.htm

conditionnalité politique classique⁴⁴. L'Union utilise ces critères de référence politique pour mesurer les progrès accomplis dans des secteurs clés de la réforme par rapport aux objectifs préalablement fixés. Selon cette approche différenciée et progressive, l'accroissement de l'aide financière devrait être décidée de manière à stimuler et à récompenser les réformes que les mesures actuelles de l'Union n'ont pas toujours réussi à faire aboutir à ce jour.

Cette nouvelle démarche de l'UE rétrécit le champ de manœuvre des pays partenaires. Un processus en trois étapes pourrait être envisagé pour définir et mettre en œuvre les programmes d'action pour chaque pays:

- * Le dialogue dans les cadres existants (établis par l'accord d'association) pour analyser ensemble les succès et les échecs de la réforme à ce stade. Le Comité d'association devrait être mandaté pour préparer ces travaux.
- * La Commission et les Etats membres rédigerait alors un document dans lequel seront exposés les critères de référence et les objectifs communs, un calendrier pour leur réalisation sera également fixé. Tout ceci devrait être adopté en association avec chacun des pays. Ce programme d'action devrait recevoir l'aval politique de l'UE et du partenaire concerné.
- * Une évaluation annuelle des progrès réalisés dans la mise en œuvre du programme d'action.

D'autre part la Commission européenne a fixé dans sa communication portant sur l'appui à la démocratisation dans les pays méditerranéens⁴⁵ les orientations stratégiques de son action en la matière. L'UE doit tout d'abord veiller à l'inclusion systématique des questions liées aux droits de l'homme et à la démocratie dans tous les dialogues institutionnalisés, elle doit également étudier avec ses partenaires la possibilité d'établir des

⁴⁴ Commission européenne, « L'Europe élargie- Voisinage : un nouveau cadre pour les relations avec nos voisins de l'Est et du Sud », Communication au Conseil et au Parlement européen 11.3. 2003 COM (2003) 104 final.

⁴⁵ COM (2003) 294 final préc.

sous-groupes techniques chargés de traiter des questions concernant les droits de l'homme et la démocratisation.

L'instauration d'un tel dialogue suppose un renforcement des connaissances institutionnelles et de la documentation sur la situation dans chaque pays partenaire. Les délégations de la Commission, en étroite coordination avec les ambassades des Etats membres de l'UE, doivent dresser un «état des lieux » dans chaque pays, sur la base d'une grille d'analyse standard, et fournir une mise à jour régulière de la situation par le biais de rapports périodiques.

La Commission préconise également l'établissement de contacts réguliers entre les délégations de la Commission et la société civile locale. Mieux encore, la Commission préparera lors de l'élaboration du Programme indicatif régional (PIR) pour la période 2005-2006 «une évaluation de l'impact des différentes réunions du Forum civil tenues préalablement aux réunions des ministres euro-méditerranéens des affaires étrangères, elle étudiera la façon dont le forum civil pourrait se structurer, afin que les conclusions de ses réunions puissent avoir un plus grand impact opérationnel sur les activités du partenariat et l'association de la société civile à ces activités ».

Les implications financières de la nouvelle politique de voisinage devraient se traduire dans les propositions budgétaires futures de la Commission. Pour l'instant, l'UE s'est déjà engagée financièrement vis à vis de la Tunisie pour soutenir les réformes démocratiques.

Paragraphe 2 Le financement communautaire en contre partie des réformes politiques

Pour appuyer la transition démocratique, l'action de l'UE est marquée par la complémentarité entre le dialogue politique et l'aide financière communautaire notamment le programme MEDA⁴⁶ (A)et l'assistance accordée au titre de l'initiative européenne pour

⁴⁶ MEDA est géré sur la ligne B 7 - 410 du budget communautaire.

la démocratie et les droits de l'homme(IEDDH). Ce programme, lancé bien avant le programme MEDA, soutient les actions dans les domaines des droits de l'homme, de la démocratisation et de la prévention des conflits qui doivent être exécutées essentiellement en partenariat avec les ONG, les associations et les organisations internationales⁴⁷ (B).

A. Le programme MEDA

Le programme MEDA constitue le principal instrument financier nécessaire à la réalisation des objectifs de l'accord d'association et du processus de Barcelone. La décision de créer ce programme fut prise lors du Conseil européen de Cannes en juin 1995 fixant les mesures d'accompagnement financières et techniques à la réforme des structures économiques et sociales et politiques dans le cadre du partenariat euro-méditerranéen.

Comme l'accord d'association, le financement MEDA se fonde sur " le respect des principes de démocratie et d'Etat de droit, ainsi que des droits de l'homme et des libertés fondamentales, dont la violation justifie l'adoption de mesures appropriées"⁴⁸. Parmi les objectifs et les modalités d'application de l'article 2 du règlement MEDA⁴⁹ (mesures d'appui) figurent :

- Le renforcement de la démocratie, du respect et de la défense des droits de l'homme, notamment par l'intermédiaire d'organisations non gouvernementales

⁴⁷ Commission des Communautés européennes, « Donner une nouvelle impulsion aux actions menées par l'UE dans le domaine des droits de l'homme et de la démocratisation, en coopération avec les partenaires méditerranéens (Orientations stratégiques), » Communication au Conseil et au Parlement européen, 21.05.2003 COM (2003) 294 final.

⁴⁸ L'article 16 du règlement MEDA modifié par le règlement n° 780/1998 du Conseil stipule que « lorsqu'un élément essentiel pour la poursuite des mesures d'appui en faveur d'un partenaire méditerranéen fait défaut, le Conseil peut, statuant à la majorité qualifiée sur proposition de la Commission, décider de mesures appropriées ».

⁴⁹ Règlement (CE) du Conseil de l'UE n° 2698 (2000) du 27 novembre 2000, modifiant le règlement (CE) n°1488/96

œuvrant dans la Communauté européenne et dans les pays partenaires méditerranéens ;

- Le développement de la coopération dans les matières relatives à l'Etat de droit telles que la coopération judiciaire et pénale, le renforcement des institutions garantissant l'indépendance et l'efficacité de la justice, la formation des services de la sécurité intérieure des Etats et de la sécurité civile;
- La bonne gestion favorisée par le soutien des institutions clés et des acteurs clés de la société civile, tels que les autorités locales, les groupements ruraux et villageois, les associations, les syndicats, les médias et les organisations de soutien aux entreprises, ainsi que par le soutien à l'amélioration de la capacité de l'administration publique à élaborer des politiques et à diriger leur mise en œuvre.

Ainsi le développement d'une société démocratique pluraliste basée sur le respect des droits de l'homme et l'Etat de droit semble être l'un des objectifs essentiels du nouveau règlement MEDA⁵⁰. Toutefois, le règlement MEDA n'est contraignant qu'à l'égard des institutions communautaires, qui doivent assurer sa correcte mise en œuvre en négociant des accords bilatéraux appropriés.

Au cours de la période 1995-2004, le budget moyen alloué à la Tunisie dans le cadre du programme MEDA est de 84 millions d'euros par an. La Tunisie a été l'un des principaux bénéficiaires du programme MEDA I, avec un total de 14°/o des fonds engagés, alors qu'elle ne présente que 5°/o de la population des pays bénéficiaires de MEDA. Sur la base de MEDA II⁵¹ pour la période (2000-2002), le montant moyen annuel engagé était constant en

⁵⁰ L'ancien règlement MEDA a eu tendance à mettre davantage l'accent sur le besoin de stabilité politique. Voir l'article 2 du règlement du Conseil MEDA, n° 1488/96 (1996) JO L 189/1, qui consacre la stabilité politique comme l'un des principaux objectifs du Programme.

⁵¹ La base légale de MEDA II actuellement en vigueur couvrant la période 2000-2006 est le Règlement du Conseil n° 2698/2000 du 27 novembre 2000 modifiant le précédent règlement du 23 juillet 1996.

valeur nominale, 86 millions d'euros⁵². l'enveloppe destiné à la Tunisie est estimée à 92,2 Millions d'euros.

S'agissant des programmes régionaux MEDA, la Tunisie reçoit également des fonds sur la base du programme indicatif régional (PIR) 2002-2004, qui comporte un certains nombre d'actions de soutien au renforcement des droits de l'homme et de la démocratie. Il s'agit notamment des programmes relatifs à la justice, à la formation de fonctionnaires des administrations publiques et l'égalité des chances pour les femmes.

Conformément au règlement MEDA, le Document de stratégie par pays (CSP) établit un cadre stratégique qui prévoit une aide de l'UE au cours de la période 2002-2006. Ce document fixe les objectifs de coopération de l'Union, les domaines prioritaires de coopération sur la base d'une évaluation complète de l'agenda politique du pays partenaire et de sa situation politique et socio-économique. Le programme indicatif national (PIN)⁵³ expose la réponse de l'Union plus en détail, décrivant ses objectifs, les résultats attendus et les conditions à respecter dans les domaines de coopération prioritaires pour la période 2002-2004. Le budget indicatif du programme indicatif national (PIN) relatif à la Tunisie pour la période 2002-2004 s'élève à 248,65 millions d'euros. Cette allocation couvrira l'engagement de programmes visant à améliorer la qualité de la gestion des affaires publiques par le développement des institutions de manière à appuyer l'Etat de droit, l'appui à la société civile⁵⁴, le développement des médias⁵⁵ et la modernisation de la justice⁵⁶ qui vise l'amélioration des capacités du système judiciaire en termes d'organisation, de compétence, de transparence

⁵² Déclaration de l'Union européenne, Quatrième session du Conseil d'association UE-Tunisie, 30 septembre 2003.

⁵³ Les programmes indicatifs nationaux 2002-2004 (PIN) ont été conclus avec l'Algérie, la Jordanie, l'Egypte et la Tunisie.

⁵⁴ Le montant indicatif est de 1,50 millions d'euros.

⁵⁵ Le montant indicatif destiné au développement des médias est 2,15 millions d'euros.

⁵⁶ Le montant indicatif pour la modernisation judiciaire est estimé à 30 millions d'euros.

et de service au citoyen ainsi que la promotion de l'accès à la justice.

Toutefois MEDA souffre de certaines faiblesses notamment la lenteur de la réalisation et la complexité des procédures. La Commission a pris le 17 mai 2000 d'importantes mesures pour réformer la gestion de l'aide extérieure dans le but d'accroître son efficacité et sa transparence. Les mesures appliquées pour atteindre ces objectifs sont les suivantes:

- Accorder une importance accrue à la programmation des aides. A cette fin, chaque pays dispose désormais de documents de stratégie approuvés par la Commission et de programmes indicatifs nationaux ainsi qu'une stratégie régionale.
- Lancer un processus de déconcentration: les délégations de l'UE dans les pays tiers ont vu s'accroître leurs compétences en vertu du principe selon lequel tout ce qui peut être mieux décidé sur le terrain doit l'être effectivement.

La réforme du Programme MEDA commence à donner des résultats concrets, pour ce qui est par exemple de la rapidité de l'exécution budgétaire. Le rapport entre engagements et versements, qui était de 26°/° en moyenne entre 1995 et 1999, est passé à 37,5°/° en 2000, à 53,2°/° en 2001 et à 72°/° en 2002⁵⁷. La fourniture de l'aide s'améliore nettement depuis 2001 : la Tunisie est le partenaire MEDA qui bénéficie d'un des deux taux de versement les plus élevés : pour la période allant de 1995 à la fin 2002, elle a reçu plus de 50°/° des montants engagés dans le cadre du programme MEDA.

Dans sa récente communication⁵⁸, la Commission européenne a proposé des orientations en vue de promouvoir la démocratie et les

⁵⁷ Commission européenne (Office de coopération EuropeAid), « Le partenariat euro-méditerranéen , 10 questions et réponses sur MEDA, (signification, résultats, critiques et défis) », 2003.

⁵⁸ COM (2003) 294 final, préc.

droits de l'homme dans les relations de l'UE avec ses partenaires méditerranéens en tenant compte des conclusions du rapport 2002 du PNUD sur le développement humain dans le monde arabe, en particulier de celles qui ont trait à la bonne gouvernance.

L'élaboration des prochains programmes indicatifs nationaux à partir de 2005-2006, «sera mise à profit pour intégrer plus étroitement la promotion de la bonne gouvernance, des droits de l'homme et de la démocratie dans le programme MEDA ...au-delà du soutien spécifique susceptible d'être accordé en faveur de mesures prévues par les plans d'action nationaux ou régionaux, une enveloppe substantielle supplémentaire sera réservée, dans le cadre de MEDA, au profit des partenaires qui œuvrent à l'élaboration et à la mise en œuvre de plans d'action nationaux. Elle sera affectée, dans le cadre de leur PIN... ».

La dimension des droits de l'homme sera également renforcée dans le programme indicatif régional (PIR) pour la période 2005-2006 ainsi que dans les documents de stratégie par pays.

Le programme MEDA connaît d'autres limites qui lui sont intrinsèques. Dans le cadre de la coopération bilatérale,⁵⁹ les Etats sont les seuls bénéficiaires des aides, la gestion des fonds est monopolisée par les instances gouvernementales. Les activités au titre du programme MEDA sont négociées avec le gouvernement partenaire, et les aspects institutionnels de cette coopération s'effectuent en grande partie par le canal des institutions gouvernementales et publiques. Les associations indépendantes et les ONG ne peuvent en effet bénéficier de ce financement.

D'autre part les programmes d'aide MEDA sont plus centrés sur les réformes économiques et sur les activités de développement que sur la promotion des droits de l'homme et de la société civile. Cet aspect demeure en effet marginal, improvisé et fragmenté.

⁵⁹ Les aides conférées dans le cadre de la coopération régionale MEDA peuvent bénéficier aux acteurs directs du développement (associations, organisations non gouvernementales, universités, etc.).

Cette tendance est affirmée avec l'absorption en 2000 du programme MEDA pour la démocratie (PMD)⁶⁰ par le programme transsectoriel de l'initiative européenne pour la démocratie et les droits de l'homme (l'IEDDH). Cette mesure, justifiée par un certain nombre d'insuffisances⁶¹, pourrait être positive en termes de cohérence entre le PMD et les autres initiatives relatives aux droits de l'homme et à la démocratie, mais elle comporte le risque d'éloigner davantage les initiatives de la société civile du programme principal MEDA⁶².

B. L'initiative européenne pour la démocratie et les droits de l'homme

Instaurée à l'initiative du Parlement européen en 1994, l'initiative européenne pour la démocratie et les droits de l'homme (IEDDH)⁶³, bénéficie d'une dotation annuelle de 100 millions d'euros. La particularité de l'IEDDH est qu'elle autorise l'affectation directe de ces crédits à des acteurs de la société civile. En plus L'IEDDH peut également être utilisée sans le consentement du gouvernement du pays d'accueil. Son principal objet est de promouvoir les droits de l'homme et la démocratisation dans les pays tiers, en particulier au moyen de financement des initiatives sur une base pilote ou expérimentale des organisations non-gouvernementales et des associations.

⁶⁰ Le PMD a été instauré en 1996 sur l'initiative du Parlement européen. Il a été conçu comme un complément à l'IEDDH préexistante. Ce programme a reçu environ 36 millions d'euros.

⁶¹ Parmi les insuffisances constatées, la défaillance de la stratégie relative aux problèmes des droits de l'homme en Tunisie et en Syrie, le programme a consacré uniquement 1 % de son budget pour financer les projets dans ces deux pays marqués par le manque de pluralisme. Cette aide est disproportionnée aux besoins réels des acteurs de la société civile en Tunisie et en Syrie. Voir le rapport final : l'évaluation du programme MEDA pour la démocratie 1996-1998, préparé par Nadim Karkutli et Dirk Burtzler, Bruxelles, mars 1999.

⁶² BYRNE (L) et SHAMAS (C), « L'incidence des programmes MEDA sur les droits de l'homme », Réseau euro-méditerranéen des droits de l'homme, septembre 2002, p. 87.

⁶³ L'IEDDH se fonde sur les règlements (CE) du Conseil n°975/1999 et 976/1999 du 26 avril 1999-JOCE L 120 du 8 mai 1999). Les crédits disponibles pour cette initiative sont inscrits au chapitre B 7-7 du budget de l'UE.

La commission propose également une utilisation plus stratégique des ressources de l'IEDDH. Dans la région de la Méditerranée, des sous-priorités détaillées ont été définies pour le financement de projets dans certains pays dont la Tunisie pour la période 2002-2004. L'innovation réside dans l'appui en faveur de « micro-projets » dans ces pays, des subventions non remboursables, de faible montant, gérées par les délégations de la Commission seront accordées pour soutenir des projets présentés par la société civile locale.

La complémentarité entre MEDA et l'IEDDH est nécessaire pour améliorer l'efficacité de l'action communautaire car elle est intrinsèquement liée à la cohérence et à la coordination. Le programme de la modernisation de la justice pour la Tunisie illustre cette volonté de coordination entre les différents programmes communautaires. Les fonds bilatéraux (MEDA) sont affectés à des réformes du pouvoir judiciaire visant notamment à promouvoir son indépendance, faisant appel pour l'exécution aux autorités gouvernementales compétentes. L'IEDDH quant à elle fournit des fonds pour renforcer la capacité de la société civile en Tunisie à s'engager dans ce processus.

A ce titre La Ligue tunisienne pour la défense des droits de l'homme (LTDH), a bénéficié en 2002 d'un financement octroyé dans le cadre de l'IEDDH suite à l'acceptation de son projet portant sur la simplification des modalités d'accès à la justice. En effet la Commission européenne a lancé au cours de l'été 2002 un appel à proposition pour le financement de projets présentés par des associations et des institutions de la société civile du monde entier et portant sur des questions très variées relatives aux droits des femmes, l'éradication de la torture, la liberté de presse et d'expression, la promotion de la démocratie et de la bonne gouvernance, la facilitation de l'accès à la justice etc...

La Commission européenne a agréé 51 projets d'associations ou d'institutions de 28 pays. Parmi les projets retenus figure le projet promu par la LTDH portant sur l'accès à la justice. La réalisation de ce projet n'est pas encore entamée.

La volonté de perfectionner et de promouvoir les instruments disponibles pour soutenir une transition démocratique (dialogue politique, MEDA et l'IEDDH) en Tunisie, constitue une réaction à un bilan négatif au niveau de la démocratisation dans ce pays. Une analyse de la situation politique des différents pays partenaires, y compris celle de la Tunisie confirme l'insuffisance des progrès en ce qui concerne les cadres réglementaires et leur application, les capacités des institutions et le taux de participation de la société civile à la chose publique.

SECTION 2 LA DEMOCRATISATION EN TUNISIE, UN PROCESSUS LENTEMENT AMORCE

En Tunisie la gouvernance du pays, prônée par l'accord d'association répond de moins en moins aux besoins d'une classe moyenne croissante⁶⁴.

La démocratisation du système politique est en cours mais ce processus demeure très réglementé et fragmentaire. Faut-il alors considérer que la démocratisation résulte en premier lieu du changement de normes et des procédures du jeu politique ? Ou faut-il plutôt supposer que c'est la modification progressive des comportements politiques qui détermine la transformation des normes et des procédures définissant un régime politique démocratique ?⁶⁵

Pour l'instant, l'accomplissement de l'Etat de droit, pris comme l'un des indicateurs de gouvernance, nécessite des réformes (Paragraphe 1). Des progrès restent également à faire pour la promotion du pluralisme, tant sur le plan politique que sur le plan de la société civile (Paragraphe 2).

⁶⁴ Document de stratégie par pays (CSP) portant sur la Tunisie pour la période 2002-2006, p.1.

⁶⁵ préc, p.617.

Paragraphe 1 La longue marche vers l'Etat de droit

L'Etat de droit est « la qualification à laquelle prétend aujourd'hui tout régime qui se veut...démocratique et libéral. »⁶⁶. C'est l'Etat dans lequel la toute puissance du pouvoir trouve sa limite dans la règle juridique qu'il est tenu de respecter. Comme toute institution, il répond à une finalité. Ici la finalité est la protection du citoyen contre l'arbitraire⁶⁷.

L'existence de l'Etat de droit est tributaire de l'équilibre entre les institutions, et notamment de l'indépendance du pouvoir judiciaire, de l'assurance de la suprématie du droit et de la transparence des mécanismes de prise de décisions. Pour évaluer le degré de l'engagement de la Tunisie dans ce processus visant à renforcer l'Etat de droit, ces paramètres seront retenus.

Bien que la Constitution reconnaisse le principe de séparation des pouvoirs, le pouvoir exécutif demeure un pouvoir fort et les révisions constitutionnelles successives n'ont fait que le conforter en lui attribuant plus de prérogatives sans que cela ne s'accompagne par une responsabilité politique ou pénale du président de la République.

D'autre part le pouvoir exécutif formellement bicéphale mais effectivement tenu par le Président de la République, exerce un contrôle important sur les autres pouvoirs constitués sans qu'il y ait de freins ou de contrepoids satisfaisants des pouvoirs législatif et judiciaire⁶⁸.

Quant au pouvoir législatif, malgré la modification du code électoral en 1993 injectant une dose mesurée de proportionnalité dans un système électoral privilégiant le scrutin majoritaire, les partis d'opposition ne détiennent que moins de 20% des sièges de la Chambre des députés, le rassemblement constitutionnel

⁶⁶ RIVERO (J), « Etat de droit, Etat du droit », in *L'Etat de droit*, Mélanges en l'honneur de G. BRAIBANT, Dalloz, 1996, p.609.

⁶⁷ op cit.

⁶⁸ Le rapport du PNUD 2002 sur le développement humain dans le monde arabe décrivant la situation des pays arabes.

démocratique demeure le parti dominant. La création d'une deuxième chambre « la Chambre des Conseillers » par la révision constitutionnelle de 2002 ne semble, vu sa composition, augurer d'un pluralisme politique. Le pouvoir législatif demeure en effet largement monolithique ce qui affecte profondément la qualité de son travail législatif. En effet force est de constater l'amenuisement alarmant de la fonction législative du Parlement devant son extension au profit du Président. En plus cette situation réduit à une simple fiction la fonction parlementaire de contrôle sur le gouvernement que prévoit la Constitution.

En dépit de la gravité de ce déséquilibre entre ces deux pouvoirs politiques, le partenaire européen semble plus soucieux de la situation du troisième pouvoir en Tunisie. L'Etat de droit suppose en effet l'indépendance du pouvoir judiciaire c'est à dire « l'absence de toute soumission des juges dans l'exercice de leur fonction juridictionnelle à des pouvoirs extérieurs, (ce qui représente) l'une des composantes essentielles de l'Etat de droit. Sans cette indépendance, aucune garantie de droits n'existe»⁶⁹.

En Tunisie les données constitutionnelles sont claires. L'article 65 de la Constitution dispose que «l'autorité judiciaire est indépendante, les magistrats ne sont soumis dans l'exercice de leurs fonctions qu'à l'autorité de la loi ». L'indépendance vis à vis du pouvoir politique est ainsi clairement affirmée; mais il serait hypocrite d'imaginer que l'indépendance ne dépend que des textes. En réalité c'est au niveau de la législation et de la pratique qu'il faut chercher les causes de la faiblesse de la justice devant le pouvoir politique.

Le pouvoir politique dispose en effet de moyens d'influence qui passent par des canaux multiples pour intervenir dans le cours de la justice, il est et il restera toujours une sphère d'influence⁷⁰. Les associations et institutions démocratiques tunisiennes (LTDH, CNLT, Conseil de l'ordre des avocats, ATJA) ainsi que les

⁶⁹DEBBASCH (CH), " L'indépendance de la justice", *Au carrefour des droits*, Mélanges en l'honneur de Louis DUBOIS, Dalloz, 2002, p.27.

⁷⁰ op cit, p.31.

associations internationales actives dans le domaine des droits de l'homme et de la justice (Amnesty international, Human rights watch, Réseau euro-méditerranéen des droits de l'homme, Avocats sans frontières...), les organisations internationales (Organes pertinents des Nations Unies et l'Union européenne) dressent tous un constat commun : la justice tunisienne est malade de sa dépendance même si le principe d'indépendance est érigé en dogme constitutionnel.

Le document de stratégie par pays (CSP) portant sur la Tunisie et couvrant la période 2002-2006 a même repris des allégations formulées par un magistrat tunisien qui a récemment dénoncé publiquement l'état des choses, selon lui, « les juges tunisiens seraient parfois acculés à prononcer des jugements établis à l'avance, ce qui pose également la question de la transparence des décisions de justice. Les juridictions tunisiennes ne garantiraient pas les droits élémentaires de la défense à un procès équitable quand il s'agit de procès impliquant des accusations de nature politique »⁷¹.

Dans le même sens et traitant d'un cas spécifique, le parlement européen a adopté une résolution le 14 mars 2002 dans laquelle il a dénoncé les conditions de jugement et de détention des membres du parti non reconnu des ouvriers communistes tunisiens. Il a adressé des recommandations aux autorités tunisiennes pour assurer le déroulement du procès en conformité avec les standards juridiques internationaux de façon à garantir la sécurité, le droit de défense et éventuellement la libération provisoire de ces militants.

Selon le programme indicatif national (PIN) pour la Tunisie couvrant la période 2002-2004 « le système judiciaire tunisien comporte des contraintes qui entravent à la fois le développement des affaires et les services rendus aux citoyens. Parmi les contraintes on cite des lacunes dans le fonctionnement de la justice, tel que le besoin de plus de transparence en matière de décisions de

⁷¹ Ces propos ont été nuancés par la suite, le magistrat ayant relevé des améliorations dont a bénéficié la justice tunisienne depuis le changement politique en 1987.

justice, la surcharge des tribunaux, le manque d'accès à la justice et de diffusion de l'information juridique, la centralisation du système judiciaire ainsi que des difficultés dans l'application des décisions des tribunaux administratifs. Le cadre juridique, législatif et réglementaire nécessite une modernisation continue des lois et de formation au sein du système judiciaire ».

Le PIN propose un programme de modernisation/mise à niveau du système judiciaire dont l'objectif est d'améliorer ses capacités en termes d'organisation, de compétence, de transparence et de service aux agents économiques et citoyens. Le budget indicatif est estimé à 30 millions d'euros. Cette somme servira à améliorer et moderniser le système judiciaire tunisien de façon à se conformer aux indicateurs de performance⁷². L'intervention comprendra une assistance technique, de la formation, de l'équipement informatique ainsi que de fonds documentaires afin de soutenir tous les volets du processus de réforme et de modernisation du système judiciaire (formation, gestion et fonctionnement des tribunaux, processus judiciaire, diffusion de l'information juridique).

Pour appuyer cet effort, la Ligue tunisienne pour la défense des droits de l'homme a présenté en 2002 à la Commission un projet, (qui sera financé dans le cadre de l'IEDDH), visant l'amélioration de l'indépendance du système judiciaire et de l'accès à la justice.

Il semble que l'indépendance de la justice ne peut être atteinte que par une réflexion sérieuse sur le statut des magistrats notamment en créant une forme poussée d'« autogestion » des carrières ce qui peut aboutir en fait à constituer le corps judiciaire en véritable pouvoir. Cette réflexion doit porter également sur le statut des avocats, les moyens humains et matériels mis à la disposition de la justice et enfin sur le système de l'assistance judiciaire. L'engagement politique de la partie tunisienne fait défaut, l'UE

⁷² Ces indicateurs sont : l'amélioration et la modernisation des processus judiciaires; la réduction du nombre de dossiers en instance et de la durée moyenne des contentieux; l'adaptation du contenu des curricula des institutions de formation aux réalités économiques; l'augmentation du degré de dissémination de l'information légale; l'amélioration de la perception du système judiciaire.

regrette en effet la lenteur de la mise en place du programme relatif à la modernisation de la justice.

Le manque d'indépendance de la justice représente un obstacle grave non pas uniquement à l'émergence d'un véritable Etat de droit mais il porte atteinte aux droits de tous les justiciables et génère par conséquent une insécurité juridique préjudiciable aux investissements nationaux et étrangers⁷³. En effet une justice indépendante est nécessaire pour créer un climat de confiance pour les investisseurs, c'est l'un des instruments de promotion et de protection des investissements nationaux et étrangers⁷⁴, investissements sur lesquels misent les autorités tunisiennes.

Il convient finalement de remarquer que l'Etat de droit dépend dans une large mesure de l'état du droit en vigueur. Si les autorités qui l'élaborent n'ont pas le souci de le rendre accessible à ceux qu'il concerne directement, une des exigences de l'Etat de droit ne sera pas satisfaite⁷⁵.

Le principe de transparence exige en effet que le processus décisionnel repose sur une hiérarchie des normes simple, cohérente et complète, qu'il parvienne à l'adoption de textes clairs, aussi brefs que possible faisant l'objet de publicité appropriée et facilement accessibles par tous supports ; que les citoyens connaissent le processus décisionnel aboutissant à l'édiction de normes juridiques qui leur seront opposables et qu'ils soient en mesure de prendre connaissance sans délai de ces normes ainsi que de tout document administratifs susceptibles de les intéresser⁷⁶.

⁷³ Déclaration de l'UE lors de la quatrième session du Conseil d'association Tunisie - Union européenne en septembre 2003.

⁷⁴ Communication de la Commission européenne, « L'Europe élargie-Voisinage : un nouveau cadre pour les relations avec nos voisins de l'Est et du Sud », 11 mars 2003 COM (2003) 104 final.

⁷⁵ RIVERO (J), « Etat de droit, état du droit », *L'Etat de droit*, Mélanges en l'honneur de BRAIBANT (G), Dalloz, 1996, p.609.

⁷⁶ BIANCARELLI (J) et ROBERT (N), « Le principe de transparence en droit communautaire », *Au carrefour des droits*, Mélanges en l'honneur de DUBOIS (L), p. 495.

Concernant l'état du droit en Tunisie, je ne prétend pas dresser dans cette étude un état des lieux exhaustif, je me contente de présenter quelques brèves remarques. Le corpus normatif tunisien se caractérise par: la prolifération et l'instabilité de la règle juridique, le flou crée suite à la révision constitutionnelle du 27 octobre 1997 quant à la suprématie de la loi sur le décret réglementaire et l'incertaine suprématie de la constitution en l'absence d'un véritable contrôle juridictionnel de la constitutionnalité des lois. Malgré certaines évolutions relatives notamment à l'instauration de l'avis conforme et la publication de ses avis, le Conseil constitutionnel demeure quant à sa saisine et sa composition sous l'emprise du président de la République.

D'autre part la connaissance des citoyens de la règle juridique demeure en gros très limitée et cela malgré sa publication au journal officiel. Les raisons qu'on peut avancer sont relatives à l'instabilité et la complexité de la législation. Mais il ya d'autres raisons non moins négligeables, en effet la volonté politique relayée par les moyens d'information peut selon les cas médiatiser certaines lois ou au contraire passer sous silence « médiatique » d'autres textes en cours d'adoption ou déjà adoptés. Dans cette dernière catégorie on peut classer la récente loi adoptée par la Chambre des députés le 10 décembre 2003, relative au soutien des efforts internationaux de lutte contre le terrorisme et à la répression du blanchiment d'argent, loi peu médiatisée en dépit de son importance et de la gravité de ses implications sur les libertés publiques.

L'insuffisance de l'action étatique pour la mise en œuvre de la démocratisation est évidente. Cependant on n'améliore pas nécessairement la situation politique en insistant de façon exclusive ou dominante sur les structures étatiques. En effet ce n'est qu'en renforçant le pouvoir des institutions de la société civile, en créant une culture juridique et politique à l'appui des droits de l'homme ainsi qu'en consolidant la capacité institutionnelle et la compétence professionnelle qu'ont les groupes de défense des droits de l'homme, que la Tunisie peut espérer à réussir sa démocratisation.

Paragraphe 2 Le difficile pluralisme

Le pluralisme politique et au niveau de la société civile est une condition sine qua non à la démocratie.

Bien que hissé au rang de principe constitutionnel, le pluralisme souffre de plusieurs obstacles.

A. Une protection « à la carte » des droits de l'homme

La Tunisie a ratifié la plupart des grands instruments internationaux relatifs aux droits de l'homme, tels que la Convention des Nations Unies contre la torture et les autres peines ou traitements cruels, inhumains ou dégradants⁷⁷, le Pacte international relatif aux droits économiques, sociaux et culturels⁷⁸, à l'exception du protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques, déniaient ainsi au HCR le droit de mener ses propres enquêtes sur les cas de violation des droits de l'homme pour répondre à des plaintes individuelles. La Tunisie a en plus ratifié la Convention des Nations Unies sur l'élimination de toutes les formes de discrimination à l'égard des femmes⁷⁹ et la Convention des Nations Unies sur les droits de l'enfant⁸⁰. Elle semble également engagée dans le dialogue entre les civilisations et les religions. La législation tunisienne s'attache également aux principes fondamentaux de tolérance et de l'égalité des droits. Au niveau de la pratique, ces domaines d'action constituent également une priorité dans l'action du gouvernement.

Les principes universels des droits de l'homme figurent dans le chapitre premier de la Constitution tunisienne ainsi que dans les différents codes juridiques et déclarations gouvernementales. Dans le même sens la récente révision constitutionnelle du 1 juin 2002, effectuée par référendum, et présentée comme une consécration des

⁷⁷ JORT n°72 du 25 octobre 1988, P. 1470.

⁷⁸ JORT n° 81 du 29 novembre 1991, P.1876.

⁷⁹ JORT n° 85 du 13 décembre 1991, P. 1956.

⁸⁰ JORT n° 84 du 10 décembre 1991, P. 1946 numéro spécial.

droits de l'homme et de l'Etat de droit⁸¹ a constitutionnalisé *l'universalité* des droits de l'homme et le *pluralisme*. L'article 5 dispose désormais que « la République tunisienne garantit les libertés fondamentales et les droits de l'homme dans leur acception universelle, globale, complémentaire et interdépendante. », elle œuvre « pour la dignité de l'Homme et le développement de sa personnalité ». Les principes de l'Etat de droit et du pluralisme sont même hissés au rang de fondements de la République.

Mais quelle est la valeur ajoutée d'une telle constitutionnalisation?

Cette constitutionnalisation a surtout une portée symbolique puisqu'elle vise à affirmer avec le maximum d'autorité le principe de respect des droits de l'homme dans son universalité, ce qui constitue au niveau du texte (formel) un signe positif à l'égard des exigences extérieures, américaine et européenne notamment.

En dépit de l'importance de cette avancée, sa portée réelle ne peut se mesurer qu'en tenant compte de la pratique et du discours politique. Il semble que l'autorité politique s'attache toujours à « une démocratie qui tienne compte de l'histoire et de la culture de notre pays (Tunisie), c'est à dire une démocratie qui prend en considération les spécificités mais qui intègre en même temps les impératifs de pluralisme, de liberté et de protection des droits »⁸² car « en matière de démocratie, il n'existe pas (en effet) de modèle prêt à porter. »⁸³.

Cette conception restrictive et subjective des libertés correspond à une vision tant défendue par la Tunisie⁸⁴ (et les autres Etats en voie

⁸¹ Interrogé sur la libéralisation politique en Tunisie, le Président Ben Ali a considéré que la réforme constitutionnelle du 1 juin 2002 « jette les bases de l'avenir et consolide les fondements du système républicain et les valeurs de démocratie, de pluralisme et de droits de l'homme », Journal Le Figaro, n° du 3 décembre 2003, p.3.

⁸² op cit.

⁸³ Le président Ben Ali, dans une interview accordée au journal Le Figaro, 3/12/2003, p.2.

⁸⁴ Les propos tenus en décembre 2003, par le président français Jacques Chirac lors d'une visite officielle à Tunis, viennent curieusement conforter la position des autorités tunisiennes sur la question. Selon l'hôte français, les tunisiens sont

de développement), s'attachant au particularisme en la matière ce qui amène à une situation de droits de l'homme à la carte. Dans ce contexte la satisfaction des besoins économiques et sociaux de base servent pour ces régimes politiques à justifier facilement la négligence des droits civils et politiques.

En évaluant la garantie des droits de l'homme par la Tunisie, l'UE attire l'attention sur cette protection à la carte des droits, la protection des droits sociaux, économiques et culturels est jugée meilleure que celle des droits civils et politiques.

Cependant l'évaluation de l'Union européenne du respect des droits économiques et sociaux par la Tunisie a été jugée insuffisante et lacunaire, un déséquilibre évident persiste dans les documents de stratégie par pays entre les droits civils et politiques et les droits économiques et sociaux. Une étude recommande la prise en considération de ces droits à la fois dans la description de la situation politique, économique et sociale des pays et dans les stratégies d'action de l'Union européenne⁸⁵.

En matière de droits civils et politiques, des violations sont souvent signalées, le CSP remarque que « des restrictions subsistent dans l'exercice par le citoyen des libertés démocratiques; la contestation reste limitée en raison de préoccupations sécuritaires liées à l'instabilité des pays voisins et de la faiblesse de la presse ». L'éradication du mouvement islamiste dans les années 90 et l'épouvantail algérien ont été en effet cher payés en Tunisie. Selon le secrétaire général du parti démocrate progressiste, « les partis politiques ont été mis au pas, la vie associative a été réduite à sa plus simple expression et la presse libre a disparu »⁸⁶.

correctement nourris, soignés et éduqués et jouissent donc des droits humains élémentaires. Quant aux autres droits, liés à l'exercice des libertés civiles et politiques, ils peuvent être considérés comme un luxe.

⁸⁵ BYRNE (L) et SHAMAS (CH), « L'incidence des programmes MEDA sur les droits de l'homme », Réseau euro-méditerranéen des droits de l'homme, septembre 2002, p.15.

⁸⁶ Journal Le Figaro, 3/12/2003, p.3.

Dans la pratique la Tunisie semble s'attacher à une approche qui privilégie les préoccupations en matière de sécurité intérieure sur la promotion et la défense des droits de l'homme. Cette approche, adoptée sur fond de "lutte contre le terrorisme" a des effets négatifs sur les droits de l'homme notamment sur les libertés d'expression et d'association. Selon le CSP les libertés d'expression et d'association ne sont pas pleinement respectées, la liberté de circulation est limitée notamment en raison de la pratique de rétention de passeports, les conditions de détention sont indignes et des cas de torture ont été reportés. Les défenseurs des droits de l'homme font souvent l'objet de harcèlement ou d'emprisonnement. Dans ce sens le Parlement européen, dans ses trois résolutions,⁸⁷ déplore les restrictions des droits de l'homme et les obstacles à la liberté de mouvement, d'expression, d'information et d'association et au droit de s'engager dans des activités politiques au sein d'un parti politique.

Le Parlement européen évoque des cas spécifiques telles que les mesures prises à l'encontre de la ligue tunisienne des droits de l'homme (LTDH) et le Conseil national pour les libertés en Tunisie (CNLT) visant à restreindre leurs activités et la situation des prisonniers politiques qui sont en grève de la faim. Le système pénitentiaire doit être davantage respectueux de la personne humaine.

Le respect des droits de l'homme « à la carte » n'est pas acceptable surtout qu'elle met en péril certains droits instrumentaux dont la jouissance est indispensable pour garantir les autres droits. Ces droits incluent le droit à la liberté d'expression et d'association. En plus et conformément au document final de la Conférence de Vienne⁸⁸ sur les droits de l'homme, les pays en développement ne peuvent s'excuser de refuser à leur peuple l'exercice de leurs droits de l'homme en déclarant qu'ils ont en premier lieu à garantir la

⁸⁷ Résolution du 15 juin 2000; résolution du 14 décembre 2000 et résolution du 14 mars 2002.

⁸⁸ Déclaration de Vienne et Programme d'action, A/CONF. 157/23 (1993), paragraphe 5.

satisfaction des besoins de base⁸⁹. Le développement ne peut en effet être dissocié du respect de tous les droits de l'homme.

Par ailleurs, la Tunisie est constamment appelée à traduire dans la pratique tous ses engagements en matière de droits de l'homme car la mise en œuvre des engagements en la matière souffre de certaines lacunes et défaillances, des progrès dans certains domaines restent à faire⁹⁰. L'UE précise qu'il est « nécessaire de renforcer le travail pour le respect des droits de l'homme, notamment la liberté d'expression et la liberté d'association. Ces libertés conditionnent le processus démocratique et sont de nature à favoriser le développement économique et social »⁹¹.

A force de jongler avec ses contradictions et de jouer sur des registres antinomiques, ceux du verrouillage politique et de la révérence orale aux principes démocratiques, de la claustration identitaire à usage interne et de l'ouverture à usage externe, le régime politique tunisien risque de rompre l'équilibre précaire sur lequel il repose⁹².

Cependant le problème du pluralisme en Tunisie n'est pas uniquement dû à une pratique irrespectueuse des engagements politiques et juridiques en la matière, c'est surtout le problème d'une réglementation trop poussée qui a abouti à étouffer les vecteurs du pluralisme tant sur le plan politique que sur le plan de la société civile. Des réformes sont indispensables au niveau du code de la presse, du code électoral, de la loi relative aux associations, de la réglementation portant sur les partis politiques. C'est par ces moyens que le pluripartisme, simple étiquette

⁸⁹SIMMA (B), BEATRIX ASCHENBRENNER (J) et SCHULTEYE (C), « Observations relatives aux droits de l'homme en ce qui concerne les activités de coopération au développement de la Communauté européenne », in *L'Union européenne et les droits de l'homme* (sous la direction) PH. ALSTON, Bruxelles, Bruylant 2001, p.621.

⁹⁰ Déclaration de l'Union européenne lors de la quatrième session du Conseil d'association Tunisie - Union européenne, le 30 septembre 2003.

⁹¹ Déclaration de l'Union européenne lors de la quatrième session du Conseil d'association Tunisie - Union européenne, 30 septembre 2003.

⁹² BESSIS (S), « Le précaire immobilisme tunisien », *Esprit*, octobre 2004, p. 122.

démocratique actuellement, deviendra synonyme de pluralisme politique réel en Tunisie.

La généralisation de la psychose sécuritaire génère et justifie en quelque sorte les mesures les plus restrictives en matière de libertés. On craint en effet une projection à sens inverse (cette fois du Sud vers le Nord de la Méditerranée) de ce modèle contraignant pour les libertés au nom de la lutte contre le terrorisme surtout que la partie tunisienne n'a pas manqué de montrer que sa lutte contre l'islamisme dans les années 90, tant critiquée par les mouvements de défense des droits de l'homme à l'époque, était non seulement justifiée mais peut servir de modèle pour l'éradication de ce mouvement dans les Etats européens.

Dans cette perspective inquiétante, l'UE⁹³ a réaffirmé qu'il est essentiel de préserver dans cette lutte contre le terrorisme le plein respect du droit international, les droits de l'homme, des libertés fondamentales et de l'Etat de droit⁹⁴. Ces valeurs constituent un aspect central de toute stratégie efficace d'éradication du terrorisme. Les autorités tunisiennes pour leur part semblent opter pour le renforcement de la législation sur fond de lutte contre le terrorisme, la loi 10 décembre 2003, relative au soutien des efforts internationaux de lutte contre le terrorisme et à la répression du blanchiment d'argent, a retenu une définition très large du crime terroriste assortie d'un régime sévèrement répressif ce qui peut mettre en péril les libertés publiques.

B. Des élections non concurrentielles

Les élections présidentielles et législatives ne constituent pas une occasion pour juger réellement du bilan politique du président et de son parti. Ces élections se déroulent sans grands enjeux politiques et sans cette touche d'incertitude, considérée comme l'essence même de n'importe quelle compétition électorale démocratique. Le

⁹³ Voir la Déclaration du Conseil européen extraordinaire du 21 septembre 2001.

⁹⁴ Quatrième session du Conseil d'association Tunisie-Union européenne, 30 septembre 2003.

CSP⁹⁵ relatif à la Tunisie, a passé en revue non sans arrière pensée les résultats obtenus lors des élections présidentielles par le président Ben Ali depuis 1989, les scores étant toujours situés dans les 990/° des voix. Dès lors les élections présidentielles ressemblent davantage à un plébiscite dans la mesure où elles servent à reconduire systématiquement le président pour un nouveau mandat de 5 ans, par conséquent leur fonction essentielle est la légitimation du pouvoir.

En plus par la dernière révision constitutionnelle effectuée par le référendum du 26 mai 2002 la limitation du nombre des mandats présidentiels était abrogée. Cette modification rend encore plus difficile l'alternance politique en Tunisie. Le Président Ben Ali a remporté avec 94,48./ des voix un quatrième mandat lors des élections présidentielles tenues le 24 octobre 2004.

Le Rassemblement constitutionnel démocratique⁹⁶, parti du président demeure le parti dominant à la Chambre des députés. Cette hégémonie du RCD se traduit par ses résultats aux élections législatives.

Servi par un mode de scrutin taillé sur mesure à la suite de la révision du code électoral en 1993⁹⁷, le RCD a obtenu 97,73°/° des voix lors des élections législatives de 1994 ; 91,59°/°des voix à l'occasion des élections de 1999 et 87,59°/° des voix lors des dernières élections organisées le 24 octobre 2004. Les partis d'opposition, faiblement populaires, se départagent moins de 20 °/° des sièges qui leur sont « réservés » à la Chambre des députés. Lors des élections législatives du 24 octobre 2004, le mouvement des socialistes démocrates (MDS) avec 4, 64°/° des voix a remporté 14 sièges, le parti de l'union populaire (PUP) est représenté par 11

⁹⁵ CSP, op cit, p.8.

⁹⁶ Le parti socialiste destourien (PSD) a été rebaptisé Rassemblement constitutionnel démocratique en 1988.

⁹⁷ Les sièges de la chambre des députés sont distribués en deux étapes selon deux modes de scrutin différents : les sièges au niveau des circonscriptions électorales sont distribués au scrutin majoritaire et ils sont remportés par le RCD (ils représentent ¾ du nombre total des sièges de la Chambre). Quant aux sièges au niveau national, ils sont distribués selon la représentation proportionnelle.

députés avec 3, 64°/° des voix, l'union démocratique unioniste (UDU) remporte 7 sièges avec 2, 21°/° des voix, le parti Ettajdid est représenté par 3 députés avec 1, 03 des voix, le parti social libéral (PSL) n'a pu obtenir que 2 sièges avec seulement 0, 62°/° des voix.

L'hégémonie du RCD s'explique selon les autorités tunisiennes par son ancrage profond dans toutes les couches sociales et par la reconnaissance des tunisiens pour le travail accompli depuis 1987⁹⁸, la faiblesse de l'opposition est due quant à elle à son manque de professionnalisme et à son impréparation pour les échéances électorales⁹⁹.

La meilleure arme du pouvoir semble donc « l'atonie de d'une opposition fragmentée et en quete de légitimité »¹⁰⁰. Mais par ces justifications, le pouvoir se montre incapable de produire un discours de légitimité sur le long terme, susceptible de fournir les bases d'un modèle de mobilisation.

Cependant il est curieux de constater que les faiblesses du système politique tunisien, qui le fragilisent considérablement, ne profitent pas aux formations de l'opposition. Cette « panne de l'imaginaire politique »¹⁰¹ gagne aussi l'opposition, jugée incapable d'inventer des modèles alternatifs tout en continuant à chercher une légitimité dans un système politique et non auprès de la société civile. Les figures de cette opposition sont en fait engagées dans une conquête pour le leadership symbolique à l'intérieur d'un espace oppositionnel totalement contrôlé et verrouillé par le régime.

Les liens entre ce pouvoir « à bout de souffle »¹⁰² et ses oppositions sont à la fois ambigus et complexes. D'une part, les autorités politiques continuent à faire valoir leur compétence à gérer le

⁹⁸ Conférence de presse du ministre de l'intérieur et du développement local du lundi 25 octobre 2004

⁹⁹ Conférence précitée.

¹⁰⁰ BESSIS (S), op. cit, p.124.

¹⁰¹ Michel Camau et Vincent Geisser, *Le syndrome autoritaire. Politique en Tunisie de Bourguiba à Ben Ali*, Paris, Presses de sciences Po, 2003, 366p.

¹⁰² ibid

phénomène islamiste qui reste, selon elles, menaçant. D'autre part, l'opposition dite « laïque » reste globalement confinée à une diabolisation des islamistes, à qui elle dénie le statut de « parti politique comme les autres ». Enfin l'ambiguïté tient aussi au comportement des islamistes eux-mêmes qui n'ont eu de cesse d'hésiter entre une posture d'opposition radicale au régime et une attitude « légaliste à la limite du compromis »¹⁰³.

Selon les professeurs Camau et Geisser, la « persistance de l'islamisme comme facteur imaginaire », agissant au sein des espaces politiques tunisiens comme à l'étranger est un élément qui ferait obstacle à une rupture avec le syndrome autoritaire¹⁰⁴. La mise en avant de l'islamisme par les acteurs politiques tunisiens et son instrumentalisation ont pour effet d'occulter leur déficit en terme de légitimité populaire.

La faiblesse de l'opposition est aggravée par l'apolitisme méthodiquement organisé de la société. Cette situation fait craindre l'irruption de formes plus brutales d'alternance ou de contestation¹⁰⁵.

C. L'immobilisme de la société civile

La démocratisation exige une différenciation au niveau de la société moderne et l'existence d'une société civile. En fait l'importance de la société civile en tant que telle a longtemps été occultée par les grands enjeux politiques. L'existence et le développement d'une société civile, distincte de la société politique ainsi que de la sphère économique reste indispensable pour renforcer le tissu social, face à un Etat qui n'est plus omniprésent et omnipotent¹⁰⁶. L'existence d'une société civile forte est un gage de développement, de bonne gouvernance et de démocratisation¹⁰⁷.

¹⁰³ ibid

¹⁰⁴ ibid

¹⁰⁵ BESSIS (S), op. cit, p. 124.

¹⁰⁶ DECAUX (E), « Droits de l'homme et société civile », in *L'Union européenne et les droits de l'homme* (sous la direction) ALSTON (Ph), Bruxelles, Bruylant, 2001, pp.937-954, voir p.941.

¹⁰⁷ op cit, p.942.

Elle constitue en effet un contrepoids, une sphère d'autonomie mais surtout un lieu de participation à la chose publique.

La déclaration de la Conférence mondiale sur les droits de l'homme réuni à Vienne en 1993 l'avait souligné ainsi «l'accent devrait être mis spécialement sur les mesures propres à contribuer à la création et au renforcement d'institutions ayant des activités en rapport avec les droits de l'homme, au renforcement d'une société civile pluraliste ...» la société civile et la démocratie politique s'enrichissent et se renforcent mutuellement au sein d'une «société de droit».

Pour étudier le degré de développement de la société civile en Tunisie il semble utile de prendre en compte sa composante la plus dynamique, les associations. Ce choix est justifié par l'importance de ces structures dans la construction d'un espace de civisme, de participation et de solidarité. La Commission européenne les a même considéré comme «les chevilles ouvrière» de la démocratie.¹⁰⁸

L'article 8 de la Constitution tunisienne garantit la liberté d'association, le nombre des associations a sensiblement progressé, leurs domaines d'activité se sont diversifiés. Cependant, les associations de défense des droits de l'homme demeurent peu nombreuses, leur existence et leur travail sont le plus souvent gênés par une réglementation trop contraignante notamment par la loi du 7 novembre 1959 relative aux associations qui prévoit plusieurs

¹⁰⁸ Selon la Commission, «l'existence d'un secteur associatif prospère est un signe inéluctable de la maturité démocratique d'un pays. La contribution du monde associatif au bon fonctionnement des institutions démocratiques ne doit pas être sous-estimée. Elle se traduit principalement par le rôle essentiel que jouent désormais les associations en qualité de relais d'information et d'opinion entre les pouvoirs publics et les citoyens. Les associations assument cette fonction d'une part en mettant le public en mesure de juger de manière critique et de connaissance en cause les décisions et initiatives gouvernementales et, de l'autre, en proposant leur expertise aux pouvoirs publics et en sensibilisant ceux-ci à l'écho que rencontrent leur politiques dans l'opinion publique», Communication de la Commission européenne, La promotion du rôle des associations et fondations en Europe, avril 1998, COM(1998).

conditions susceptibles de vider la disposition constitutionnelle de sa substance.

En plus l'activité de ces structures indépendantes fait l'objet de pressions politiques et de pratiques politiques profondément marquées par la pensée unique.

Pour neutraliser ces organismes indépendants, certains auteurs¹⁰⁹ relèvent une tactique gouvernementale visant à créer et à contrôler les associations et la société civile en général dans le but de leur instrumentalisation pour dessiminer les politiques du régime. Mais selon certains auteurs¹¹⁰ les causes de la faiblesse de la société civile en Tunisie sont plus profondes, elles remontent au XIX e siècle. C'est la rupture entre élites et masses populaires qui a été préjudiciable à la construction d'une société civile autonome par rapport à l'Etat en Tunisie.

La Commission a fait état de difficultés dans la mise en œuvre de projets financés par l'Union européenne en matière de gouvernance et de démocratie. Le parlement européen dans sa résolution du 14 mars 2002 a déploré les restrictions qui visent les associations «indépendantes » et ont appelé la Commission pour qu'elle assure que ces associations pouvaient bénéficier du financement conféré dans le cadre du programme MEDA-Démocratie ainsi que tous les programmes d'aide à la société civile. Lors de la dernière réunion du Conseil d'association en 2003, l'UE, dans sa déclaration a regretté «qu'il n'ait pas été possible de s'accorder sur les modalités de mise en œuvre du programme d'appui à la société civile ».

Ces mises en garde n'ont pas empêché le blocage par les autorités tunisiennes de fonds virés par la Commission européenne dans le cadre de l'IEDDH au profit de la LTDH¹¹¹.

¹⁰⁹ YOUNGS (R), « The european Union and democracy in the Arab-Muslim world », Centre for european policy studies, Working paper No. 2 November 2002, p.3.

¹¹⁰ CAMAU (M) et GEISSER (V), op. cit .

¹¹¹ Voir note explicative de la réaction de la LTDH concernant la position du gouvernement tunisien à propos des financements servis dans le cadre de l'IEDDH., 19 septembre 2003.

La LTDH a en effet conclu en 2002 avec la Commission un contrat de subvention¹¹² devant financer la restructuration de la LTDH et la modernisation de sa gestion. En avril 2002 la Ligue a reçu la première tranche des fonds affectés à ce projet. Quant à la deuxième tranche des fonds, virée par la Commission européenne le 5 septembre 2003, elle a été bloquée par la banque où est domicilié le compte de la Ligue sous l'instruction du ministère de l'intérieur. La mise à la disposition de la Ligue de ces fonds étant conditionnée par la présentation des autorisations requises conformément à la loi du 7 novembre 1959 sur les associations, et notamment les dispositions des articles 8 et 14.

Selon la Ligue tunisienne pour la défense des droits de l'homme¹¹³, l'article 8 de la loi sur les associations ne s'applique pas à la Ligue puisqu'il stipule que "lorsque l'association poursuit un but d'assistance ou de bienfaisance elle peut recevoir des libéralités après agrément du secrétaire l'Etat à l'intérieur". Or la LTDH n'est ni une association de bienfaisance ni une association d'assistance. La Ligue n'est donc pas concernée par cet article 8. De même, l'article 14 susmentionné ne concerne pas la Ligue puisqu'il impose aux seules « associations reconnues d'intérêt national » une autorisation du ministre de l'intérieur pour « l'acceptation des dons et legs ». Or la LTDH n'est pas non plus classée comme « association d'intérêt national »¹¹⁴, cette classification étant accordée par décret pris sur proposition du ministre de l'intérieur. Aucun décret n'a été pris dans ce sens pour la Ligue. Par conséquent, elle ne peut être assujettie aux obligations édictées par l'article 14.

D'autre part les Statuts de la LTDH agréés par le ministre de l'intérieur sous le numéro 4438 à la date du 7 mai 1977 ne

¹¹² Contrat n° B 7- 7010/2001/3185.

¹¹³ Voir la déclaration de la LTDH du 24 octobre et la note explicative de la réaction de la Ligue du 19 septembre 2003.

¹¹⁴ La Ligue a été classée dans un premier temps comme " Association à caractère général", par la décision du 14 mai 1992 du Ministère de l'intérieur. Cette décision a été annulée par le Tribunal administratif dans le jugement sur l'affaire 595 en date du 26 mars 1993. La LTDH n'est plus classée comme association d'intérêt national.

conditionnent “ les subventions qui lui sont accordées “ par aucune autorisation¹¹⁵. Ce refus n’est pas donc juridiquement fondé puisque aucune autorisation n’est requise pour bénéficier de financement, que le donateur soit national ou étranger.

D’autre part cette décision est périlleuse puisqu’elle va à l’encontre des engagements internationaux de la Tunisie notamment la résolution de l’Assemblée générale des Nations Unies portant promulgation de la déclaration universelle pour la protection des défenseurs des droits de l’homme adoptée par l’ONU le 9 décembre 1998 et approuvée par la Tunisie. L’article 13¹¹⁶ garantit en effet aux associations et aux ONG le droit d’acquérir des fonds pour développer et améliorer la protection des droits de l’homme et les libertés fondamentales par les procédés pacifiques.

En plus cette décision est contradictoire avec l’accord d’association conclu avec l’UE dont l’article 2 stipule l’engagement des parties signataires à respecter les principes de la démocratie et les droits de l’homme. Elle est également en contradiction avec les engagements répétés de la Tunisie dans les instances aussi bien bilatérales que multilatérales du processus euro-méditerranéen de partenariat s’attachant à consolider les organisations de la société civile, à promouvoir les droits de l’homme, la démocratie et la bonne gouvernance.

Même implicitement, les autorités tunisiennes considèrent que tout financement reçu par des associations indépendantes telle la LTDH nuit à leur indépendance vis à vis des bailleurs de fonds européens. Ce raisonnement qui lie systématiquement l’aide financière à la dépendance politique contient en lui même les germes de sa

¹¹⁵ L’article 12 des Statuts de la LTDH stipule que les ressources de la LTDH proviennent: des cotisations de ses membres; des subventions qui lui sont accordées; des recettes provenant des manifestations autorisées conformément aux lois en vigueur; des revenus et intérêts provenant de ses biens.

¹¹⁶ L’article 13 de la Déclaration stipule “ Chacun a le droit, individuellement ou en association avec d’autres, de solliciter, recevoir et utiliser des ressources dans le but express de promouvoir et protéger les droits de l’homme et les libertés fondamentales par des moyens pacifiques conformément à l’article 3 de la présente Déclaration”.

défaillance car faut-il conclure, vu l'importance du financement conféré au gouvernement tunisien dans le cadre du programme MEDA et aussi par la Banque européenne d'investissement (BEI) à la dépendance de la décision politique nationale?

Cette justification est donc davantage un prétexte qu'un véritable motif. Cette décision juridiquement non fondée est de nature politique, Ainsi le gel des virements communautaires n'est qu'un moyen de pression politique sur les associations indépendantes. Ainsi c'est la LTDH qui est ciblée d'autant plus que plusieurs associations tunisiennes ont bénéficié de financements de la Commission européenne et d'autres bailleurs de fonds sans aucune autorisation préalable et sans que cela ne soulève « l'ire du gouvernement tunisien ».

Désormais l'article 69 de la loi sur le terrorisme, qui impose aux personnes morales de « s'abstenir de recevoir, même dans le cas où la législation en vigueur ne le lui interdit pas, tous fonds provenant de l'étranger sans le concours d'un intermédiaire agréé résident en Tunisie » peut fournir la base légale tant recherchée pour contrôler le financement des associations indépendantes telle la LTDH et des différents partis politiques.

CONCLUSION

Dans la logique européenne, la défense de la démocratie a une fonction stabilisatrice dans la mesure où elle conduit à un développement équitable et durable. Un compromis entre la stabilité politique/économique (l'ordre établi/ le statu quo) et le processus de démocratisation, qui implique forcément l'idée de changement semble possible.

Cependant tout régime démocratique même consolidé devrait toujours «institutionnaliser un certain degré d'incertitude concernant le processus politique...les démocraties sont uniques en ce qu'elles sont capables de transformer consensuellement leurs règles et leurs institutions et de s'adapter à un environnement

changeant »¹¹⁷. Par ce mécanisme spontané même un changement radical de régime politique par des élections n'est pas à écarter.

Mais reste à savoir si l'UE est vraiment sincère dans son engagement dans le processus de démocratisation en Tunisie. Sans vouloir être trop moralisatrice ni trop laxiste, l'Union se trouve face à un véritable paradoxe. Elle ne cesse de faire l'apologie de la situation interne stable en Tunisie, alors qu'elle ne rate aucune occasion pour déplorer l'insuffisance dans la mise en œuvre des réformes démocratiques préconisées.

Certes, la Tunisie se distingue par sa stabilité politique dans une région profondément marquée par les turbulences politiques, mais il semble important de s'interroger à quel prix cette stabilité a pu être réalisée. Faut-il toujours la privilégier sur un véritable processus de démocratisation dont la caractéristique essentielle demeure l'incertitude¹¹⁸? En d'autres termes, l'UE est-elle disposée à accepter cette idée de changer de partenaire suite à des élections véritablement démocratiques?

Sans vouloir cautionner des situations de mauvaise gouvernance, l'UE se livre à un exercice délicat en appuyant à la fois le gouvernement dans ce processus de démocratisation et les membres des associations de défense des droits de l'homme et l'opposition politique *démocratique*. Sur ce point, la détermination européenne pour évincer de son champ de soutien l'opposition appartenant à la mouvance islamiste semble constituer une constante.

Par ailleurs, le degré de sincérité de l'engagement du pouvoir politique tunisien en faveur de la démocratie et des droits de l'homme, qui constitue une condition préalable pour que des mesures positives puissent avoir un impact durable, n'est pas clairement établi. En l'absence d'une volonté politique marquée de réforme, le processus démocratique en Tunisie se trouve

¹¹⁷ GUILHOT (N), SCHMITTER (Ph-C), préc., p.623.

¹¹⁸ DOBRY (M), « Les voies incertaines de la transitologie. Choix stratégiques, séquences historiques, bifurcations et processus de path dependance », *Revue française de Science sociale*, 2000, p.610.

sérieusement contraint parce que comme le développement, « democratization is not something that one people does for another. People must do it for themselves or it does not happen »¹¹⁹.

Dans une vision prospective, la démocratisation interviendrait lorsqu'un régime autoritaire se lézarde et qu'une partie de son personnel politique trouve opportun de se concilier les organisations autonomes de la société civile. Dans le cas tunisien, ce schéma se heurte à la faiblesse de la « résurrection de la société civile », qui laisse aux régimes, aussi usés soient-ils, les moyens d'anéantir toute dynamique de changement politique¹²⁰.

Alors que la démocratie se développe un peu partout dans le monde, la résistance au libéralisme démocratique en Tunisie et partout dans le monde arabe signe la fin du paradigme de la transition. En tenant en compte la persistance de ces formes d'autoritarisme, est-ce toujours possible de qualifier cette situation de phase transitoire ou plutôt faut-il la considérer comme un système politique « stabilisé » ?

¹¹⁹ AKE (C), « The unique case of african democracy », *Journal of democracy*, 1991, p. 38.

¹²⁰ Michel Camau et Vincent Geisser, *Le syndrome autoritaire. Politique en Tunisie de Bourguiba à Ben Ali*, Paris, Presses de sciences Po, 2003, 366p.

CITIZENSHIP RIGHTS IN THE TURKISH REPUBLIC: A RE-EVALUATION IN THE EURO-MEDITERRANEAN AREA

DENİZ ILGAZ

I. Introduction

Citizenship has lately become the key word for the movements of democratic renewal in nation-states as well as in a supranational political formation such as the European Union (EU). Citizenship, however, is not a fixed concept for all nation-states or for all times. This study presents the citizenship concept, its historical background and its present-day reorientation in Europe and in the Turkish Republic. Against the backdrop of the transnational social arena in the EU and an emerging European Citizenship regime, this paper proposes the creation of a 'peoplehood' in the Euro-Mediterranean area, sharing the common rights, privileges and duties of a common regional citizenship without eliminating national identities and allegiances. It takes note of the prevailing system of citizenship in the non-member countries of the Euro-Mediterranean area which retains its strong ethnic, cultural and national component and its strong basis of 'demos.' Turkey is presented as a model, under the impact of the 'Copenhagen criteria' which must be adhered to before this candidate country can attain membership in the EU, but still experiencing the embeddedness of citizenship in the national and Islamic tradition. Finally the following question is posed: Is there any possibility of creating a collective Euro-Mediterranean identity parallel to the unitary European Citizenship which is in the process of development beyond and above the national legacies of nation states?

Citizenship is primarily a set of rules, rights and obligations separating 'insiders' from 'outsiders,' and defining 'what is shared by those included.'¹ In contemporary debates on citizenship,

¹ Bernhard Giesen and Klaus Eder, (2003) "Introduction: European Citizenship," 1-13, *European Citizenship between National Legacies and Postnational*

diverse subjects such as politics, public law and social sciences meet in order to solve the controversy between the “inclusive thrust of universalism and the fact that citizenship can never avoid exclusion.”²

The idea of universal inclusion leads us back in history to the philosophy of the European Enlightenment. Informal rules or law that give shape to embryonic civil rights were needed to protect the liberties of all when the human beings moved from a state of nature into an ordered one of reciprocal rights and forbearance. This came before the development of state institutions and government. The ideas of great thinkers such as Aristotle, Thomas Hobbes, John Locke, Jean Jack Rousseau and John Stuart Mill differed about men in the state of nature and their relations with political leaders, but all have inspired in one way or another the twentieth-century tenets of participatory forms of citizenship.³

Missionary expansion and inclusion went hand in hand, overthrowing the dogma of the church, the teachings of the privileged aristocracy and the domination of the prince and his Court. However, the practice of inclusive citizenship is a relatively recent achievement. Today, the hope in Europe is that a culture of citizen democracy, of individual rights, of a vigorous civil society form the new basis of social cohesion.

Projects, Eds. Klaus Eder and Bernhard Giesen, Oxford University Press, 2001, Reprinted 2003, 2.

² Bernhard Giesen (2003), “National Identity and Citizenship,” 36-58, *European Citizenship*, *Ibid.*, 36.

³ Isaiah Berlin (1958), ‘Two Concepts of Liberty (Inaugural Lecture), Oxford: reprinted in Anthony Quinton (ed.) (1967) *Political Philosophy*. Oxford: Oxford University Press.

II. The Concept of Citizenship and the EU Citizenship

Throughout history, “citizenship has meant a reciprocity of rights against, and duties towards, the community.”⁴ However, citizenship today is a lot different from the concept of citizen utilized in ancient Greek city states from which women, slaves and ‘aliens’ were excluded. Citizenship today entails the full participation of all adults regardless of ‘race,’ ethnicity, gender or creed. It has become a project by which the ‘nation’ (or Union) seeks to obtain legitimacy in the eyes of both that country’s (Union’s) inhabitants and the ‘international’ community (‘third countries’).

The political rationalism of the Enlightenment gave rise to the concept of citizen democracy and “a technologically, instrumentally defined concept of progress.” In parallel, a tradition of nationalism was nurtured with ideas of “popular sovereignty, through elite-fostered forms of state creation and cultural homogenisation,” leading to “irrationalist cults of xenophobic and personalistic assertion.”⁵

There is firstly the classic notion of citizenship canonized by T. H. Marshall, whereby civic, political, and social rights enable the construction of a society based on freedom and equality. In this model, there is also the basic assumption of the collective identity of the nation. When there is more than one nation in a state, then there should be “an aggregation of different nations under one sovereign rule defined as equal (group) subjects with their specific cultural rights.” This means differentiated rights imposed and controlled by an enlightened type of government.⁶

⁴ David Held (1999), “Between State and Civic Society: Citizenship,” *Citizenship*, Ed. Geoff Andrews, London: Lawrence and Wishart, U.K., 20.

⁵ Stephen Howe (1999), “Citizenship in the New Europe: A Last Chance for the Enlightenment?” 123-135, *Citizenship, Ibid.*, 124.

⁶ Bernhard Giesen and Klaus Eder (2003), “Introduction,” *Op.Cit.*, 2.

National models of citizenship can have two dimensions: 1- The first dimension which is national citizenship may be conceived of as either, a) ascriptive, ethno-cultural community of descent and common cultural traditions (*jus sanguinis*) based on parentage and blood relations or, b) a civic community defined by adherence to common political values and institutions, and residence on the state territory (*jus soli*) based on birthplace. 2- The second dimension of citizenship relates to the culture obligations which a country places on defining access to citizenship. Such requirements range from assimilationist to cultural pluralist approaches, which differ in the degree of cultural homogeneity that is demanded by a nation-state for attributing full rights. Here, assimilationism is more demanding; potential new members undergo full conversion to the dominant national culture as the single and unitary focus of identity in the public domain.

Cultural pluralism is more accepting; the receiving state recognizes, or even facilitates, the right of migrants to retain their ethnic or religious differences.

Combining the two citizenship dimensions above, we arrive at four ideal-typical national models:

- Ethno-cultural assimilationism (until recently in Germany)
 - Ethno-cultural pluralism (Switzerland)
 - Civic assimilationism (France)
 - Civic pluralism (Britain, Sweden, The Netherlands).
- Multiculturalists even provide for special, formal rights and exemptions from obligations for cultural groups.

Citizenship and migrant/minority politics of countries do not conform fully to one of the four ideal types above. We can see varying “mixes” of all four types. Historic traditions of national identity and citizenship may affect the legal and discursive boundaries of a country’s minority politics. What is prominent especially in the European Union today is the creation of *de facto* trans-state spaces due to mass international migration brought about by globalization. Thus, the EU member countries are under pressure to grant political, social and cultural rights to foreign

nationals residing within their territories who have not yet obtained citizenship (formal membership) through naturalization.⁷ The term *denizen* (non-national resident) has come into use to designate a foreign national residing in a nation state having obtained a firm base within the receiving society without being a formal member of it.⁸ Their political citizenship (the right to vote and to be elected) is restricted to the communal and local level and to European Parliament elections. Welfare entitlements are stated in the status of the Citizenship of the Union for national and non-national citizens in principle, but these entitlements differ according to member states' measures. As to non-resident aliens at the borders of the EU, there is no solution other than different rules of member state governments. In order to foster international mobility among the youth, access to educational institutions is open to all European citizens, as well as those from countries subject to special programmes of the Union.

The structural aspects of citizenship are: access to labour market, wages, residence, inheritance, political participation (to stand in elections and to vote) and formal membership in the society. There are also other components of citizenship which refer to cultural aspects, such as community formation, organization of cultural events, participation in education and religious activities.⁹

⁷ Bianca Kaiser (2003), *Life Worlds of EU Immigrants in Turkey*, 269-289, *Migration and Labour in Europe; Views from Turkey and Sweden*, Eds. Emrehan Zeybekoğlu and Bo Johansson, Marmara University Research Center for International Relations (MURCIR) and Swedish National Institute for Working Life (NIWL), Istanbul, 280.

⁸ T. Hammar (1990), *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, Aldershot: Avebury.

⁹ B. Kaiser-Pehlivanoglu, A. E. Çakır and E.İ. Mutlu (2001). "The Concept of Free Movement of Persons and Turkey's Full Membership in the European Union," Final Project Report for the Research Fund of Marmara University (No. 2000/SOB-5), Istanbul.

Citizenship regulates the relationship of individuals to the bodies of governance to which they are subjects, affecting greatly also the lifeworlds of (third country) migrants. Migrant groups classify themselves according to their collective identities. Variables may be, the migrants' belonging in a specific ethnic group; their religious affiliation; their identification in terms of a particular race; or, their degree of attachment to their country of origin. Collective identities are not fixed and stable attributes which migrants take with them and insert into the country of settlement. Such identities are to a considerable extent influenced by both other explanatory variables, such as the receiving state's integration and citizenship regime, and the conglomerate of homeland influences.

Migrants often arrive with several overlapping, cross-cutting and competing identities formed by ethnic, religious, or racial group they belong to. There is the possibility that the receiving state's policies alter the balance among diverse identifications that migrants bring along, and switch migrants' primary allegiances from one to the other. Then, migrant identities may be influenced by new categories of identification: immigrant, foreigner, ethnic minority, asylum seeker. Transnationalism has provided the means of universal civil rights of 'personhood' that have superseded national citizenship as the guarantor of migrant rights. The so-called 'postnational rights' now make it easier for migrants to sustain their claims to residence and welfare in the receiving country without even the need to naturalize.¹⁰

Citizenship relates by means of various mechanisms the state and civil society; government and the people; or, the territorial political organization and its members. This relationship can roughly be described under three different paradigms, which exist not only at the level of reflecting the mode of citizenship exercised, but also at

¹⁰ Ruud Coopmans and Paul Statham, (2003) "How National Citizenship Shapes Transnationalism: Migrant and Minority Claims-making in Germany, Great Britain and the Netherlands," 195- 238, Eds. Christian Joppke and Ewa Morawska, *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, Palgrave Macmillan, 198

the level of legal institutions and social and political practices in the nation-state. First is the “individualist paradigm, which focuses on legal guarantees for the rational pursuit of individual interests. The second is the “political paradigm” which puts forward the ideal of participation of all in public debates. The third is the “collective identity” paradigm, which links citizenship to a common culture, nationality and tradition; that is, to boundaries between those who are included on the basis of some fundamental similarity and others who are viewed as different, as strangers or outsiders.

The three paradigms differ considerably in their requirements imposed on or expected of the potential citizens: “The first is that which sets free citizenship practices - this is their negative freedom. The second puts obligations on citizenship practices - this is the effect of the positive freedom to constitute oneself as a citizen. The third does not require practical action on the part of citizens; it favours the passive, but emotionally engaging citizen. It demands conformity to collective norms of behaviour and to commonly shared values and convictions, but it neither requires nor demands citizens’ critical involvement in public affairs.”¹¹

Citizenship in Turkey is taken up as an example of the third paradigm (“the collective identity” paradigm) in Part III of the present study, and a proposal based on the second paradigm is presented for a common citizenship model to be structured in the Euro-Mediterranean region.

When we look at the three paradigms of citizenship enacted in different social arenas, we also see that citizenship may also exist on three different levels, such as the level of practices, the level of institutions, and the level of discursive rationalization. The membership model in the paradigm of “collective identity” leads, in terms of practices, to common virtues and values; in terms of

¹¹ Bernhard Giesen and Klaus Eder (2003), “Introduction,” *Op. Cit.*, 6.

institutional forms, to common culture and tradition; and in terms of discourses, to the rhetoric of “belonging.”¹²

When one talks about inclusive citizenship, it is seen that primordialism, traditionalism, and universalism are three ways of creating boundary demarcations in the course of the establishment of citizenship laws. They are different models of justifying claims on citizenship by appealing to constructions of collective identity, and they provide different strategies for inclusive citizenship.

Primordialism constructs and reinforces the boundary between inside and outside by relating collective identity to empirical conditions like territory or kinship, climate or ethnicity. Thus, codes of primordiality provide a firm and stable basis which cannot be changed by voluntary action. Primordial variation of real individuals was believed to be easily surmounted by the universality of reason. However, with the onset of German romanticism, a disregard for the Enlightenment duality turned primordial differences into fundamental natural cleavages.

Ideas of racism flourished at the end of the nineteenth century, bringing along “rituals of purification,” meant to extinguish the traces of the outside in the members of a collectivity.¹³ Such striving for purity of style or ethnic purity is also seen in modern patterns of collective identity. Outsiders are not seen as capable of being “converted and adopted, educated, developed, or even understood.”¹⁴ Primordial codes, by reducing the identity of the whole to the sum of its equal elements, ascribes and links citizenship to descent and natural ties and questions egalitarian distributions of entitlements.

¹² Figure 1.1. Three conceptions of Citizenship, Bernhard Giesen and Klaus Eder, “Introduction,” *Ibid.*, 7.

¹³ Bernhard Giesen (2003), “National Identity,” *Op. Cit.*, 42.

¹⁴ *Ibid.*, 42.

“Primordialization allows for the exclusion of denizens and immigrants who are declared to be ethnically different. It reinforces boundaries under conditions of rapid mobility and close contact with outsiders. But it also offers a strategy for defending the collective identity of a minority against majority pressure for assimilation and even for claiming an independent and separate political community. Even if the minority were willing to ignore the difference, the primordial boundaries would resist any attempt at assimilation.”¹⁵

Traditional codes of boundary construction are constructed on the basis of familiarity with implicit rules of conduct, traditions, and social routines.¹⁶ While the insider is familiar with the rules, the outsider marks himself by questioning or asking for instructions with respect to proper behaviour.

Behind the undefined and diffuse frontier of traditionalism, commemorative rituals and the representation of the past, of continuity, routine, recreate the traditional forms of collective identity. The traditional identity of a nation is also “related to mythical origins, to founders or historical events.”¹⁷ The criterion of tradition provides the basis for the justification of citizenship. Citizenship education for immigrants is not provided; however, if an alien succeeds in proving his or her civility for some time, he may be considered as eligible for admission regardless of descent, origin, or cultural conviction.

The universalist project combines the ideal of universal inclusion with the practical inevitability of exclusion and “links the

¹⁵ *Ibid.*, 43.

¹⁶ E. Shils (1981), *Tradition*. Chicago: University of Chicago Press.

¹⁷ Bernhard Giesen (2003), “National Identity,” *Op. Cit.*, 45.

constitutive boundary between ‘us’ and ‘them’”... “to a particular relation of a collectivity to the transcendental realm of reason and perfection.” Adopting a missionary orientation towards outsiders, universalism encourages outsiders to cross the boundaries by acquiring learning and education; thus provides easier and faster access for some social groups who have grasped the transcendental ideal. “Outsiders are considered to be neutral objects requiring cultural formation and identity.” Universalist conceptions of citizenship favour immigration and multi-ethnic citizenship as long as the migrants can be regarded as potential members of the cultural community.¹⁸ Such marginal groups help them to maintain the dynamism with respect to the inclusive boundary, however strong cultural or ethnic movements that insist on insurmountable differences and refuse to get assimilated are not at all favoured.

Some elements of the above-mentioned three constructions of collective identity are found in various combinations in public discourses on national identity in the nation-states of Europe. According to the particularities of the historical situations in which they were established, states show differences in their citizenship laws and create different patterns of citizenship.

European Citizenship, included in the Constitutional Treaty of the EU, is “a project which does not seek to achieve cultural integration at the level of an overarching European society, but instead accepts a generalized and competitive pluralism of values.”¹⁹ It is a bundle of rules which specify the powers, liabilities and immunities of individuals, including the right to move and reside freely within the EU territory; the right to vote and stand as a candidate both at municipal elections and at elections to the European Parliament (EP) in the country of residence, under the same conditions as nationals of that state (this right, however, does

¹⁸ *Ibid.*, 44.

¹⁹ Yves Déloye, (2000) “Exploring the Concept of European Citizenship: A Socio-Historical Approach,” 197-219, *Yearbook of European Studies*, 14, Europeanization; Institutions, Identities and Citizenship, The Netherlands.

not extend to cover general elections on the national level); protection by diplomatic and consular authorities of any member state where the state of which the person is a national is not represented; the right to petition the EP; and the right to apply to the Ombudsman.

Next to the most significant source of human rights protection in Europe, the 1950 European Convention on Human Rights and Fundamental Freedoms, the 1987 Single European Act (SEA) of the European Community provided the basis for a European Citizenship by developing the political side of bringing the Community closer to the citizen.²⁰ The 1992 Treaty on European Union (Maastricht Treaty) institutionalised the concept of “Citizenship of the EU” by declaring that “every person holding the nationality of a member state shall be a citizen of the Union.”²¹ Formerly, the member states resisted any fundamental change in this subject by creating new objectives, policies, content or procedures. In the new Part Two (Citizenship of the EU) Article 8, the Maastricht Treaty accepted that “Citizenship of the Union brings the citizens additional rights and protection without in any way taking the place of their national citizenship.”

The 1997 Amsterdam Treaty, which came into force in May 1999, further reiterated that “citizenship of the Union shall complement and not replace national citizenship.” The preamble to the Treaty of Amsterdam also refers to the 1961 Council of Europe Social Charter and the 1989 Community Charter of Fundamental Social Rights of Workers. The Treaty of Nice (2000) provided the opportunity to bring forth the Charter of the Fundamental Rights of

²⁰ Jacqueline Bhabba (1999), “Enforcing the Human Rights of Citizens and Non-Citizens in the Era of Maastricht: Some Reflections on the Importance of States,” in B. Meyer and P. Geschiere (Eds.), *Globalisation and Identity: Dialectics of Flow and Closure*, Oxford: Blackwell Publishers.

²¹ Jo Shaw (2000). “Constitutional Settlements and the Citizen after the Treaty of Amsterdam,” in K. Neunreither and A. Wiener (Eds.), *European Integration After Amsterdam - Institutional Dynamics and Prospects for Democracy*, Oxford: University Press.

the European Union, which has become Part II of the present draft Constitutional Treaty of the EU. It includes civil, political, economic and social rights which are closely related to the European Citizenship and divides these rights into six sections: dignity, freedoms, equality, solidarity, citizens' rights and justice. Certain provisions of the Charter are directed at all residents and not confined to citizens of the EU.

Some claim that the maintenance of national identities prevents European citizens from developing a sense of the 'generalized other' that would give meaning to European Citizenship and create a collective sentiment of belonging.²² Moreover, the post-national European Citizenship is premised on the separation of civic rights and duties. Is it possible that the European citizen can have full enjoyment of rights without being bound by a political territory in which each citizen is protected from the actions of other citizens? There is the vertical dimension of citizenship and the horizontal dimension. The obligations which the state authorities or institutions impose on citizens are a necessary condition for the respect of rights. Such relations are part of national politics and they can not be dissociated from the relations which individuals maintain in a society.

European Citizenship lacks the value-formations equivalent to that which accompanied the birth of nation-state citizenship. However, a modern society should not be organized around a central value system of inclusion and exclusion; it can be based on a competitive pluralism of values without cultural integration. Then, the question of legitimacy shall no longer be posed at the level of ultimate values but at the administrative and technocratic level. If there is weakness of cultural integration, then it can be "compensated for by the capacity (notably, economic) of the system to ensure that

²² Jürgen Habermas (1992). "Citizenship and National Identity: Some Reflections on the Future of Europe," 1-19, *Praxis International* 12 (1).

everyone enjoys a certain equality of access to material well-being.”²³ One may add “moral” well-being as well.

At present, multiculturalism presents a weakly integrative model of citizenship on the political and cultural planes by favouring equal access of all to social and economic goods, services and privileges. Such a conception of citizenship may fail to produce a sentiment of belonging to a “European space,” but it leaves the individual free to choose his cultural affiliations and identities.

Déloye quotes a study of Jean Leca (1986): “All historically attempted models of citizenship may be situated relative to a scale premised on the two attitudinal dimensions of belonging and commitment.” Feelings of belonging: from particular to the general; from the communitarian to the social; from bottom to top. Feelings of commitment: from the civic to the civil; from behavioural conformity to individual autonomy; from affirmation of obligations to assertion of rights.²⁴ European Citizenship is concerned with multicultural expression, respecting local and particularist attachments. It sanctifies the private individual primarily concerned with securing the full enjoyment of his rights; the civil winning over the civic.

There is no unique European culture which could form a basis for social integration and common citizenship as exercised in one way or another in each nation-state. Yet, the EU has almost successfully created a European Citizenship, which will show better in time that cultural cohesion is not a precondition of social integration.

III. Turkey

Turkey is a good example of a state that has historically worked hard at establishing republican citizenship with its institutions and

²³ Yves Deloye (2000), “Exploring the Concept.” *Op. Cit.*, 205.

²⁴ *Ibid.*, 206.

its power of creating a unitary nationhood. A strong and active *demos* keeps (and is deliberately kept) reiterating the feeling of belonging to the Turkish nation-state. However Turkey is also a good example of a state (with a population of nearly 70 million) where the alleged cultural cohesion for the formation of integrative citizenship and public commitment, as it is often taken for granted, has not been fully operative on the national level. Thus, with the eighty-plus years of relative 'republican success' of the Turkish Republic, it can be seen that cultural cohesion is not a precondition of social integration.

Citizenship in Turkey has always been dominated by laws and administrative practices that favor and sustain nationalism and show great concern for the integrity of the state. Commitment to (a) public cause(s) is required of citizens. Common values are presupposed and considered as the indispensable basis for settling political conflicts and generating a common political will. A common horizon of values as well as a common historical experience and memory is often underlined. Public debates are expected to appeal to common tradition if they are to arrive at some acceptable consensus. Myth and ritual in connection to citizenship is highlighted as a response to the modern acceleration of change and increase in complexity of issues. All this goes along with a vague distrust of the "foreign" and the "foreigner." Therefore a foreigner who has resided in Turkey even for a long period of time can not easily obtain the unlimited right of residence or full access to the labor market.²⁵

The idea of the "unitary state" gives shape to the concept of citizenship. The Constitution adopted the "unitary state" model and the principle of a "single people" within the cultural mosaic. The nation is "single," the country is "whole", and the State is

²⁵ More liberal measures are introduced by the Law on the Work Permit for Foreigners, No. 4817, which was enacted on 27.02.2003 and published in the Official Gazette No. 25040, dated 06.03.2003.

“one.” But recently, within the last year or two, there are reasons to doubt that all this may be changing.

The eighteenth century marks the beginning of Turkish modernization, following a systematic attempt to understand the difference between the Ottoman and the European military systems. Disciplined troops could be established and trained under the supervision of Western, mostly French, advisers. At the turn of the nineteenth century, modernization involved not only military but also civilian and political matters; and nationalism penetrated into the Ottoman Empire. By the proclamation of the *Tanzimat Charter* in 1839, the Sultan tried to change the way it classified its subjects (*kul*) by religion according to the *millet* system, and created instead the ‘Ottoman citizen.’²⁶ This was a liberal move which met with the resistance of the governing Muslim elites since the new citizenship disregarded religious affiliation. The Sultan, who was under pressure to hold the declining Empire together, reverted back to Islam and stressed the role of the Sultan as Caliph. A major reorganization was nevertheless enacted by the *Tanzimat* reforms at the levels of provincial administration, education, and the judiciary. These brought new rights and obligations for the citizens.

In the Turkish Ottoman Empire, there was a strong political organization and a state elite who spoke Turkish, but the elite did not single out the Anatolian peasantry as its favored object. There was an identification with Islam, but the state elite controlled an ethnically and religiously variegated population. The Anatolian peasantry was there but it was not a homogeneous ethnic group conscious of its uniform culture. Individual peasants thought in religious and ethnic rather than political terms.

An ethnic Turkish nationalism arose early in the twentieth century against the competing claims of the Islamic community. The new

²⁶ Şerif Mardin (1990) “European Culture and the Development of Modern Turkey,” Eds. Ahmet Evin and Geoffrey Denton, *Turkey and the European Community*, Leske: Budach Opladen.

Turkism, which looked to fellow Turks, could not help but come under the effects of two other competing programmes of representation for the people of the Ottoman territory: one was Ottomanism, and the other was Islamism.²⁷ The struggle among these three contradictory bases of representation has survived up to the present day in Turkey and continues to create schizophrenic schisms in the minds of a great number of people with respect to their sense of identity.

In the 1920s, the reforms in the Turkish Republic sought to elevate Turkey to the level of ‘contemporary civilization,’ which became a long-lasting slogan of the Turks. The new citizen was thus faced with the dilemma of achieving a balance between the material progress of the West, on the one hand, and the spiritual rituals of Islam and indigenous cultural traits, on the other. The writings of Young Ottomans (Young Turks) had been all expressive of the attempt to come to terms with the ongoing modernization and prove its compatibility with Islam.

One basic characteristic of Turkish nationalism was its search for a defining group identity by separatism. Various slogans were deliberately created by the Kemalists and Mustafa Kemal Atatürk himself that would constitute different aspects of a comprehensive definition of the new “Turk,” the citizen of the Turkish Republic. This citizenship consisted of a strong refusal of tribalism, or similar sectional and religious identities, which were seen as threatening to the creation of a unified nation-state. The inhabitants of The Thrace and Anatolian peninsula had all sorts of identities, some even speaking their own languages other than Turkish, but they all had to submit to a new state which had come into existence over their heads.

In the 1930s, Kemalist values were inculcated through education, and frequent use of symbolic acts such as flag saluting, singing the

²⁷ Hugh Poulton (1997). *Turkish Nationalism and the Turkish Republic; Top Hat, Grey Wolf and Crescent*, London: Hurst Company.

national anthem, state parades, and use of republican slogans. This continuing and consistent socialization aimed at producing a Turkish rather than a Muslim identity.²⁸

In the Ottoman Empire/Turkish Republic historical development, the transition from the concept of “subject” (*kul*) to nationality-citizenship has been experienced. The evolution of an official Turkish identity was achieved in the formative early years of the Turkish Republic by the application of an elitist project from above. The popular consciousness was transformed, within the confines of a peculiar Turkish nationalism, into a *sui generis* combination of cosmopolitan French civilization based on the premises of Enlightenment and Romantic German thought emphasizing culture. Otherwise, civilization would become a matter of simple imitation without a cultural basis. The source of cultural values was to be found in the social unit called the “nation.” The paradoxes contained therein are reflected up to the present day in the concepts of Turkish identity and citizenship.

A hostility towards an imitation of Western ways has accompanied the modernization process throughout the twentieth century. The task of the modernizing elite has been not only adopting the positivistic stance in order to turn the citizens of the new Republic into individuals capable of using the science and technology of the West but also to free them from the grip of superstition and irrational folk religion.²⁹

In Turkey, the participatory element of citizenship has occurred close to the German concept of *Staatsbürger*, with its relation to the sphere of state than to society. There is clearly an emphasis on the formal and legally defined adherence to the state. Since the

²⁸ Metin Heper, “Political Culture as a Dimension of Compatibility,” Eds. Heper, Öncü and Kramer, *Turkey and the West*.

²⁹ Deniz Ilgaz (1995). The Kemalist Ideology and the Village Institutes in Turkey, Unpublished PhD Dissertation, Department of Political Science and International Relations, Boğaziçi University, Istanbul.

Turkish state and the nation were formed together at the time of the founding of the Turkish Republic, the concepts of nationality and statehood are closely related. However, the memory of the historic use of the concept “*millet*”(nation) as it referred to different ethnic/religious/national groups in the Ottoman Empire still lingers on.

The secularization process in the Turkish Republic brought the biggest changes in citizenship. The majority of the reforms constituted an onslaught on the existing cultural practices that held people captive in the dictates of religio-mystical tradition. Although Islam played a mobilizing role during the Turkish War of Independence, shari’a, or Islamic law, had never formed an integral part of the legal system of the Turkish Republic. Muslim jurists were not allowed to play an autonomous role in legislative matters at the national level. Religious affairs were put firmly in the hands of the state, and a Department of Religious Affairs attended to the appointment or dismissal of imams or Muslim clergymen, the building of mosques, the review of Friday sermons, the administration of religious endowments, and the setting up of Islamic institutions of higher learning.

The abolition of the office of the Caliphate followed the proclamation of the Republic in 1924. In the course of the 1920s and early 1930s, the Ministry of Religious Affairs and Pious Foundations was abolished, as well as religious courts and dervish orders. Atatürk demanded that all citizens take on a family name. As he always lent his personal being as a representation, he chose his own name as Atatürk (the ancestor of the Turk). The *fez*, which was religious headgear for men was prohibited outside the mosque, the Western calendar was adopted along with the Swiss Civil Code. Islam was disestablished as state religion; the Latin alphabet was adopted; and the Turkish language in the Islamic call to prayer was put into practice, to be reverted back to Arabic with the surge of ‘democratization’ in the 1950s by the coming into power of the Democratic Party.

The Republican regime in Turkey brought secularized arrangements of marriage, education, and democratization of the

electoral process and distanced itself from the Islamic heritage of the Ottoman Empire. This has been a process that exerted a pull on the individual in two opposite directions. First, he was forced to imitate a model in the name of progress and accept the value of the standards set by the alien culture. While the individual grew hostile to the model he imitated, he was also disturbingly aware that his act was a rejection of ancestral ways which were seen “as obstacles to progress and yet also cherished as marks of identity.”³⁰ The paradox of creating a nationalist identity and building citizenship in Turkey is then an effort to transform the nation culturally while at the same time retaining its distinctiveness.

The emphasis placed on notions such as science, modern education, rationality and secularism marked several critical turning points that brought wider citizenship rights for both men and women and created increasing friction between the state and civil society. The Republican elites of the 1930s were not keen on adopting the principles of liberalism and democracy; these two concepts were not included among the six fundamental and unchanging principles of the Turkish Republic. Liberalism and democracy would hinder the state from tightening its grip on the periphery, the provinces which constituted areas of potential disaffection.

The emerging new Turkish identity was distinguished by its manufactured character, along Jacobin lines that the French revolutionaries followed in creating the Frenchman. In the power balance between the state elites and political elites in Turkey, the latter have been punished and pushed off-stage whenever they could not play their roles properly in the system. The three military interventions (in 1960-61; 1971-73; 1980-83) were examples of such an overtake by the state elites that led to the emergence of a

³⁰ Ayşe Kadioğlu, “The Paradox of Turkish Nationalism and the Construction of Official Identity,” 177-193, *Turkey: Identity, Democracy, Politics*, 178.

Turkish identity which can be described as ‘official, absolutist, and monolithic.’³¹

It was after the globalizing effects of liberal economic policies, adopted in Turkey in the early 1980s, that the ‘monolithic Turkish identity’ started to lose much of its fundamentalist character. Kemalism also lost much of its impact as an ideological manifesto. An opening, due to international and internal factors which took effect in Turkish political structure led to a shattering of homogeneous, standardized and monolithic tendencies. Global integration of Turkey as a result of liberal economic policies also encouraged the emergence of local identities.

After 1983, an urge for greater democratization, in parallel, created possibilities for easier references to the significance of the Islamic, Kurdish, or similar identities of the Turks. Even the state elites joined in the support lent to Islamic Turkish identity, thus elevating Islam from the periphery to the centre of Turkish politics. Civil society elements were on the rise and these groups joined forces with “the technocratic elites of the 1980s who ‘defined their goal less in terms of educating the people than of synthesizing Islamic values and pragmatic rationality.’” This gave rise to a political climate that allowed the search for a more historically rooted Turkish identity.³²

The Kemalist regime also achieved considerable progress in realizing gender equality. Kemalism tried “to equip the Turkish women with education and finer skills” and Turkish women have

³¹ *Ibid.*, 189.

³² Nilüfer Göle, 1994. “Towards an Autonomization of Politics and Civil Society in Turkey,” Eds. Metin Heper and Ahmet Evin, *Politics in the Third Turkish Republic*, 213-222, Oxford: Westview Press.

enjoyed civil and political rights while they became more visible in the public domain. As early as the 1920s, they gained several legal rights including the right to choose their own spouses, initiate divorce and demand child custody. Elementary education was made mandatory and free for both sexes in 1923. In the 1930s, women were granted certain political rights: the right to vote and run in municipal elections in 1930, and in national elections in 1934.” Today, female representation among professionals, such as lawyers, doctors and members of academia, is quite impressively high in Turkey.³³

However the progress of gender equality has been of a limited nature due primarily to the strength of the Islamic tradition which kept curtailing the intended goals of Kemalism. Another reason could be the patriarchal nature of the Kemalist government that sought progress only to improve the contribution of women to the new Republic as “Western” wives and mothers, which is a common practice in developing countries.³⁴ The rights granted to women, moreover, have been utilized unevenly due to the great gap between urban, upper and middle class women, on the one hand, and rural, lower class women, on the other.³⁵

³³ Ayşe Öncü (1982). “Uzman Mesleklerde Türk Kadını” (Turkish Women in Professional Occupations), in Nermin Abadan-Unat, Ed. (1982) *Türk Toplumunda Kadın* (Women in Turkish Society). Sosyal Bilimler Araştırmaları Dizisi 1., Second Edition, Istanbul: Araştırma, Eğitim, Ekin Yayınları, and Türk Sosyal Bilimler Derneği (Turkish Social Sciences Association).

³⁴ Nilüfer Çağatay and Yasemin Nuhoglu Soysal (1990). “Uluslaşma Süreci ve Feminizm Üzerine Karşılaştırmalı Düşünceler” (Comparative Reflections of the Process of Nation-Formation and Feminism), in Şirin Tekeli (Ed.) (1990). *Kadın Bakış Açısından 1980’ler Türkiye’sinde Kadın*. Istanbul: İletişim Yayınları; K. Jayawardena (1988). *Feminism and Nationalism in the Third World*, London: Zed Press; Naida H. Youssef (1976). “Women in the Moslem World,” in *Women in the World*, Eds. B. İglitzin and R. Ross. Oxford: Clio Books.

³⁵ Zehra Arat (1994). “Kemalism and Turkish Women,” 57-80, *Women and Politics*, Vol 14 (4), The Haworth Press: U.S.A., 58.

Kemalist reforms have been ineffective or had only modest impacts in rural areas where the power of conservative groups and the Islamic tradition prevailed. The primary aim of the Kemalist government was stimulating economic development and modernization according to the Western model.³⁶ Social life was accordingly reorganized by the replacement of the Islamic patriarchy with that of a secular, 'Western' one. The single-party Kemalist state nurtured a 'corporatist nationalism' which recognized no special group interests or any conflicts of interest. Both the education of all citizens and the participation of women in social life as citizens were seen as "tools for national development rather than as means that would enable them to develop either an individual consciousness to exist 'for themselves' or a collective consciousness to form a gender class." ³⁷

In restructuring the patriarchal tradition within a new, nationalist and reformist context, the Kemalist regime functioned consistently in its rhetoric as well as in the context of its legal and administrative policy frameworks. From the early years of the Republic, the Grand National Assembly (TGNA) legislated laws that organized every aspect of life including the family. In 1926, the TGNA adopted the Swiss Civil Code as the basis of its Civil Law which included Family Law. The Swiss model favoured the Catholic tradition of its society and was not the most progressive of its time in the West. The Turkish Civil Law abolished polygamy, prevented child marriages by imposing a minimum age for marriage³⁸ and recognized women as legal equals of men in certain areas (e.g. as witnesses in courts; in inheriting and maintaining property). It granted women the right to choose their spouses, initiate divorce, and maintain their maternal rights even after divorce. "All of these had been limited or not recognized in the

³⁶ Deniz Ilgaz (1995). *The Kemalist Ideology..Op. Cit.*

³⁷ Zehra Arat (1994). *Op. Cit.*, 59

³⁸ The Law No. 3453 in 16 June 1938 changed the original minimum age, 17 and 18 for men and women respectively, to 17 and 15.

Islamic Law which had served as the principal source for the Ottoman legal codes.”³⁹

According to the Islamic tradition, marriage and family were arranged and treated as a binding private agreement performed before two witnesses while no legal authority was required to oversee the marriage contract. The presence of an *imam* (local religious leader) was sought in practice to bless the union with prayers. The marriage could easily be ended with verbal repudiation of the husband. The Civil Law established state control over the institutions of family. It introduced a set of detailed codes which organized every step of marriage and divorce, including the engagement stage that precedes the formal marriage. Polygamy was banned and the nuclear family was recognized as an institution to be organized and protected by law. Although the Civil Law treated the husband and wife as legal equals, an unequalitarian picture was presented with the division of labour in the family and the rights and responsibilities of each spouse. A recent Law has amended Article 152 that established male dominance in marriage. The position of women constitutes today, once more in Turkish history⁴⁰ a major item on the government agenda and of public debate due to a new effort to bring back the former Turkish Penal Code⁴¹ rule that makes adultery a crime for both men and women but with some gender differences.⁴²

³⁹ Zehra Arat (1994). *Op. Cit.*, 63.

⁴⁰ Nükhet Sirman (1989). “Feminism in Turkey: A Short History,” 1-34, *New Perspectives in Turkey*, 3 (1), Istanbul

⁴¹ Adopted in 1926 from the 1889 Italian Penal Code, this Law has been amended 60 times in order to make it stricter in the direction of limiting freedoms, while it retains the Christian sensibilities of the Middle Ages. There is however a new 346-article Turkish Penal Code which was passed through the TGNA on 26.09.2004

⁴² Yurdağül Şimşek (1.09.2004). “Partilerden ‘zina’ ittifakı,” *Radikal Newspaper*, 6.

In his efforts to transform Turkey into a “civilized nation,” Atatürk, in several of his speeches, “reflected his concern about Westerners equating Turkish women’s excessive covering with a state of ignorance.”⁴³ The new Turkish women were also warned by Atatürk not to overdo and imitate the promiscuity of the Western women, but maintain modesty in their clothing.⁴⁴ The dress codes of 1925 outlawed the traditional outfits for men, but touched neither the women’s garments nor the use of the veil or covering of the head. In 1935, the Republican People’s Party (the single party in power) proposed a ban on the veil at its national party congress, but no legal action was taken up in the TGNA.

Atatürk also talked women out of their attempt to establish a political party in 1923. The women who were organized as the Turkish Women’s Federation, were forced to sacrifice special interests for the sake of national unity. The Federation was also discouraged in its attempts to nominate its own parliamentary candidates for the 1927 elections. In the 1930s, their demands for membership in the political party were similarly denied. Suffrage did not result for women in independent political acts or further politicization. Women candidates acquired 4.5 percent of the parliamentary seats in the 1935 national elections, but these 17 women were picked out by Atatürk as ‘docile’ women who were ‘dedicated to Atatürk’s principles.’⁴⁵

In the area of education which has served as the most important tool of citizenship training for the government in Turkey, the 1924 Law of Unification of Instruction (No. 430) which is still in effect, seeks to secularize, centralize and bring standardization of the curricula for schools of all levels. By eliminating the regional or

⁴³ Zehra Arat (1994). *Op. Cit.*, 62.

⁴⁴ Deniz Kandiyoti (1987). “Emancipated but Unliberated? Reflections on the Turkish Case,” 317-338, *Feminist Studies*, 13 (2).

⁴⁵ Zehra Arat (1994). *Op. Cit.*, 67.

inter-institutional differences, the Law provides the same and equal level of education and issues the standard type of diplomas at all levels.⁴⁶ The schooling system dictated that a “patriotic Turk should try to achieve a balance between the benefits of the West and the East by opting for adopting the science and technology of the former and the spirituality of the latter.”⁴⁷ Thus, since the early days of development and Westernization even at the beginning of the nineteenth century, Turks have been compelled to walk the difficult line between tradition and modernity. The tension which necessarily exists between modernity and tradition reflects not only in the behaviour and dress codes, but also in less apparent ways in other domains of Turkish social life.

Religion has great importance in everyday life in Turkey and one can even talk of “a strong symbiosis between Kemalist nationalism and Islam.”⁴⁸ Especially in the countryside, two contradictory sets of ideas about Turkey as a nation-state and ideas about Islam are mutually reinforcing, which make agreeable the “Turkish Islamic Synthesis.” However, the superior role of Islam over Turkish identity still prevails. Studies in 1969 of workers in the *Sümerbank* Factory in İzmir found that 38 percent of respondents saw themselves as Muslims rather than Turks. Only 50 percent saw themselves foremost as Turks. And they perceived others in society as “religious brothers” (*ahret kardeşi*) (52 percent), as opposed to those who said “fellow nationals” (36 percent). The interesting point here is that the latter group was almost entirely comprised of *lycée* graduates, showing the role of education in building an awareness of citizenship.

A similar poll in Istanbul (a city with over 10 million population of migrants from other areas of Turkey), carried out in 1993, found that 69 percent of residents defined themselves as ‘Turks,’ 21

⁴⁶ Deniz Ilgaz (1995). “The Kemalist Ideology...” *Op. Cit*

⁴⁷ Ayşe Kadioğlu, “The Paradox of Turkish Nationalism...” 177-193, *Op. Cit.*, 178.

⁴⁸ Hugh Poulton, *Op. Cit.*, 197.

percent as ‘Muslim Turks,’ and 4 percent solely as ‘Muslims.’ The remainder identified themselves as members of other groups like Kurds or Caucasians.⁴⁹ A study found that migrants exposed to the upheavals associated with transition temporarily turned to religion, but until they fully integrated.⁵⁰ Family, kinship, friendship, comradeship, partnership, and patronage (unofficial and uncoded associations of unwritten identities, especially of people from the same ‘localities’ of Turkey) form circuits of interpersonal exchanges that operate more or less autonomously and independently of public institutions even while influencing their concept of identity.⁵¹

The ongoing effort in Turkey to fulfill the requirements of the Copenhagen Political Criteria in order to start accession negotiations with the EU has created a new awareness with regard to the civil, political, social, cultural and economic rights of Turkish citizens as well as foreign nationals residing in Turkey. The legitimizing force of the “Western” revolutionary and participatory concept of citizenship is quite rampant in present-day Turkey, which has recently been urged on with democratic reform packages adopted by the present and the former governments in the process of meeting the membership criteria of the EU. Merely legal adherence to the state as conceptualized by “nationality” is giving way to a more pronounced and specified status of citizenship rights. In Turkey today, both primordial and universalist as well as traditional elements can be found in legal

⁴⁹ Milliyet Newspaper, 27 February 1993.

⁵⁰ Ned Levine (1983). “Value Orientations Among Migrants in Ankara, Turkey: Case Studies,” *Journal of Asian and African Studies*, Vol. 8.

⁵¹ Michael E. Meeker, (1997), “Once There Was, Once There Wasn’t; National Monuments and Interpersonal Exchange,” 157-191 *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U. K., 159.

texts and in public inclinations concerning national identity and citizenship.

When people are searching for a 'real' Turkish identity, it is no more a superficial adaptation of Western norms and code of behaviour, but a historically rooted Turkish identity. This search contradicts the official Turkish identity of the early Republican period that could be summed up as secular, nationalist, statist, republican, populist, and reformist. Since the new 'rooted' Turkish identity brings along a certain tolerance towards religious concerns, then this has led to the development of the most pronounced political cleavage in Turkey, starting in the 1990s.

Even though the two trends, the secular versus the religious identity, in their current political manifestations, are trying to contradict each other, a synthesis between the Western norms and Islam has been developing in the Turkish context all along. At the roots of Turkish identity, one can observe the synthesis not only of the materialism of the West and the cultural traits of Islam, but also of pre-Islamic Turkic elements. The social engineering from above that had been undertaken by the early Republican elites could constitute only partially the present-day characteristics of Turkish identity/citizenship alongside the emerging peripheral challenges against the authority of the center. Even opposition parties in Turkey have been formed according to the said demands of the periphery, either of Islamic or Turkic tradition or even ethno-cultural loyalties, representing long-suppressed multiple identities in Turkey. The best course should be to allow representation to all tendencies under a wider framework Turkish citizenship, which would adopt the inclusiveness and move closer to the basic principles of European Citizenship.

In the present day, since 1999, Turkey has prepared its National Programme and many a disputed citizens' rights are on the agenda; a great transformation is taking place around some of the basic tenets of citizenship in Turkey. There is a radical attempt in Turkey presently "to free liberalism, democracy, and secularism from a polity that has long repressed those qualities in the name of

those very qualities themselves” and this has its impact on citizenship.⁵²

Bernard Lewis pointed out, in the “Emergence of Modern Turkey,” (1968) the ‘deeper affinities’ between the democratic ideals of Western society and the Turkish culture. In Turkey, reforms were regarded strictly as a top-down process, and were carried on in that manner. Once the conditions of daily life would be altered, the behavior of individuals was expected to take a new mold and would then be made to fit the requirements of the newly created circumstances. The direct model came from the French Jacobins who dominated the French state in 1793-4. The new citizenship for Ottoman Young Turks and Kemalist leaders, *inter alia*, meant adoption of new style of clothing, new modes of living, new kind of arts and music, a new alphabet, new ways of eating, dining, and other ways of conforming to modern norms. All these together could create the right conditions for the kind of social change the leaders deemed necessary for the country.

The Enlightenment in Europe (defined by David P. Calleo as “to improve mankind through the steady and cumulative application of reason”)⁵³ was interpreted by the Ottomans mistakenly as “a marker to describe the inherent qualities of different groups of people.” Certain cultures were judged to be unsuitable to take part in progress unless they abandoned their identity.⁵⁴ What went along with such ambitions was a dislike for inclusive liberal ideologies and no tolerance for ambiguity or indeterminacy. This

⁵² Yeşim Arat, (1997) “The Project of Modernity and Women in Turkey,” 95-112, *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U. K., 96.

⁵³ David P. Calleo (2001). *Rethinking Europe's Future*, Princeton University Press, U.S.A., 358.

⁵⁴ Reşat Kasaba, (1997), *Rethinking Modernity and National Identity in Turkey*, Eds. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A, 15-36.

is partly the cultural background of the present-day ethnically defined 'solid community' implications of citizenship prevalent in Turkey. The creation of a homogeneous and unified national community of Turks has been seen for too long as the basis of the ruling elite and their legitimacy. The creation and protection of such a community were deemed indispensable also for the maintenance of the nation-state, the Turkish Republic.

Turkish leaders, primarily M. Kemal Atatürk, have used nationalism and modernity to create a nation out of the remnants of an ancient empire. Both nationalism and modernity have become subjects of dispute however in recent years, and have lost much of their aura. The project of modernity "has often engendered protest and resistance, reorganization and adaptation, in a rich variety of ways."⁵⁵

The parochial and exclusive qualities of nationalism, on the one hand, and the cosmopolitan and universal qualities of modernism, on the other hand, together gave shape to the new concept of Turkish citizenship, which helped to mobilize the poor and war-worn peoples of Anatolia into the service of modernizing sectors. Especially the young were idealized and egged on as the future soldiers of modernity's army. Critical social dynamics among marginal groups within the society were obscured or ignored.

The project of modernity of Atatürk "was a package including not only the hard core of science and technology, the facts (the positivistic science of the Enlightenment), but also the trappings of style, the fiction," including the cultural life of the country. He pressed for the cleansing from the Turkish language of the "linguistic capitulations" of Arabic and Persian. He summoned the historians to a Turkish Historical Congress in Ankara, and egged

⁵⁵ Joel S. Migdal, (1997) 254, "Finding the Meeting Ground of Facts and Fiction; Some Reflections on Turkish Modernization," 252-260, *Rethinking Modernity and National Identity in Turkey*, Ed. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A, 254.

them on to carry out research with a view to ‘proving’ the theory that the Turks were a white Aryan race, originating in once fertile Central Asia, which was the cradle of human civilization. The Turks had progressively moved westwards, migrating in waves to various parts of Asia and Africa. They carried their civilization into Anatolia and mingled with earlier civilizations they found there.

What is the main theme of European or what might be called Western or Atlantic sociology? The theme is the transition from *Gemeinschaft* to *Gesellschaft*, from community to society, from the closed community (the integrated world in which vision of the world and social hierarchy and social life all interlock) to the mobile, open, progressive, growth-oriented, and centralized society. For Europeans, this has been the basic direction of history, and it is the concern with this long-term secular trend that the Turks are struggling to come to terms with.⁵⁶

The Kemalist revolution adopted some western socio-political ideas, such as nationalism, constitutionalism, and these ideas were carried out in the spirit of high religion (Islam), as the old political elite was accustomed to. They had two choices: they would either give up democracy and in doing so would contradict the principles they were supposed to be applying, or else they would implement it, in which case they would allow people who betrayed the Kemalist tradition to win the elections. Thus, “a cyclical political system emerged, which for a time seemed to be institutionalized.”⁵⁷

The military powers, as the guardians of the new democratic tradition, allowed every time for free elections to take place. If a party won that would betray the Kemalist tradition, the army stepped in and took over. The elected government was allowed to

⁵⁶ Ernest Gellner (1997). “The Turkish Option in Comparative Perspective,” 233-244, Eds. Sibel Bozdoğan and Reşat Kasaba, University of Washington Press, U.S.A., 273.

⁵⁷ *Ibid.*, 243.

resume the civilian political life again. The Turkish army thus reestablished democracy for a number of times. In expectation of the same cyclic intervention, the Nationalist People's Party (MHP) recently sent a letter of warning to a number of top level military officers but could not get a response.⁵⁸

There are now individuals who are trying to find a way out of the dilemma that had led to this cyclic development in politics. The periodic return to purification by the army and then a return to democratization has been a disturbing rotation for Turkish society and quite harmful for democratic institutions. It now seems to have come to an end but not with a real solution to the rigid interpretation of Islam. The urge for stopping this circle has come with the anchoring of expectations for membership in the European Union and the ensuing pressures for political, legal, administrative, and economic reform.

An official "Turkish identity," which has been determined by political elites is still adopted by a majority of the Turks and anything short of it is observed as a threat to the existence of the nation-state. "The official understanding of the concept of citizenship is based rather on the idea of obligations rather than on rights. The aim of these obligations is the 'common benefit' defined by the official state ideology rather than the demands and rights of citizens."⁵⁹

A recent example of this attitude is reflected in the way the President of the Turkish Republic, Ahmet Nejdett Sezer, vetoed the Draft Basic Law of Public Administration due to the wide scope of liberties allowed to local administrative units in its Article 4. The said Article states that the basic goal and duty of public administration is to bring ease to the life of the people, provide

⁵⁸ *Radikal* Newspaper, 6.08.2004.

⁵⁹ Ayşe Kadioğlu (1999), *Cumhuriyet İradesi Demokrasi Muhakemesi*, İstanbul: Metis, 54-65.

peace, security and wealth for them, improve their quality of life, eliminate all obstacles against the use of their rights and freedoms and to fulfill the responsibilities and services attributed by law. The President points out that this Article should be evaluated together with Article 5 of the Turkish Constitution which brings some limitations (referring to the independence and integrity of the nation, the indivisibility of the land, the protection of democracy and the Republic) while stipulating the basic goals and duties of the state. Article 5 of the Constitution provides that the state shall eliminate the political, economic and social obstacles that restrict the rights and freedoms of the individual only in a way that is compatible with the principles of the social state, rule of law and justice. Thus, the still prevalent point of view in Turkey is to fear any initiative that tries to restrict the state against the rights and freedoms of the individual, rather than the opposite.⁶⁰

Turkey, due to its historical and geographical position, has been an active center for population movements in and out of its territory. This condition has also been affected by the political decline of the Ottoman Empire in the second half of the nineteenth century. Population exchanges and compulsory migration within the region, continuing well into the era of the Turkish Republic, created major shifts in population and problems of citizenship. "These population movements led, in part, to a reformulation of what constituted a new identity, that of the Turkish 'citizen'."⁶¹

Up until the 1960s, Turkey had in time lost most of the non-Muslim residents and had faced successive flows of Turkish and Muslim communities with different ethnic backgrounds. After the

⁶⁰ İsmet Berkan, *Radikal* Newspaper, 6.08.2004.

⁶¹ Sema Erder (2003), "Global Flows and Huddles: The Case of Turkey," 156-170, *Migration and Labour in Europe; Views from Turkey and Sweden*, Eds. Emrehan Zeybekoğlu and Bo Johansson, Marmara University Research Center for International Relations (MURCIR) and Swedish National Institute for Working Life (NIWL) Istanbul, 157.

swift receding of the borders of the Ottoman Empire, peoples living in various parts of the Balkans had been left behind. When the Republic was established, they were subjected to forced or voluntary emigration.⁶²

Temporary labour recruitment demands of some countries of the European Community in the 1960s turned Turkey into a “sending country” in terms of international labor migration flows. This seemed beneficial for Turkey at the time since export of unskilled workers had the potential of facilitating the acquisition of new skills and would contribute to the industrialization of the country.⁶³ Moreover, remittance of incomes would help to fill the gap in the balance of trade and contribute to the stock of foreign exchange.

After the oil crisis in 1973, official labour recruitment in all European countries became restricted. Subsequently, family reunification became a major channel of “formal” out-migration from Turkey. From 1980 on, restrictions in labour recruitment and the introduction of rigid visa requirements increased requests for asylum and “pseudo tourism flows from Turkey to Western European countries.”⁶⁴

Turkey had the Law of Settlement (1934), to govern the migration and settlement process as a “receiving” country. Institutions were established to allow a steady flow of immigrants to acquire citizenship. These people had to be “of Turkish descent and culture” in order to get permission for settlement in Turkey. However, there were no clear criteria defining Turkish ethnicity and culture. These immigrants amply benefited from protection

⁶² Kemal Kirişçi (Spring 1995), “Post Second World War Immigration from Balkan Countries to Turkey,” 61-77, *New Perspectives on Turkey*, 12.

⁶³ Nermin Abadan-Unat (1995). “Turkish Migration to Europe,” in *The Cambridge Survey of World Migration*, Ed. R. Cohen, Cambridge University Press

⁶⁴ Sema Erder (2003). “Global Flows and Huddles: The Case of Turkey,” *Op. Cit.*, 15.

and integration programs before 1960, which enabled them to acquire Turkish citizenship. 1.6 million people have been officially admitted to Turkey as immigrants by Turkish authorities in 1923-1997 (according to the General Directorate for Village Affairs) from Bulgaria, Yugoslavia, Romania, Greece, Turkmenistan and other countries.

A flexible interpretation of the Law of Settlement enabled people from different ethnic backgrounds to be considered as immigrants of Turkish origin, and they easily acquired Turkish citizenship. The most significant movement occurred from Greece within the framework of a population exchange between Turkey and Greece in 1922. Turkish speaking Muslims and Pomaks from Bulgaria also constituted a very high figure (790,800). The political situation in Bulgaria in 1989 caused a mass exodus of Bulgarian Turks, most of whom are now returning back to Bulgaria as a result of negotiations with the new Bulgarian government. The recent ethno-political turmoil in the Balkans and Eastern Europe has affected again the nature and the volume of immigration.

The volume, routes and composition of international migration have changed radically in the 1990s in and around the region where Turkey is situated. New types of employment regimes, such as contract labor movements, "offshore employment," and circular migration have accompanied this change and replaced the conventional type of labor migration of the 1960s.

Today there are a great number of laws in Turkey, in addition to the Turkish Constitution, regulating citizenship.⁶⁵ The Law of Persons,

⁶⁵ Directive for the Duties and Functions Concerning the Services for Population and Citizenship includes all the details about keeping records and preparing all the related forms and documents; The Turkish Civil Code, No. 4721; Population Law, No. 1587; General Population Recording Law, No. 1534; Law of Turkish Citizenship, No. 403; Law on the Duties and Responsibilities of the Ministry of Home Affairs; General Health and Sanitation Law, No. 1593; Law Provisions Concerning International Private Procedural Law, No. 2675.

in Articles 8-81 of the Civil Code, and the Administrative Law in Turkey are the most pertinent.

IV. Social Cohesion through an Attempt at Common Citizenship in the Euro-Med Region

The world watched on the last day of August 2004 as the regional pop-star contest was held and the two most popular contestants, a Libyan and a Palestinian, hugged each other before the cameras. Ammar Hassan, the Palestinian music teacher was defeated but still showing a wide glowing grin. And the winner from Libya, Ayman al-Aathar, expressed highly politicized words of comradeship among all the Arabs. Are these words expressive of new stirrings and new possibilities, which may lend itself to the formation of a common citizenship, not only among Arabs but among all the people in the non-member countries of the Euro-Mediterranean area?

The formation of modernity in Europe started with the peace of Westphalia in 1648, which should mark the true beginnings of European integration.⁶⁶ Westphalia brought to an end the Thirty Years' War and signalled the beginning of the age of the sovereign nation-state, which was based on the goal of a constitutionally constructed polity. The nation-state turned capable in time to provide, more or less, the necessary cohesion of cultural resources in achieving social integration. A major assumption developed about the entity called the state, which was that public commitment is secured only by means of social integration based on cultural cohesion. Presently, an expectation of a culturally and socially integrated community on the EU level is thus a sign of being locked within the mental frame of the nation-state model, embodying a unitary culture-based community. However, it is a

⁶⁶ Gerard Delanty (2000), "Social Integration and Europeanization: The Myth of Cultural Cohesion," 221-238, *Yearbook of European Studies*, 14, Europeanization: Institutions, Identities and Citizenship, Ed. Robert Harmsen and Thomas M. Wilson, Amsterdam, The Netherlands.

falsity to assume that culture, as a system of consensual values, is a prerequisite for successful social integration across the transnational EU space. Europeanization, on the contrary, can better be achieved by means of institutional adaptation and cultural pluralization, rather than social integration and cultural cohesion.

The Westphalia model of the nation-state has been imported from Europe by a great number of political formations, including those in the Mediterranean area, and now these later-formed nation-states are all still clinging to the original nation-state model with fervour while Europe is transforming the nation-state and moving on to a supranational form of governance.

Proper ways of responding to EU regulation on the way to Europeanization have great significance also for the Euro-Mediterranean non-member states with respect to building a special Euro-Med citizenship area. In spite of the cultural diversity and lack of social cohesion in the region, a common citizenship can be constructed for the peoples of the area, based on its own logic of development which entails adapting to the EU's regulatory order and serving the expression of "an ethos of pluralization."⁶⁷ Europeanization of citizenship should be started in the Euro-Mediterranean region by means of creating a new framework of governance within a broader context, involving the political, economic, cultural and social aspects of life.

There should be a development from a 'command and control' type of state towards an 'enabling' state, a model in which the state is not proactively governing society but is more concerned with defining objectives and mustering resources. The most important step would be to adopt the network mode of governance of the EU, characterized by complex interactions between levels and sectors in a multi-level and multi-centre polity. This is a multilevel governance which means a move towards a state model employing

⁶⁷ William. E. Connolly (1995). *The Ethos of Pluralization*, Minneapolis: University of Minnesota Press.

complex patterns of contingencies and dependencies on non-governmental external actors. In this way, the non-member countries of the Euro-Mediterranean area may open vistas for Europeanization.

For purposes of common citizenship formation in the non-member countries of the Euro-Mediterranean area, Europeanization may involve the spreading of the forms of life and production, educational and academic principles, habits of consuming, practicing religion, making use of major European languages, adopting political principles, institutions and identities, even modes of entertainment (such as the example of the pop star contest) typical of Europe. Interaction between outside impulses and internal institutional traditions and historical experiences will lead to a diffusion process, depending on the exposure of the people to and the attractiveness of European forms.

Groups struggling for human rights or citizenship rights should reflect on the tactics and the strategy they use, and should exchange views on how they will achieve their goals. They should create opportunities to meet people outside their own regions or fields. Whether they deal with citizenship, women's rights, the environment, eliminating hunger and poverty, civil and political rights or any of the myriad other forms, they should benefit from strategic and tactical thinking and from learning a wider range of tactics. Therefore, members of civil organizations in the region should build networks for sharing tactics and collaborating, learn how well-structured strategies and well-chosen tactics make their work more efficient and effective, and learn to use tactics they can apply to their work.⁶⁸

⁶⁸ There is an organization called the New Tactics in Human Rights movement (www.newtactics.org) which is an international initiative led by a diverse group of human rights organizations and practitioners from around the world.

One can talk about all territory as ‘durable’ but not ‘fixed.’⁶⁹ In the neighborhood area of the Euro-Mediterranean, socio-economic distinctions between EU members and their non-EU neighbors are rather blurry than sharp. The same is true for the condition among the EU member states. Within itself, some analysts even designate the EU as a ‘neo-medieval super empire,’ which means a complicated system of multilayered and open-ended arrangements, with fluid membership that work at different speeds and are run by shifting groups of unidentified and unaccountable people or teams. This is one extreme of evaluating the EU where there is divided sovereignty along different functional and territorial lines.

EU integration has nevertheless shown that greater cross-border solidarity enhances democratic deliberation and participation. There is a move towards eliminating diversity of types of citizenship in the Union, each bearing with it a somewhat different set of rights and duties. The crucial questions surrounding democracy, identity, and a workable system of distributive justice need common rules and norms that operate within a territory where there exist people who can be defined as a *demos*.

Then what kind of policy venue is conducive to policy change and ‘learning’ in the subject of citizenship? At EU-level, a response has developed since 1997 that points at the venue of challenging the well-established national responses, and can possibly provide a model for a shift of policy paradigm at the Euro-Mediterranean level. A net of concentric functional frames of cooperation could help the Euro-Mediterranean area to legitimize policies that were formerly formulated in cultural terms. (Cultural identity is about belonging to a certain kind of community that lives on a certain patch of ground and cherishes certain types of norms) Is it possible that citizens in the region identify themselves with a common public form of protection, arbitration, regulation, and reallocation?

⁶⁹ Jan Zielonka (January 2004), “Challenges of EU Enlargement,” 22-36, *Journal of Democracy*, Vol 15, No. 1, The Johns Hopkins University Press: Baltimore, MD, USA.

Civil society in the world order facilitates an unraveling of the association of citizenship with nation-states and nationality. Just as national lessons are learned through the transactions and dissemination of ideas that take place in the networks of European civil society, steps could be taken in the Euro-Mediterranean area in order to start and enhance a reconceptualisation in which the citizens' legal status and the content of his or her rights are not determined by culture and nationality alone.

It may be possible to find ways for the emergence of a new 'public space' for citizens, comprising states and peoples which have some common experiences and intellectual traditions, and even some specific different national traditions. The outcome will depend upon what concessions are made when a plurality of different interests confront one another in the common 'public space' created in good faith. Through a set of networks of transnational groups, immediate local interests could be transformed by multiple loyalties and modified with a wider sense of collectivity or pluralism.

The uses of the notion of culture in relation to European integration appear in three different but related cases: culture as value consensus; culture as political community; and culture as a meta-narrative of heritage.⁷⁰ Discussions about a European cultural community, turning around these three notions, assume that culture can function as a unified set of norms. Serving to hold society together, culture is interpreted as a pre-established homogeneous discourse. In the nation-state, the existence of a unified civic culture of democratic legitimation based on political community is seen as a given. Culture is thus equated with identity, or becomes a resource for a fixed identity. Political institutions are expected to keep this fixed identity in place. However, "public commitment

⁷⁰ Gerard Delanty, (2000) *Op. Cit.* 224; B. M. Berger (1995), *An Essay on Culture: Symbolic Structure and Social Structure*, Berkeley: University of California Press; M. Schudson, (1994). "Culture and the Integration of National Societies," *International Social Science Journal* 139: 63-81.

can take forms other than straightforward membership of a political or cultural community defined by nationality or even supranationality.”⁷¹

One of the three uses of the notion of culture looks at culture as a belief system composed of values which provide meaningful orientations to social groups, classes and individuals. Community is seen as an example of value consensus, presenting a coherent set of cultural values to motivate public commitment. Otherwise, it is expected that social integration will be faced with a crisis. In European integration, this line of thinking sees it as an imperative that a cultural cohesion should be generated also on the European level. Memory, mythic rites, symbols and ceremonies are seen as necessary elements common to all Europeans in order to create the notion of a European community.⁷² A political community, a “*demos*”, is also assumed to exist, according to this view, as based on an *ethnos* which is defined by a historical and territorial community.

A second use of the notion of culture sees culture as political and questions democratic legitimation. The “democratic deficit” of the EU thus comes to the fore, and the political culture of the nation-state is seen as a model for a more democratic European political community. The institutionalization of citizenship is interpreted as being undermined due to the creation of new kinds of power in the EU that are not subject to formal democratic legitimation.⁷³ Thus, adherents of this line of thinking attempt to create a kind of European social citizenship based on the Charter of Fundamental

⁷¹ Gerard Delanty, (2000) *Op. Cit.* 228.

⁷² Anthony Smith (1995), *Nations and Nationalism in a Global Era*, Cambridge: Polity Press.

⁷³ Paul Taylor (1996), “The European Union in the 1990s: Reassessing the Bases of Integration”. In *Explaining International Relations since 1945*, Ed. N. Woods. Oxford: Oxford University Press.

Social Rights. European Citizenship is conceptualized as a bunch of supplementary measures next to an already integrated and adequately functioning national citizenship. Appealing more to notions of civil society, this idea can be said to be a “communitarian” idea of culture.⁷⁴

Thirdly, culture is construed as a discourse which transcends national societies and refers to a European cultural heritage. European cultural heritage is seen as a spiritual narrative minimizing all controversies in European history. Pan Europeanists, favouring this notion of culture, often stress Europe’s high culture (as symbolized in the choice of Beethoven’s Ninth Symphony as the European Union’s anthem) and refer to European identity in connection with an identification with Europe’s cultural heritage. Naturally, a great deal of exclusion goes alongside this line of thinking, carrying Europe over to a “Fortress Europe.”⁷⁵

Culture in modern society is very fragmentary and does not necessarily lead to a value consensus. There may be a dominant ideology in a nation-state and used as a control mechanism through enforcement; however, this may not secure social integration. There may either be inconsistencies or alternatives within the cultural system and the differentiation of population could lead to certain conditions which may damage socio-cultural integration.⁷⁶ Absence of common values or absence of cultural consensus is even said to be the very factor that leads to cohesion in modern society. Since standards embodied in values are absolute ones, it is often difficult for them to co-exist without conflict; but conflict

⁷⁴ Gerard Delanty, (2000), *Op. Cit.*, 226.

⁷⁵ H. Varenne, (1993). “The Question of Euro-Nationalism”. In *Cultural Change and the New Europe: Perspectives on the European Community*, Eds. T. M. Wilson and M.E. Smith. Boulder: Westview Press

⁷⁶ Margaret Archer (1988), *Culture and Agency: The Place of Culture in Social Theory*. Cambridge: Cambridge University Press.

may be kept at a healthy distance.⁷⁷ While structural change in late modern society results in increased social fragmentation, the setting free of agency from structure results in increasing reflexivity.

Deterritorialized conceptions of community are created as mass media can easily affect culture by creating new public spheres in which new debates take place. On-line communication further intensifies this trend by restructuring the nation-state and helping sustain deterritorialized discourses on common concerns such as human rights, environment protection, terrorism, ecology, migration or crime. The beginnings of such a trend are seen in the Mediterranean area in the way both Kaddafi and Arafat tried to support their own candidates in the recent pop-singer contest by offering free GSM *compteur* to their own people; a gesture of joining in a common cause in their diversity, which gives hope of being carried in the future into more serious common concerns.

Culture is no more an expression of a cohesive system of beliefs which provides value consensus for social integration; neither is it a system of values which guides social action. Given the diversity and contestability of cultural identities in the Euro-Med zone, new politics of identity can be created which will achieve social integration around the Mediterranean and give rise to a reflexive (self-critical) idea of community. Culture, which is inherently conflictual, could then be severed off from identity as well, and not seen as the basis of social integration. Without referring either to nationality, or to geography, or to cultural heritage, definition of identity could be constructed around a form of 'constitutional patriotism': an identification with the procedural principles of a common constitution.

In this way, cultures of the Euro-Mediterranean region that are in contention can be institutionalized around a new cultural identity and new norms of public commitment. This should be a non-

⁷⁷ Michael Mann (1970), "The Social Cohesion of Liberal Democracy", 423-439, *American Sociological Review* 35 (3).

exclusivist and new kind of cultural identity, recognizing multi-identification. Multi-cultural identification should be encouraged rather than ignored by putting a stress on cohesion. Thus, it shall be cultural pluralization which will bring about enhanced social integration in the Euro-Mediterranean area.

The Barcelona Declaration makes clear that political stability within the Euro-Med Partnership is built on respect for human rights, democracy and good governance. Yet, MEDA has tended to focus more on the need for political stability at the expense of human rights. Furthermore, partner countries in the region are not genuinely committed to democracy and human rights. The MEDA programmes have not come under the impact of human rights thinking since there exists a culturally relativist approach to human rights in the region.

In its first major assessment of the MEDA in 1999, the Commission stated: "Strengthening of social cohesion and environmental integration is an important accompaniment to the process of economic transition, on the basis of a sustainable development approach. In order for structural economic reforms to be successfully applied and accepted there must be a consensus in society about the objectives and the methods of reform. This implies continued determined efforts to improve the standard of living of less favoured groups of society, in particular through well-targeted interventions. Moreover, the ongoing process of demographic transition implies a rapid growth of the labour force in the short and medium term. If the unemployment situation is not to deteriorate any further, and in order to improve the sustainability of the transition process, the social cohesion issue should be taken systematically into account in the design of transition strategies. No economic reform programme is sustainable in the long-term unless it is accepted by the people."⁷⁸

⁷⁸ <http://www.iue.it/RSCAS/RestrictedPapers/conmed2004free/14-200403 Byrne.pdf>

This statement shows that the social programmes play an important role in supporting and sustaining economic transition, working in areas such as primary health care, basic education and irrigation. Human rights and democracy issues remain as essential elements in the formulation of the overall development policy-making process. Among the positive measures undertaken were the promotion of civil society, particularly NGOs, to strengthen pluralism; strengthening the rule of law through reform and establishment of new judicial institutions; promoting equal opportunities for vulnerable groups; and economic and social rights.⁷⁹

A series of three training Seminars were held in 21-25 June 2004, including *inter alia* questions linked to the social integration of immigrants, migration, and movement of persons, for Mediterranean Senior Police and Customs Officers.⁸⁰ Issues addressed included the present day situation and challenges, Risk Assessment and Evaluation of Investigations, Drug Seizures, Smuggling Methods and Scanning, Crossborder and International Cooperation.

The concept of ‘strategic framing,’ used by Geddes and Guiraudon⁸¹ to refer to the schemata used by individuals (non-governmental organizations) to organize, perceive and make sense of their experiences, would be helpful in setting up of successful common concept of citizenship in the Euro-Mediterranean region.

⁷⁹ The European Union’s Role in Promoting Human Rights and Democratisation in Third Countries (8 May 2001). Communication by the Commission.

⁸⁰ The Police Strand of the MEDA funded by Regional Programme on Governance and Improvement of the Rule of Law; managed by the European Commission’s EuropeAid Cooperation Office, *Euromed Synopsis*, Weekly Newsletter on the Euro-Mediterranean Partnership and the MEDA Programme, Issue No. 275, 10 June 2004, http://europa.eu.int/comm/external_relations/euromed/synopsis/synopsis275_en.pdf retrieved on 5 July 2004.

⁸¹ Andrew Geddes and Virginie Guiraudon, (March 2004). “Britain, France, and EU Anti-Discrimination Policy: The Emergence of an EU Policy Paradigm,” 334-353, *West European Politics*, Vol. 27, No.2.

Policy-makers and NGOs often seek to present a problem so that the solutions proposed adhere to a similar frame at EU level, and resonate with the wider values and culture of their target audience. In this way, they become capable of redefining an issue through linkages to other EU policy areas, such as measures for successful convergence with the single market. Since the Euro-Mediterranean region is committed to conducting programmes of harmonization with the Community *acquis communautaire*, similar convergence schemes can be employed in redefining the citizenship issue.

‘Go-betweens’ as negotiators between the transnational, European and national levels can be activated, who could establish links among government officials, cabinet members, interest groups and policy advisers such as academics and other experts, and promote particular policy frames concerning citizenship.

In bringing about ideational change and the exporting of ideas, concepts can be developed in debates about migration-oriented or migrant-origin populations; policy frames such as ‘social inclusion’ or ‘social exclusion,’ ‘anti-racism,’ ‘anti-discrimination,’ ‘xenophobia’ can be placed into an organizational common setting so as to create a seedbed for cross-channel diffusion of policy and understanding.

Abstract

This paper suggests a common citizenship model for the non-member countries of the Euro-Mediterranean area, inspired by the European Citizenship, and based on the assumption that social integration which is an important component of citizenship does not require cultural cohesion in order to secure public commitment. In spite of discourses which claim that European integration is suffering from a lack of cultural cohesion and that only the nation-state is able to provide the necessary cultural resources for social integration and a sense of common citizenship in order to achieve public commitment, institutional Europeanization has so far been successful in creating European Citizenship which is based on cultural plurality and individual liberties. Therefore, a similar model of common citizenship can be construed for the non-member

countries of the Euro-Mediterranean area which can be founded on cultural pluralization without trying to establish social and cultural cohesion or integration. This will be possible by adopting the processes of institution building, structural transformation and reshaping of identities of Europe; without supplanting national identities, it shall comprise reorganization of common peoplehood in the Euro-Mediterranean area.

Résumé

S'inspirant des normes de la citoyenneté européenne, dans ce travail on fait le point sur la création de l'esprit commun de la citoyenneté et sa construction administrative dans les pays non communautaires de la région méditerranéenne. Pour atteindre l'objectif final c'est à dire l'approbation publique on a besoin de l'unification sociale, mais faut-il absolument nécessaire d'avoir l'unification culturelle? Malgré de nombreuses discussions qui précisent que l'intégration européenne est privée de l'intégration culturelle, malgré aussi des hypothèses qui exposent que c'est seulement le type Etat-nation qui pourrait aboutir à l'intégration sociale dont le résultat sera l'approbation publique, aujourd'hui c'est l'europe constitutionnelle qui a pu créer la Citoyenneté Européenne basée sur la multiculturalisme et la liberté individuelle.

En fait, dans les pays qui ne sont pas membres de l'UE de la région Euro-Méditerranéenne on peut créer une citoyenneté semblable, c'est à dire une citoyenneté qui offre un bouquet de règlements basés sur le pluralisme des cultures sans essayer de créer l'unification ou l'intégration sociale et culturelle. Cela peut être obtenu seulement en assumant le déroulement(la durée) des changements structuraux et celui de la réorganisation des identités et aussi la création des établissements de l'Europe. Ainsi sans éliminer les identités nationales les habitants de la région Euro-Méditerranéenne peuvent être transformés à un peuple (peoplehood) qui profite des droits et des contraintes communs sans perdre leur identité nationale.

NON-GOVERNMENTAL ORGANISATION (NGO) POLICY IN THE EUROPEAN UNION AND TURKEY

NECDET SAGLAM¹

Introduction

The twentieth century has been a time of immense social innovation. One example is the non governmental sector (NGO), the plethora of private, nonprofit, and nongovernmental organizations that have emerged in recent decades in virtually every corner of the world to provide citizens with vehicles for the exercise of private initiative in pursuit of public purposes. NGOs are essential for modern democracy. NGOs promote active democracy - the inclusion and participation of people in decisions that affect their lives. The vision of a healthy and sustainable society can be realized only when people who are ordinarily excluded in the developing third sector become active and welcomed participants.

NGOs can contribute their specific expertise to policy discussions. Through their links at local, regional, national and European level, NGOs can provide expert input into EU policy-making. In particular, they can provide feedback on the success or otherwise of specific policies thereby contributing to the Commission's task of defining and implementing policies.

This paper outlines what the NGO sector is, and the role of NGOs in European Union and Turkey.

Prevalent Terminology of NGOs

We start by defining the third sector, composed of non-governmental, or non-profit organisations. These are foundations, associations, cooperatives, civil initiatives etc.

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It is otherwise known as the voluntary sector. “Voluntary initiatives”, “voluntary associations”, “voluntary agencies”, “voluntary organisations” etc. describe a wide array of voluntary actions. Predominantly, this usage describes grass-root level initiatives. It includes community-based organisations and people’s organisations, which may be very micro, and local organisations. It also includes individual initiatives, which may not mature into an organised entity.

Another common phrase used in describing such activities is “charity”. Derived from its British colonial roots, a charity is an organisation, which seems to imply “doing good for the poor and the needy”. Charitable initiatives include provision of welfare and social services; health, education, drinking water, fodder, etc. are more common. Charity also includes provision of institutionalised care - for orphans, street-children, destitute women, the elderly, and other neglected segments of society.

A more common definition today, one that has gained ascendancy in the past three decades, is “non-governmental organisation” (NGO). While the usage of “NGO” was first made in the context of the United Nation system, its usage spread over time.

Another common phrase used in describing such activities is “non-profit” (often called “non-profit org” or simply “non-profit” or “not-for-profit”). The relevant entity may be a formal incorporated not-for-profit corporation that does not have shareholders, though it may have members and issue membership certificates or require member loans. It may also be a trust or association of members. In the United States, the corresponding term for the third sector is in fact “non-profit- sector”. A nonprofit institution (organisation) (NPI - NPO) is defined as an economic unit which, in its own right, conducts economic transactions, owns assets, and incurs liabilities. An NPI can consist of one or more establishments. NPIs are not permitted to be a source of income, profit or other financial gain for persons or entities that establish, control, or finance them. Also the terms ‘civil society’ and ‘welfare mix’ have been used to describe this segment of society.

The European Union defines the third sector in terms of economy: 'social economy' encompasses co-operatives, mutual companies, associations and foundations (voluntary organisations). These entities are defined according to the very principles that distinguish them from the private and public sectors: co-operation, solidarity, self-help, voluntarism, independence, democracy and non-profitability.

Common Characteristics of Non-governmental Organisations

NGOs normally share the following characteristics:

- NGOs are not created to generate personal profit and they are Non-profit-distributing systems. Although they may have paid employees and engage in revenue-generating activities they do not distribute profits or surpluses to members or management. They may accumulate profits in a given year, but the profits must be plowed back into the basic mission of the agency, not distributed to the organizations' owners, members, founders or governing board. Nonprofit organisations are private organisations that do not exist primarily to generate profits, either directly or indirectly, and that are not primarily guided by commercial goals and considerations.
- NGOs are voluntary. This means that they are formed voluntarily and that there is usually an element of voluntary participation in the organisation; to be included in the nonprofit sector, organisations must embody the concept of voluntarism to a meaningful extent.
- NGOs are distinguished from informal or ad hoc groups by having some degree of formal or institutional existence. Usually, NGOs have formal statutes or other governing document setting out their mission, objectives and scope. They are organised and accountable to their members and donors; what is important is that the organisations have some institutional reality and internal organisational

structure. A legal charter of incorporation typically signifies this, but it can also be demonstrated in other ways in countries where legal incorporation is neither common nor readily available.

- NGOs are independent and private, in particular of government and other public authorities and of political parties or commercial organisations; they are nongovernmental in the sense of being structurally separate from the instrumentalities of government. This does not mean that they may not receive significant government support or even that government officials cannot sit on their boards.

NGOs are not self-serving (*Self-governing*) in aims and related values. Their aim is to act in the public arena at large, on concerns and issues related to the well-being of people, specific groups of people or society as a whole. They do not pursue the commercial or professional interests of their members. They must be self-governing and in a position to control their own activities through internal governance procedures, and enjoy a meaningful degree of autonomy.

Importance of the NGOs

Why is the third sector so important? The nongovernmental sector is becoming a new global force. The non-profit sector turns out to be a major economic and social force, accounting for a significant share of national employment and an even larger share of recent employment growth, expenditures and social impacts.

Employment

Looking first at employment data in the 22 major countries (Austria, Ireland, Czech Republic, Belgium, Netherlands, Hungary, Finland, Spain, Romania, France, United Kingdom, Slovakia, Germany, Australia, Argentina, Israel, Brazil, Japan, Colombia, United States, Mexico and Peru.), even excluding religious

congregations, the nonprofit sector that Lester M. Salamon and Helmut K. Anheier (1999) examined is a \$1.1 trillion “industry” that employs close to 19 million full-time - equivalent paid workers. Nonprofit expenditures in these countries thus average 4.6 percent of the gross domestic product, and non-profit employment is nearly 5 percent of all non-agricultural employment, 10 percent of all service employment, and 27 percent of all public sector employment.

Expenditure

In addition to a sizable employment base, the nonprofit sector also boasts substantial expenditures. In the 22 countries, the non-profit sector had operating expenditures in 1999 of \$1.1 trillion in expenditures; this is the equivalent of almost 4.6 percent of the combined gross domestic product of these countries.

Contribution to Employment Growth

Not only is the nonprofit sector in these twenty-two countries an immense economic presence, it has, moreover, also been a growing presence, particularly in recent years. In fact, it has been a more potent source of job growth than most other segments of the economy. In Germany, France, and the U.S., for example, the nonprofit sector, with 6 percent of total employment, accounted for nearly 13 percent of the job growth during the decade of the 1980s. Put somewhat differently, one of every 8 new jobs created in these three countries during the 1980s was created within the nonprofit sector.

Social Impact

Reflecting this, nonprofit organizations deliver major portions of the human and other services available in these countries. For example, nonprofit organizations account for:

- four out of every 10 hospital patient days and virtually all sports facilities in *Germany*; one-third of all child day care and 55 percent of all residential care in *France*;
- over half of all hospital beds and half of all universities in *the United States*; over 75 percent of all universities and over 40 percent of all hospital patient days in *Japan*;
- twenty percent of all attendees of orchestra and opera performances in Sweden; over 20 percent of all primary and elementary education in *the U.K.*; and 41 percent of all residential care facilities and 21 percent of all kindergartens in *Italy*.

Beyond this, nonprofit organizations often play a crucial role in policy innovation, policy advocacy, and the representation of minority views, especially in Sweden and France where civic and advocacy associations constitute a relatively large share of the total nonprofit expenditures. They also constitute an immense network of social connections through which individuals pursue their goals and interests. These connections constitute a buffer zone between state and citizens as well as between the corporate sector and the consumer. The number of voluntary associations in the United States is well over 1 million, and associations in the European countries typically number in the hundred of thousands. What is more, the number of associations has increased substantially in recent years.

NGOs Policy of the EU

History of the Policy

Third sector organisations have entered relatively late on the European Union (EU) scene. At the beginning, and in accordance with the spirit of the Treaty of Rome, the third sector remained excluded from the list of EEC/EC competencies, and it was not until the mid-1980s that the third sector per se received first mentions in official documents (with the key exception of overseas

development agencies). In particular, a resolution, commonly known as the Fointaine Report², became influential in putting the possibility of EU policy-making on third sector on the agenda. The report enthusiastically endorsed an important, though largely unspecified, role for the “nonprofit” sector in helping to create the new Europe. In its closing paragraph, the Report calls on the Commission to see the “nonprofit sector” as an important ally in building the new Europe: “Europe needs inspiration to take a further step towards its destiny as a Community. Nonprofit organizations are an opportunity to be taken in this respect”.

The European Institutions have a long history of contacts and informal consultation with the voluntary sector. This is the case with many of the European Commission’s services, such as DG External Affairs; DG Development with Development Agencies and ECHOES, which have achieved an experience of particular interest in their cooperation with humanitarian aid NGOs, DG Social Policy and Employment and the platform of European Social NGOs arising out of the Social Forum; DG Environment and environmental organisations; DG Enterprise and the Consultative Committee for Cooperatives, Mutuals, Associations and Foundations; DG Youth; and DG Culture, Audiovisual in particular looks to the voluntary sector to disseminate information on European issues to the citizens.

Also NGOs perform their role not only in relation to the Commission, but also the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Council. Their involvement in policy shaping and policy implementation helps to win public acceptance for the EU. In some cases, they can

² Mrs. N. Fontaine who served as rapporteur of the European Parliament’s Committee of Legal Affairs wrote the Report on Citizens’ Rights tabled in December 1986. However, for many years the contacts between the European Institutions and the voluntary sector took place on a completely ad hoc basis and it was not until the Treaty of the European Union, in 1992, that the importance of links with this sector was first formally expressed in Declaration 23 which is annexed to the Treaty.

act as a balance to the activities and opinions of other interests in society.

The European Parliament also relies on a large number of voluntary organisations in order to obtain information and views on a wide range of issues. The heterogeneity of the sector is valued, in particular, for its knowledge and experience of social policy, environmental, aid and development issues and for providing a vital link with citizens in their localities, especially to those most vulnerable in society.

The increasingly pivotal role the voluntary sector plays in a wide range of issues central to the construction of Europe, including in particular, in many Member States, in the management and delivery of key aspects of social welfare services, has been acknowledged and reflected in the Commission's main statements on social and employment policy, for instance in the Green and White Papers on Social Policy and the White Paper on Growth, Competitiveness and Employment.

The publication of the Green Paper on European Social Policy in November 1993 was a significant development, as it was an official document which deals explicitly with this matter and which also aims to establish a dialogue with European Social NGOs. A group of concerned NGOs worked together to organise an NGO Forum to discuss the Green Paper in April 1994. This co-operation continued on an informal basis, and gave rise to common positions on the proposal for a European Social Policy Forum, and on the medium-term Social Action Programme 1995-1997.

The European Social NGOs decided to build upon these contacts in order to develop a more permanent framework for co-operation. The main aim was to allow the NGO sector to establish a broader and on-going dialogue with the European institutions on questions of social policy, which would complement the sector specific consultations, which remain essential. It is in this context that the Platform of European Social NGOs was established in 1995 and brings together around forty European non-governmental

organisations, federations and networks which are working to build an inclusive society and promote the social dimension of the European Union.

The members of the Social Platform represent thousands of organisations, associations and voluntary groups at local, regional, national and European level representing the interests of a wide range of civil society.

The Social Platform channels the concerns of European citizens who have come together in these organisations throughout the Union on issues of common interest. It also ensures a wide circulation of information on EU activities and policies to its members at the national level.

The members of the Social Platform insist that NGOs have a key role to play in promoting an equitable society based on the protection and advancement of human rights and the participation of all. NGOs must become legitimate partners in the public debate on the orientation of European society. It is with this in mind that the Social Platform seeks to develop and strengthen a civil dialogue between European Social NGOs and the institutions of the European Union.

Subsequent to Declaration 23 attached to the Maastricht Treaty, a number of developments have taken place which moved forward the process of consolidating co-operation with, and instigating more systematic consultation of, NGOs and other voluntary sector organisations. Key amongst these developments were: · the holding of the first European Social Policy Forum in March 1996, which brought together over 1000 participants mainly from NGOs, on the eve of the beginning of the Intergovernmental Conference (IGC). This saw the launch of a new policy objective: the building over time of a strong civil dialogue at European level to take its place alongside the policy dialogue with the national authorities and the social dialogue with the Social Partners. The Forum was to be held every two years.

In the context of the preparations for the IGC an ongoing dialogue was developed between the sector, the Commission and the European Parliament. Important issues relating to the sector were discussed in the framework of the 1997 IGC. These included:

- a legal base for regulations concerning associations at European level;
- a legal base for incentive measures both in employment and the social field;
- the integration of Declaration 23 into the Treaty and specific provision for the consultation of, and dialogue with charitable associations and foundations on all policy matters which concern them;
- a modification of Article 8a to take (by co-decision) measures to facilitate freedom of circulation.

The Commission undertook to make relevant proposals according to the outcome of the IGC. With regard to future progress, in order to retain the maximum amount of creativity and free expression, it was deemed important not to over-bureaucratise or institutionalise consultation of the voluntary sector and to strive instead for a flexible but systematic approach in developing the civil dialogue and relations between the voluntary sector and the European Institutions which takes full account of the principle of subsidiarity and of the specificities of each Member State.

A high level of political commitment exists at European level to ensuring that more systematic consultation with the voluntary sector is instigated, as regards both the development and implementation of policy, commensurate with their increasingly important role, especially in social policy, in the Member States.

Some significant events in the development of EU policy towards to NGOs are summarised in the below box.

Box: 1 significant events in the development of EU policy towards NGOs

1976	NGO-EU liaison committee set up by mutual agreement between DG VIII and European International development and relief organisations
1984	Resolution of European Parliament on the "role and administration of associations and the laws governing them" provides the impetus for the production of the Fontaine Report (published in 1987)
1986	ECOSOC initiates conference making first European attempt to compile statistical inventory of social economy.
1989	"Social economy" unit established at DG XXIII.
1992	Commission published first draft Regulation for European Status for Associations (ESA).
1992	Declaration 23 attached to the Maastricht Treaty calls for "co-operation between the European Community and (social welfare) charitable associations and foundations".
1993	For the European Social NGOs, the publication of the Green Paper on European Social Policy was a significant development, as it was the first official document which dealt explicitly with this matter and which also aims to establish a dialogue with NGOs
1996	Draft ESA regulation referred to COPERER working group and features on Council of Ministers' agenda.
1996 1997	DG V promotes idea of "civil dialogue" with NGOs at Social Policy Forum in run-up to Amsterdam Treaty. Declaration 38 attached to the Amsterdam Treaty singles out "voluntary service activities" which are Recognized for their important contribution by voluntary service activities to developing social solidarity.
1997	DG XXIII and DG V jointly launch Communication "Promoting the role of voluntary organisations and foundations in Europe".

1998	ECOSOC, COR, and two European Parliament Committees table draft reports in response to the Communication
1998	Forward Studies Unit (reporting directly to the President of the European Commission) invites “national experts” and Commission bureaucrats to seminar on “Economics and the Third Sector”.
2000	The European Commission adopts a Discussion Paper on Building a Stronger Partnership with Non-Governmental Organisations.
2003	CONCORD is the European NGOs Confederation for Relief and Development. Its 18 international networks and 19 national associations from the European Member States and the candidate countries represent more than 1200 European NGOs vis-à-vis the European Institutions
2004	The Laeken declaration, Representatives of some of the EU’s main NGOs, together with the European Trade Union Confederation (ETUC), announce the creation of a “Civil Society Contact Group”

The Commission and Non-governmental Organisations: Building a Stronger Partnership

The Commission adopted the Discussion Paper "The Commission and NGOs: building a stronger partnership" on 18 January 2000 (COM (2000) 11). The purpose of the paper is two-fold. First of all, it aims to give an overview of the existing relationships between the Commission and NGOs including some current problems. Secondly, it aims to suggest possible ways of developing these relationships by considering the measures needed to improve and strengthen the existing relationship between the Commission and the NGOs. Thus, the Discussion Paper suggested ways of providing a more coherent Commission-wide framework for co-operation than had hitherto been organised on a sector-by-sector basis. The introduction also attempts to define the common characteristics of a non-governmental organisation and goes on to

describe in some detail the rationale of cooperation between the Commission and NGOs.

The proposals for improvement are dealt with in the next four chapters of the Discussion Paper. These are measures to improve dialogue and consultation with NGOs, budgetary issues (in particular core-funding), management issues and improving information.

The Commission regarded the Discussion Paper as an important step in a process involving an extensive exchange of views with the NGO community.

In this context the Discussion Paper represents a significant step forward in trying to refine and improve the Commission's relations with the sector. Not least important is the rationale behind the Commission's desire to strengthen existing cooperation. This rationale is based on four main considerations:

- the importance of NGOs in fostering participatory democracy both within and beyond the Union
- their role of interface in representing the views of specific groups of citizens to EU Institutions, their ability to reach the grass-roots and help win public acceptance for the EU
- the specific expertise they can contribute to policy discussions and to managing projects financed by the EU
- the contribution of European NGO networks to European integration, by encouraging national organisations to work together, and their ability to channel and focus the views of national NGOs
- Consultation and EU Funding Issues at Stake

While reviewing existing relations with NGOs and briefly outlining current constraints on cooperation, the Discussion Paper sets out major issues at stake.

The first issue concerns consultation and ways to improve the organisation of regular dialogue and consultation with NGOs. The

Paper also looks at existing consultation procedures and how to improve their transparency. Proposed options include a better recognition of the sector, in particular, by inserting a legal base for cooperation with NGOs in the Treaty of the European Union, and discussions on a consultative status for and accreditation system of NGOs.

The second critical topic relates to EU funding, including the management of project grants and applications, and funding of NGO-led activities. In January 1999 the Commission introduced new rules on EU grant management (*Vade mecum* on Grant Management) with a view to harmonising and simplifying grant-making procedures and practices. However, the Commission recognises that some aspects of the *Vade mecum* still need to be clarified and resolved.

As regards EU management practice for NGO funding, two major concerns can be identified. These cover the rules and criteria for core funding, in particular, the demand for greater clarity and coherence from the Commission on core funding for European NGO networks. They also relate to the preservation of small grants, i.e. how to maintain programmes to support small NGO-led projects, despite their high administrative cost in terms of human resources.

In the long term the biggest challenge is to design an effective grant management system which ensures access to EU funds for all NGOs irrespective of size, while taking into account the limited human resources of the Commission to cope with increased demands for quality management.

Existing Relationship

Over 25 years, the partnership between the European Commission and NGOs has expanded on all fronts. This intensification has covered a range of issues, from policy dialogue and policy delivery, to project and programme management, both within the EU and in its partner countries. It results from a number of interwoven factors,

related both to changes and developments within the EU institutions themselves, as well as to developments within the NGO Community. As the European Commission has acquired additional responsibilities in a number of new policy areas, this has been matched by an ever-increasing number of NGOs operating within and outside Europe and a widening in the scope of their work. This trend can be seen in the increasing number of national NGOs creating or joining European associations and networks often based in Brussels. With the further enlargement of the EU and the increased public scrutiny of EU affairs, there is no reason to believe that this process will slow down, rather the contrary.

Although the Commission's current practice clearly proves its willingness to maintain and strengthen its partnership with NGOs, the structures and procedures involved have not kept up with this. At present it is estimated that over 1 .000 billion allocated NGOs projects directly by the Commission, the major part in the field of external relations for development co-operation, human rights, democracy programmes, and, in particular, humanitarian aid. Several hundred NGOs in Europe and worldwide are receiving funds from the EU. The Commission has therefore contributed substantially to matching the support of the members of the European public given to NGOs and thus highlighting the continued importance of high levels of public support for the role of NGOs.

However, the complexity of EC policies as well as the growing number of regulations and funding sources (budget lines) coupled with recent financial security problems have created a great deal of uncertainty for NGOs about co-operation with the Commission. Both the Commission and the NGOs wish to put the relationship on a new footing. The context to this initiative is recognition on the NGO side that many policy areas are now being decided at European level as well as the increase in funding available to NGOs from the European Union.

NGOs are involved in a significant number of research projects funded within the 4th Framework Programmes. The Commission

has also attempted to open up a wide range of funding programmes to the sector.

In the area of development policy, Civil Society can play a significant role on two levels: firstly, as regards contributing to the formulation of policy, and secondly as an important actor in implementation. DG Development has recognised these roles, and has taken measures to involve Civil Society accordingly. When preparing Commission Communications DG Development invites NGOs and other Civil Society actors with expertise in the relevant fields to put forward their comments and opinions on particular issues. With the goal of exchanging expertise and opinions on policy priorities, DG Development holds a continuous dialogue with CONCORD the Confederation of European NGOs for Relief and Development. Commissioner Poul Nielson meets them on a regular basis to discuss the Commission's present and future policy priorities and initiatives and an intensive dialogue is conducted between CONCORD and Commission officials.

The Commission has recently launched a far-reaching process of administrative reform, which includes among its aims a more service-oriented behaviour and an improvement in the management culture of the Institution. A greater effort will be made to increase transparency and accountability to principal interlocutors as well as improving efficiency for instance by speeding up payments to all beneficiaries.

The Commission has a long tradition of consulting interested parties from outside when formulating its policies. It incorporates external consultation into the development of almost all its policy areas. The various aspects of the Commission's current relationship with NGOs can be summarised as follows:

- Fostering the development of civil dialogue and civil society at the European level and the strengthening of civil society as an objective in co-operation programmes with non-member countries;

- Dialogue/discussions with and consultation of NGO representatives in the context of policy shaping. Certain NGOs and networks, especially those at European level, have been established or selected in order to provide information, experience and expertise. Some Directorates-General have established specific fora in order to provide a framework for dialogue;
- NGOs as information relays. European NGOs and their networks and national members, can serve as additional channels for the Commission to ensure that information on the European Union and EU policies reaches a wide audience of people concerned by and affected by its policies;
- Funding of NGO-led activities, within the Community and abroad, which are coherent with and contribute to the implementation of EU policies. These programmes are characterised by a high degree of NGO ownership of the actions financed;
- NGOs as actors implementing Community programmes and projects, in particular in the field of non-member countries co-operation. In these cases, NGOs have been chosen as partners because of their specificity coupled with their expertise and technical capacity.

In December 2002, the Commission adopted a Communication "General principles and minimum standards for consultation of interested parties", which sets up a coherent and flexible framework for consultation of stakeholders, including NGOs.

Current Problems for Cooperation

The following problems are listed here as examples of areas where co-operation between the Commission and NGOs could usefully be improved.

Co-operation with NGOs is organised by policy areas (environment, social affairs, humanitarian and development aid, trade etc) implying considerable differences in the relationship

between NGOs and the Commission from one sector to another with regard to access to information, the way dialogue and consultation is organised and the availability of core-funding. While recognising the specificity of different sectors, most NGOs feel that there should be a greater effort at a coherent Commission-wide approach.

There is a lack of sufficient information for NGOs in particular on funding and financial procedures. Better guidance on application procedures and more comprehensible application forms would be much appreciated.

The NGO sector is a dynamic one, which is constantly evolving. Commission departments often find it difficult to follow this evolution. In particular they lack adequate information on the various NGOs with which they come into contact.

Internal Commission procedures are often complex. Although the NGOs have on the whole welcomed the Commission's Vademecum on Grant Management as providing clear rules, they are concerned that emphasis on financial rigour will place an increasing burden on NGOs applying for funding.

As part of its overall policy on transparency, the Commission should provide better information for NGOs and improve communication with them as a means of building a true partnership.

Some of the consequences of the current situation are considerable delays in handling applications, ill-adapted procedures particularly for dealing with small projects and a breakdown in confidence.

Cooperation with NGOs

Whilst for its part the Commission recognises that it must improve and strengthen its relationship with NGOs, the NGOs themselves must also recognise their own responsibilities in making that relationship work. Each side should be able to acknowledge and

take into account the priorities and realities of the other. This does not, of course, exclude frank discussions or even differences of opinion.

In the area of policy dialogue, the Commission has to discharge its inter-institutional responsibilities in this area, as well as offering, within these boundaries, dialogue and consultation to the NGOs as representatives of civil society. The NGO Community must recognise and take into account this formal institutional set-up. Other obligations might relate to representatively, proper communication of information to member organisations and respecting the confidentiality of Community information where required.

Regarding funding, the NGOs must accept, for example, that there will always be a legitimate need for the Commission to impose certain conditions and controls to safeguard community funds. NGOs have a duty to demonstrate that they have the expertise, management systems and internal quality control systems appropriate to the work they are undertaking in behalf of the Commission.

Dialogue and consultation between NGOs and the Commission have to be seen in the framework of the democratic decision-making process of the European institutions. Many European institutions, and in particular the European Parliament, the Economic and Social Committee, and the Committee of the Regions have a strong tradition of close contacts with NGOs. The Commission has been following with great interest recent developments in the Economic and Social Committee aimed at strengthening its links with civil society, including NGOs, in order to provide an improved forum for the dialogue with the European citizens.

The Commission also participated actively at the First Convention of Civil Society Organisations organised by the Economic and Social Committee in October 1999. Against this background, dialogue between the European Commission and NGOs is an

important complement to the institutional process of policy shaping. The specific value of these consultations derives notably from the Commission's right of initiative. Timely consultation with all stakeholders at an early stage of policy shaping is increasingly part of the Commission's practice of consulting widely, in particular before proposing legislation, to improve policy design and to increase efficacy.

Turkey

Turkey and Turks have a rich and significant philanthropy history from Ottoman times, through the formation of the Turkish Republic in 1923, and up to present day. During the Ottoman time, the foundation was the premier institutional mechanism for philanthropic provision of public services. Traditionally, the main function of foundations was to meet basic needs of the public at large. In fact, many services that are now provided by government agencies (roads, schools, hospitals) were originally provided by private initiatives. Together with the establishment of the Republic, newly-formed State agencies were put into effect to assume provision of services to the public, thus "phasing out" the once entirely privately subsidised support.

The Foundations

Foundations have played a vital role in social, economic and cultural life throughout Turkey's history. Foundations developed during the Seljuk period (1078-1293) and they were institutionalised and experienced their heyday during the Ottoman period (1299-1920) in Turkish history. The number of Turkish-Islamic foundations during this period is estimated at hundreds of thousands and covered the summit in art as well and contributed to a great extent to the social, economic and cultural life of the society.

During the republican period, the management and auditing were first given to the Ministry of Shariah and Foundation, abolished during the reforms of Atatürk. The Directorate General of

Foundations (DGF) replaced the ministry. All the responsibilities of foundations have been transferred to the DGF, which was connected to the Prime Minister in the Republic period. The Law 903, of 1967, set out the regulations and principles of organization and the functions of new foundations.

The philanthropic use of foundations is a fact that exists in many societies today. In Turkey, there are many charitable foundations which provide for the utilization of private wealth for the public benefit to support public services and research in fields such as education, science, medicine, public health and social welfare. There has been a significant increase in the number of foundations.

There are approximately 10.500 foundations registered in Turkey. They are pre-Republic (or old) and post republic (or new) foundations. The number of new foundations, which was only 72 in the period between 1926-1967, has reached 4350 as of April 2004.

Old foundations are managed directly by the DGF, which has legal personality, is responsible for the management of the foundation properties, the protection of the foundation works of art, having an architectural and historical value, and the supporting of the foundations for their objectives. 9289 monumental works of art of old foundations and 55,231 foundation properties are under the control of the DGF. Official sources state that between 2001 and 2003 406 foundations were dissolved. The boards of foundations encounter particular problems with respect to elections, which if not held can threaten their existence.

New foundations can be divided into public foundations and private foundations. Public foundations are set up according to a special law and operate as a part of the public administrative system. These are organisations like the Foundation for Strengthening the Turkish Military Forces, Social Help and Solidarity Foundations and the environmental protection foundations.

There are also private foundations, which were set up by individuals to operate in the public sector. In classification they are private, but they operate in the public sector and are controlled by the public authorities. They are government-sponsored or government-created foundations. This kind of foundation fits the definition by Salamon and Anheier but is either created by public charter or enjoys high degrees of public sector support for either endowment or operating expenditures. For example, many universities in Turkey have this kind of foundations to support scientific activities.

Turkish new foundations are purely philanthropic in nature (they do not conduct any external fundraising) and secure their income from the foundations' endowment and holding company revenues. The foundations use this income to fund pre-determined activities, according to their defined missions. Educational institutions, hospitals and arts/ cultural centres are among the most popular traditional objectives. In this sense, holding foundations tend not to be "grant-making" or fund providing bodies. They have set guidelines and operate in a fashion similar to the standard definition of an "operating foundation" (also not a formal definition in Turkish foundation law, which does not distinguish between operating and grant-making foundations). However, together with the recent increase in newly formed NGOs (which focus on issues such as environment, youth, women's rights and poverty, for example), there has been an increase in demands for 'funding' a new set of civic initiatives.

As regards property rights, the Law on Foundations was amended as part of the fourth reform package for the EU and a Regulation was issued in January 2003. The Regulation removed the need for foundations to obtain permission from the Council of Ministers in order to acquire, dispose of and register properties (as required by an earlier regulation issued in October 2002). Permission is now required from the Directorate General of Foundations, though the Regulation also provides for consultation with relevant Ministries and public institutions "when it is deemed necessary". The sixth reform package extends the deadline for the registration of minority

foundations' properties from six to eighteen months. The January Regulation still only refers to non-Moslem foundations. This excludes all religious communities, which are not able to establish foundations, including the Catholic and Protestant communities. In addition, foundations not included in a list of 160 minority foundations annexed to the Regulation are not able to register properties.

In spite of some positive developments on the ground, the reforms have produced limited practical effects. So far, implementation has been slow and uneven.

Associations

The associations, which are considered to be a product of the socio-economic development of the society, were established in the first years of the Turkish Republic. In the beginning, they were encouraged and led by the state particularly. Later, with the increase in the activities of economic life and the developments observed in the social and cultural field, there were significant increases in the number of associations established by voluntary initiatives, as well as in the number of their members. Today, the number of associations engaged in activities in many fields such as sports, culture, health, social assistance, women and artisans associations is around 90.000.

Although the number of association members in large cities such as Istanbul, Ankara and Izmir, are greater, it can be seen that the numbers of small-scale associations in Anatolia has been increasing. A significant portion of the financial resources used by these associations are formed by membership dues and donations and revenues collected from publications, lotteries, concerts, exhibitions, etc.

On July 17, 2004 the Grand National Assembly of Turkey accepted a law that marks an important milestone for the strengthening of the legal framework for NGOs and for the general advancement of civil society in Turkey.

The Department of Associations was formed in 2003 as a special unit of the Ministry of Interior, this department played a key role in promoting reforms and advocating more enabling legislation. This Department will be operationally active with offices in provinces across the country to ensure effective implementation of the new law. Some of the major revisions include:

- Associations are no longer required to obtain prior authorization for foreign funding, partnerships or activities;
- Associations are no longer required to inform local government officials of the day/time/location of general assembly meetings and no longer required to invite a government official/commissary to general assembly meetings;
- Audit officials must give 24-hour prior notice and just cause for random audits;
- NGOs are permitted to open representative offices for federations and confederations - Security forces no longer allowed on premises of association without a court order;
- Specific provisions and restrictions for student associations have been entirely removed; and children from the age of 15 can form associations;
- Internal audit (within the association) standards have been increased to ensure;
- NGOs will be able to form temporary platforms/initiatives to pursue common objectives;
- Government funding for up to 50% of NGO projects will be possible;
- NGOs will be allowed to buy and sell necessary immovable assets.

Though accepted by Parliament, some articles of the Law were vetoed by the President. But it seems the Parliament will enact the law again and the President will sign it.

New development on Turkish NGOs Policy

As Turkey enters 2004, it faces a year of fast-paced economic, social and political reforms. If all goes well, Turkey hopes to enter 2005 with a date from the European Union to start official accession negotiations. Though the pre-accession process and negotiations have undoubtedly created leverage and momentum for many of these reforms, whatever the result, I would argue that Turkey is taking firm steps toward building a stronger and a more participatory democracy.

An important indicator of these steps is the introduction of new principles of good governance (transparency, accountability and effectiveness) in several reform packages, particularly those at the local and central government levels. Whether it be the recent fiscal management reform, the Right to Information Act (scheduled to be fully instituted by mid-2004) or the local government reform package, these and other related reforms have the essence of a citizen-centred approach which aim to develop a new contract between government and citizens.

Although this new approach is much welcomed, each package of reform brings with it its own set of debates and common criticisms: One is that reforms are taking place at an increasingly fast pace, threatening the quality and effectiveness of the law-making process; another is that while law reform packages are abundant, implementation strategies are yet to be disclosed or perhaps even yet to be drafted. Last but not least is the question of to what degree and via which mechanisms consultation and input from civil society will be included in the reform process.

Turkey has great potential for indigenous corporate philanthropy, taking into account the recent increase in philanthropic activity on the part of small, large, local and foreign companies alike. Indeed there is evidence, however informal, that companies are eager to be more involved in supporting civic initiatives, and recognise the value of these investments. Thus, the time is ripe for developing an enabling legal, fiscal and operational structure, which will

encourage companies to adopt organised practices for grant making and funding of NGOs. Without a formal or defined process and criteria to guide the decision-making, allocation and assessment process, the act of institutional giving becomes very risky. At best, it remains at the “one-off” level and is randomly provided; at worst, the donation is misused, and the organisation gives up working with NGOs, having had a negative experience.

Although the concept and practice of philanthropy in Turkey is centuries old, social and economic changes have had a significant impact on the way in which institutions- primarily private sector companies - provide support. It is therefore critical that we examine local funding practices and encourage companies to increase their technical ability in corporate philanthropy practices, while concurrently working with regulatory bodies to make the case for a more enabling legal and fiscal environment. Achieving this will promote increased support by companies to civic initiatives and ensure the development Turkey needs to achieve for future social and economic prosperity.

Turkey is currently in the throes of fundamental social and economic transformation, embracing a vision of a strengthened democracy and inclusion in an enlarged Europe. As a result of rapid reforms - many of which are due to European Union pre-accession criteria - fundamental changes in Turkey’s civil society are taking place. The wave of optimism accompanying these reforms notwithstanding, there is still much to be done to ensure sustainable development and future growth of civil society and philanthropy in Turkey.

The impact of pre-accession criteria has created significant leverage in promoting changes in laws governing NGOs. Although there has definitely been some progress in reforms, for example with regard to freedom of association and expression, fundamental changes in the ‘system’ are still required to promote better state-NGO relations. These changes are not limited to law reforms, but extend toward translating new laws into practice. Due to historically strained relationships between public officials and civil

society, a new contract must be developed, based on mutual trust and cooperation.

Recent reforms have brought much needed momentum to the public, private and third sector. Civil society is increasingly mentioned in the media, corporate and individual donations are on the rise, and voluntarism now features as an important part of leading university curricula and business culture. Public officials are also more aware of the role and value of civic organizations, and citizens are keen to mobilize to address key issues.

However exciting this time may be, it is important to note that major changes will be needed if civil society institutions, NGOs and foundations are to play an increasingly strategic role in Turkey:

- legislative and regulatory reforms, in the context of a new contract between state and civil society;
- changes in the role of foundations, which will need to shift from charity to philanthropy and begin to take on a grant making role;
- nurturing giving by companies, the new actors in Turkish philanthropy.

Following amendments to the Civil Code and the Law on Foundations, Turkish associations and foundations can now open branches abroad and join international or foreign bodies. These are now permitted to operate and to open branches in Turkey after receiving permission from the Ministry of the Interior in consultation with the Ministry of Foreign Affairs.

Of course, NGOs have a critical role to play in developing these new systems. Paradigms are slowly shifting as NGOs and public officials realize that new solutions to old problems will develop through dialogue and joint cooperation. Thus a new mandate for policy analysis and support for regulatory reform has emerged for NGOs, while public officials are learning to clear blocked channels of communication with civic organizations.

NGO Law Reform and European Union Progress

The Turkish government has declared repeatedly that its main objective is to meet the Copenhagen political criteria in time to allow a positive assessment by the Commission next year and thereby pave the way for a decision by the European Council in December 2004 to start accession negotiations with Turkey.

Overall, in the last year Turkey has made further impressive legislative efforts, which constitute significant progress towards achieving compliance with the Copenhagen political criteria. Turkey should ensure full and effective implementation of reforms to ensure that Turkish citizens can enjoy human rights and fundamental freedoms in line with European standards.

On 5 November 2003 the EU disseminated Turkey's annual progress report, providing an assessment on the degree to which required reforms have been made and to what extent they have been implemented.

This report touched on critical political criteria related to the development of a more enabling legal environment for non-governmental organizations (NGOs) in Turkey. The Third Sector Foundation of Turkey (TÜSEV) has extracted these relevant sections and comments from the overall report and prepared a summary for reference purposes. Listed below are some of these issues and other items with the aim of highlighting critical factors, which should be taken into account in addition to EU accession criteria, which will create a more democratic environment and enable a vibrant civil society in Turkey.

- Bureaucracy and regulatory procedures - especially with regards to reporting and oversight - remain significantly cumbersome and costly to NGOs and require further streamlining;
- Foundations are still required to obtain permission to obtain funding from international sources and engage in partnerships;

- Implementation of reforms is slow, un-institutionalized, and significant regional disparities exist- public servants urgently require training on new regulations and changes in laws;
- Despite the recent changes to the Civil Code, there are still significant differences between application of laws (regulations) and actual laws (legislation) for associations and foundations;
- NGOs are experiencing significant difficulties in tracking new regulatory requirements;
- Monetary fines and sanctions for regulatory errors are severe, and do not provide fair warning;
- Frameworks for “public benefit” and relative tax exemptions are extremely restrictive and limited (only 650 have this status). Turkey urgently needs a public benefit law of international standards.

Many of the reforms require the adoption of regulations or other administrative measures, which should be in line with European standards. Some of these measures have already been introduced and others are being drawn up. To be effective, the reforms will need to be implemented in practice by executive and judicial bodies at different levels throughout the country.

As regards freedom of association, restrictions were eased following amendments under the fourth and seventh reform packages. However, significant limitations remain, including in relation to the establishment of associations on the basis of race, ethnicity, religion, sect, region, or any other minority group. Changes did not lead to the adoption of a clear framework addressing the main problems faced by associations.

The Law on Associations has been amended under the fourth reform package, enabling associations to use any language in their non-official correspondence and allowing legal entities (in addition to individuals) to become members of associations. Restrictions on making announcements or distributing publications have been eased. The obligation to forward copies of these documents to the

relevant authorities prior to distribution, including to the public prosecutor, has been removed.

However, associations face problems with respect to closure of offices and branches and suspension of activities. In practice, they still experience considerable difficulties in co-operating with foreign associations and international bodies, including the receipt of funds.

As in other areas, NGO law reform initiatives have also gained much needed momentum, also due in large part to pre-accession requirements. In 2003 alone, changes in articles related to freedom of association, expression and demonstration were made, and a new regulatory department was created to govern associations (previously a responsibility of the national and local police). In addition, a human rights commission was formed, including representatives from all sectors to examine and monitor human rights reforms. These examples signify positive developments. However, additional reforms are required specifically with regards to developing a clear framework for regulations and public benefit provisions (including better tax benefits).

The law of 5072 Regulation on Associations and Foundations at Public Sector was accepted by the Grand National Assembly of Turkey and published the official gazette at on 29th January 2004. With the law numbered as 5072, the foundations and associations under the control of the public sector are taken out of the public sector. While this is a significant step for empowering civil community and democracy, it may cause some hitches and difficulties in meeting the needs of educational services.

The fact that several local and central government reform packages allude to increased NGO-government cooperation in the delivery of key services adds to the importance of ensuring the adoption of enabling legal frameworks. Given this overarching relevance, NGO law reform initiatives require a heightened level of attention, input, and monitoring as well as additional examination within the context of ‘secondary’ legislation to ensure alignment. While

principles of good governance abound in other reform packages, it is the laws governing NGOs which will demonstrate the current government's true political will in implementing these principles.

The aim of the law is to regulate the activities of associations and foundations, which were founded according to the Civil Law for supporting of private and the public institutions. It has also arranged the relations between the associations and the foundations and the public institutions. The associations and foundations, which were set up depending on special laws, are not included in this regulation.

In addition, the reform process is, however, incomplete in Turkey. Many civil and human rights NGOs in Turkey are concerned at the failure to implement fully and reliably key reforms. For example, one NGO reports over 1000 cases of torture in 2003 but notes there has been a big fall in the severest forms of torture (to around 20 cases). Police have in a number of cases attacked peaceful demonstrations. And harassment of human rights NGOs is a periodic problem. Yet many Turkish NGOs put great emphasis on the importance of opening negotiations with the EU to ensure political reforms and implementation do continue - in effect, they want a 'yes but' to negotiations, with ongoing monitoring and pressure from the EU to ensure full implementation of reforms.

Conclusions

In this study, NGOs as found in EU and Turkey have been analyzed. As there are policies related to the NGOs in each European country, the EU Commission is working to improve relations with these civil organizations.

Turkey entered a new era seeing the emergence of democracy and a market economy approach in the 1980s. Turkey is now entering the peak of this era characterised by rapid changes in its social and economic systems, especially due to its recently acquired status of being a European Union candidate for accession. As a result of this shift, the State is increasingly calling on NGOs to help in the

provision of public goods to a country which is now home to over 70 million people with significant social and economic disparities. The private and NGOs sectors are working to re-define their role in supporting the provision of basic services in addition to a complex set of new needs brought about by social and economic change. Thus, the premise of philanthropic support of Turkish people and institutions remains intact, whereas the mandate and context within which it is provided is changing significantly.

In recent years, a number of remarkable regulations related to NGOs have been enacted in Turkey within the context of EU. Strengthening NGOs will strengthen democracy in Turkey.

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AN EVALUATION OF THE ROLE OF THE MASS MEDIA IN EURO-MEDITERRANEAN RELATIONS

ARMAGAN EMRE CAKIR

Introduction

The role of the media in the process of European integration is more important than ever. The Union is establishing new mechanisms and improving the existing ones to ensure transparency and democracy rendering public opinion and preferences more influential; citizens' need for information is increasing as the Union includes more items in its agenda; and the peoples of the new Member States require to be regularly informed about the Union. Not only Europeans but also citizens of the neighbouring countries are observant of the goings on in the Union.

Approximately 90 percent of the Europeans say that they do have an interest in issues related to the European Union, and that the most popular sources of information for them are television, radio and daily newspapers compared to discussions with friends, relatives or colleagues, or to the Internet. Yet, when it comes to the evaluation of the objectivity of the coverage of the EU affairs by the media, only around 40 percent of the EU citizens feel that "the coverage of the EU by their national media [is] objective".¹ Similarly, the prevailing impression present in both academic² and non-academic sources is that the media's approach is not very conducive to European integration. In the contribution he submitted to *European Voice* Ronald Vopel, a reader, criticizes the European media acrimoniously, arguing that

... it can no longer be ignored that much of the blame for the re-nationalization of the European debate rests with the media [...] Currently, the European press serves their national audiences and obviously finds it appropriate to press the nationalistic buttons, because it is easy and it

¹ Statistical information taken from (European Commission, 2004a: 18).

² For academic works see *inter alia* (Semetko, de Vreese and Peter: 2004).

works. From a wider perspective, this approach is not only unprofessional, but highly dangerous. I have stopped expecting credible intellectual efforts from journalists and I can only shake my head when I hear their questions and see their articles - primitive would be too friendly a word in most cases. But, as citizens, they should be able to understand that the cancer of nationalism is still there and that one day an issue will come up that again polarizes the European people, with incalculable risks. Unfortunately, it would take journalists to expose the utter irresponsibility of their own profession, and I am not expecting too much in this regard.³

Euro-Mediterranean relations is an area where the need for a trustworthy and contributive attitude of the media is substantial. Ambassador Miguel Moratinos who was the Special Representative of the Union for the Middle East Peace Process between the years 1996 and 2003 once told that "in a region [namely the Middle East] where words remain of paramount importance the media are more than ever a vital instrument for peace"⁴ The media is expected to inform the peoples of European and Mediterranean countries alike, and support the positive efforts of peace and development in the Mediterranean basin. This requires the organized operation of the actors of the media preferably under the umbrella of Euro-Mediterranean Partnership.

The present article starts with a theoretical section about the agenda-setting power of the media. In the next section, examples of regional media arrangements by BSEC and NATO are given for the purpose of comparison. The third section introduces a record of the Euro-Mediterranean Partnership in organizing programmes related to the media. The last section, presents the results of a survey conducted for the article among journalists.

³ Vopel, 2004: 6.

⁴ Turner, 1998: 4. It is useful to remember that the official view of the Union is that "(t)he Middle East Peace Process is separate from, but complementary to the Barcelona Process". (European Commission, 2004c).

Agenda-Setting Power of the Media

Recent years in media studies have witnessed the rise of a new approach called ‘agenda-setting’. The idea that the media shapes the public agenda had been put forward quite early in the literature: as early as 1922 in his work entitled *Public Opinion* Walter Lippmann was underlining the fact that most of our information about our environment is not the result of our direct experience but conveyed in indirect ways such as the media, and that this information is only composed of ‘pictures’.⁵ In 1963 Bernard Cohen published a book drawing on the idea that the success of the media in telling us what to think may be disputable, but the media is quite successful in telling us what to think about.⁶ Donald L. Shaw and Maxwell E. McCombs who coined the term ‘agenda-setting’ defined it as a function of mass media to influence the relative importance of our attitudes on issues.⁷

Media performs this function of agenda setting by acting as a gatekeeper; messages to be received by an individual are filtered by the media. Some messages are allowed to pass while some others are retained. This rather hypothetical statement got empirical support from field studies. The first of these came from Shaw and McCombs themselves: they examined the importance attributed to the topics covered in the campaigns in the 1968 Presidential Election in the USA. They found a high correlation (+.976) between the topics seen important by the voters, and topics shown important by the media. On the other hand, all the three candidates had emphasised these topics somehow differently than the media.⁸

Literature on the agenda-setting is, however, heavily US-centred; most of the 357 carried out between the years 1972 and 1994 originated from that country. And those that were realized in Europe focused on individual countries. For example, Brosius and Keplinger examined the case in Germany, Siure and Borre studied

⁵ Cit. in (Lippmann, 1977).

⁶ Cohen, 1963.

⁷ McCombs and Shaw, 1972: 177.

⁸ Yuksel, 2001: 36-41.

the Danish media, and Asp chose to work on the case in Sweden.⁹ Though few, there did appear studies that went beyond this. Peter's study¹⁰ for example did not take the EU level into consideration but at least had "a cross-national comparative perspective" examining "whether the amount of European Union (EU) coverage in television news affected the extent to which EU citizens perceived European integration to be important".¹¹

The need for studies that will go beyond the comparative level and pay attention to the EU is obvious. Independent transnational actors as well as those of the EU itself should also be taken into consideration as dependent and independent variables. It is not the aim of the present article to introduce a 'European model' of agenda-setting power of the media.

For comparative purposes, shortly examining the place of the mass media in the functioning of two international organisations, BSEC and NATO may be illustrative.

The Black Sea Economic Co-operation Organisation (BSEC)

The Black Sea Economic Co-operation organization was set up in Istanbul on 25 June 1992 by the following 11 countries: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova and Romania. On 16 April 2004, the number of the member countries rose to 12 with the admission of Serbia and Montenegro. The aim of the BSEC is establishment of BSEC-wide security, stability and prosperity via regional economic co-operation.¹²

⁹ *Ibid.* See also Walgrave *et al*'s study which gives a comparative table of important studies in the literature.

¹⁰ Peter, 2003.

¹¹ Findings of Peter's study are interesting though: "More EU coverage did not automatically increase the perceived importance of European integration. The occurrence of the agenda-setting pattern rather depended on the nature of elite opinion. The more EU stories people watched in countries in which political elites disagreed about European integration, the more important they considered European integration. If elite opinion about European integration was consensual, this pattern did not occur." p. 683.

¹² For more information on BSEC, see (BSEC, 2004).

BSEC attributes importance to the role of the mass media in achieving its aims. The Parliamentary Assembly's *Recommendation 47/2000 on the Role of the Mass Media in Promoting Co-operation in the Black Sea Region* basically emphasizes the function of the mass media in creation and development of a democratic society in the Black Sea region. To foster the co-operation in the field of mass media co-operation in particular, the Recommendation calls the Parliaments and Governments of the BSEC Member States to take a series of actions extending from calling upon "the specialised committees on mass media of the national parliaments to evaluate the present coverage by the print media and television of the Black Sea cooperation process and to take appropriate measures with the view of enhancing the contribution by the mass media to developing further on the multilateral cooperation in the Black Sea region" to encouraging "specialisation of journalists in the political, economic, social and cultural affairs of the BSEC region, to facilitate mutual visits of the journalists interested in the Black Sea region, as well as their participation in the meetings of the BSEC, PABSEC¹³ and other related bodies". The Recommendation attributes special importance to television and says that "(t)elevision is the most important source of information for the majority of audience of the Black Sea region" (prg. 35). In this framework, the Recommendation records that

... the Romanian PABSEC delegation proposed to organise a meeting of heads of national public/state televisions from the BSEC Member Countries under the auspices of the PABSEC. This meeting could discuss the institutional framework of future cooperation. The Romanian Television Society (SRTV) has confirmed its readiness to host this meeting in Bucharest in the first half of May 2001.

¹³ Acronym for the Parliamentary Assembly of the Black Sea Economic Co-operation.

This meeting was indeed held on 16 and 17 May 2001 in Bucharest as the '1st Meeting of the Heads of the National Public Television Stations of the BSEC Member States',¹⁴

The North Atlantic Treaty Organisation (NATO)

NATO's day-to-day relations with the mass media is deeply-rooted. The Alliance has its own TV and radio unit, and frequently organizes press conferences. Meanwhile, organized use of the mass media for agenda setting by NATO seems to have focused on two points:

- a) Preparing public opinion both in NATO countries as well as in the candidates for the enlargement of the Alliance: This activity of NATO is mainly focused on establishing the image of the Alliance in the public opinions of the new members as well as of the partner countries. For instance, the winner of the Manfred Wörner Fellowship in the year 2000 was a project the final aim of which was "to develop positive attitudes in the Ukrainian society towards the European integration process, including NATO"¹⁵.
- b) Affecting public opinion in the operation areas of the Alliance: In Bosnia-Herzegovina, Kosovo and Skopje NATO is involved in activities related to mass media. In Bosnia-Herzegovina the Alliance created its own radio station (Radio Mir or Peace Radio). However, the fact that an operation was being carried out in the area at that time led NATO to get involved in restrictive activities: "For more than six months in late 1997 and 1998, the NATO Stabilisation Force, under orders from the Office of the High Representative controlled key broadcast transmitters there for 'security protection'"¹⁶. In Kosovo, the Alliance was accused of putting a ban on media.¹⁷ The NATO

¹⁴ CIRCOM, 200: 1

¹⁵ For the full text of the project see (Yuschenko, 2001).

¹⁶ Price, 2000: 10.

¹⁷ Sullivan, 2000: 32.

Headquarters in Skopje offers a regular analysis of the media in the form of daily review of the local press. This analysis includes among other things the coverage of the topics related to NATO and the Headquarters¹⁸. In evaluating the activities related to media, NATO refers to perception management under the general rubric of ‘psychological operations’ and draws on the American experience in the field¹⁹.

The European Union (EU)

The fulcrum of the EU’s approach to mass media is its Audiovisual Policy. Plausibly because of the fact that the first pillar of the Union has primacy over the two others, the main page of the Policy starts by indicating that “(t)he audiovisual sector directly employs over one million people in the European Union”²⁰. This emphasis on the economic side is traceable all over the approach of the Union towards the media. The main aim is rather to create a regulated and harmonious liberal market of media. The first two aims of the main achievements of the Policy are given as:

1. a regulatory framework allowing the realisation of an effective single market for broadcasting and aiming at protecting minors from access to harmful audiovisual content,
2. support mechanisms at a European level to complement the systems existing at national level,²¹

However, the Union has enriched this approach by including further elements; it took the mass media as a tool to uphold its main principles and to make itself known to its present and prospective citizens. Especially after the official recognition of the cultural dimension by the Treaty of Maastricht a new aim stands among the among the other two aims of the Audiovisual Policy:

¹⁸ See (NATO, 2004).

¹⁹ For an interesting evaluation see (Collins, 2003).

²⁰ European Commission, 2004b.

²¹ *Ibid.*

3. external measures, in particular the defence of European cultural interests in the context of the World Trade Organisation.²²

One of the key documents of the Audiovisual Policy, the *Green Paper on the Convergence of the Telecommunications, Media and Information Technology Sectors and the Implications for Regulation Towards an Information Society Approach*²³ refers to the work of the Council of Europe in the context of human rights democratic values and freedom of expression:

The Council of Europe is currently working on aspects of the Information Society relating to human rights, democratic values and the freedom of expression and is expected to adopt Resolutions on these issues at the 5th European Ministerial Conference on Mass Media Policy in Thessaloniki in December 1997.

The ‘Television without Frontiers’ Directive, on the other hand, has among its aims that of spreading the concept of ‘being European’ by “promot(ing) the distribution and production of European audiovisual programmes, for example by ensuring that they are given a majority position in television channels' programme schedules”.²⁴ To reinforce this concept the Union intervenes in the audiovisual sector:

EU intervention in the audiovisual sector is ... part of a strategy to give Europeans a choice. Unless Europeans are able to watch stories, dramas, documentaries and other works that reflect the reality of their own lives and histories,

²² *Ibid.*

²³ COM (97) 623.

²⁴ Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities [Official Journal L 298 of 17.10.1989]. Amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 [Official Journal L 202 of 30.07.1997].

as well as those of their neighbours, they will cease to recognise and understand them fully.²⁵

The reference to ‘neighbours’ here might be a good start to proceed to the role of the mass media in Euro-Mediterranean relations.

It would not be pretentious to claim that the Barcelona Declaration²⁶ in the context of the relations between the European Union and its Mediterranean neighbours is as pivotal as the Treaty of Rome is in the process of European integration. The Declaration which was adopted at the Euro-Mediterranean Conference held between 27-28 November 1995, establishes a framework by indicating some general aims and means, to be filled in by the parties. In particular, it introduces three types of partnership that together constitute the package of ‘Euro-Mediterranean Partnership’:

1. A political and security partnership: This item of the package aims at establishing a common area of peace and stability. “(A) strengthened political dialogue at regular intervals” is supposed uphold such concepts like ‘democracy’ and ‘human rights’, ‘international law’.
2. An economic and financial partnership: With
 - a) The gradual establishment of a free trade area in the Euro-Mediterranean area,
 - b) The implementation of appropriate economic co-operation and concerted action in the relevant areas, and finally
 - c) A substantial increase in the Union’s financial assistance to the Mediterranean partners,

this partnership pursues the following objectives:

- a) Acceleration of the pace of sustainable socio-economic development,

²⁵ COM (2004) 154 Final.

²⁶ For the full text of the Declaration see (European Commission, 2004c) .

- b) Improvement of the living conditions of the partners' populations, increase in the employment level, and reduction in the developmental differences in the Euro-Mediterranean region, and
 - c) Encouragement of regional co-operation and integration.
3. A partnership in social, cultural and human affairs: In this context, the partners propose to work for promotion of understanding between cultures and of rapprochement of the peoples in the Euro-Mediterranean region.

The first two pillars of the partnership rest on 'state', 'super-state' levels whereas the third pillar of the package allows actions of 'sub-state' and 'inter-state' actors. In other words, 'sub-state' and 'inter-state' actors have little room for manoeuvre in the fields of 'political and security partnership' and 'economic and financial partnership', but they do have a function for the realisation of the aims under the 'partnership in social, cultural and human affairs'. The media among other actors of the latter kind are explicitly cited in the declaration twice under the section on political and security partnership:

(T)hey [the parties] reaffirm that dialogue and respect between cultures and religions are a necessary precondition for bringing the peoples closer. In this connection they stress the importance of the role the *mass media*²⁷ can play in the reciprocal recognition and understanding of cultures as a source of mutual enrichment

and

(T)hey accordingly agree to strengthen and/or introduce the necessary instruments of decentralized cooperation to encourage exchanges between those active in development within the framework of national laws: leaders of political and civil society, the cultural and religious world, universities, the research community, *the media*²⁸,

²⁷ My emphasis.

²⁸ My emphasis.

organizations, the trade unions and public and private enterprises;

Moreover, the Work Programme in the Annex of the Declaration has a separate title for the Media:

Media

Close interaction between the media will work in favour of better cultural understanding. The European Union will actively promote such interaction, in particular through the ongoing MED-Media programme. An annual meeting of representatives of the media will be organised in this context.

The Action Programme for the Dialogue between Cultures and Civilisations²⁹ details the operational side of the issue. It “contains concrete and feasible activities, proposed by both the EU and its Mediterranean Partners”. ‘Youth’, ‘education’ and ‘media’ are given as the three concepts on which the Programme focuses, media being “an effective means to reach out to the general public in all countries”. The Commission reiterated the importance of the Euro-Med Audiovisual Programme which comprised, at the time of the Action Programme, five projects amounting to 18 million Euros.³⁰ The goal of the Audiovisual Programme is “to promote co-operation among European and Mediterranean operators in the audio-visual sectors and foster regional projects in the fields of radio, cinema and television.”

Another programme introduced in the Action Programme is the Regional Programme on Information and Communication. Its aim is “to improve the visibility of the Barcelona Process and its perception by the general public and opinion makers (media, political institutions, businessmen and civil society”.

Besides, a number of countries volunteered to initiate activities targeted to the aims of the Action Programme: Austria undertook

²⁹ European Commission, 2002.

³⁰ The Audiovisual Programme is in its second stage now.

the organisation of the Expert Seminar on the Role of the Media where

Media business representatives, journalists, writers, and academics [would] discuss how to raise the awareness of the significance of the images about different cultures and civilisations produced and transported by the media ...;... elaborate ways on how the media may include a wider public in the dialogue; and analyse and promote the possibilities of the media in the Euro-Mediterranean countries concerning the dialogue between cultures.

France pledged to provide “better information to the professional operators on the possibilities offered by Euromed Audiovisual”. Sweden promised to launch a new regional culture co-operation programme focusing on media/journalists, as well as programmes for training of journalists in Turkey and Gaza/The West Bank and international courses on media for participants from Mediterranean Partner Countries.

After the two years that have passed since the inception of the Action Programme, a follow-up assessment of the achievement of the aims of the Programme in general, as well as a general assessment of the congruence between the performance of the mass media and the relations between the Union and its Mediterranean partners might be useful. Such an evaluation is a huge task that requires much more than the capabilities of an academic article. Nevertheless, the present article endeavours to contribute to an evaluation of that kind with a modest survey. The aim of the survey is to assess the interest in and acquaintance with the Euro-Mediterranean relations of a segment of the members of the media. Among the objectives of the survey are to see whether the Euro-Mediterranean relations are covered in the media neutrally and constructively and whether the media finds the Euro-Mediterranean partnership successful.

The Survey³¹

This section presents a general evaluation of the Euro-Mediterranean relations and the contribution of the media thereon by journalists actively following the events. A small survey was carried out for this purpose on the journalists who were accredited for the “Mid-Term Ministerial Meeting of Euro-Mediterranean Foreign Ministers” that was held at Dublin Castle on 5 May 2004 - 6 May 2004. The questionnaire form was first brought to their attention in the press centre during the Meeting and then was also sent on 17 May 2004 via e-mail to a blanket list of 763 journalists³² by the Press Office Department of Foreign Affairs, Dublin.³³ The identity of the participants was withheld by the Press Office, so was their profile. The extension of their e-mail address however reveals that a majority of them are journalists (working for public and private institutions as well as freelance) while a minority come from civil organisations and think-thanks. The list included a plethora of journalists from the Member States of the EU Irish and British ones coming the first, although a considerable number of addresses of different origin such as Japanese and Turkish also appear in the list.

Almost one tenth (76) of the journalists whose name appeared in the list actually attended the meeting, and more than half of these participants paid attention to the survey. Unfortunately, none of the journalists answered the printed version of the questionnaire during the two-day meeting, and the response rate to the e-mailed version also remained very low. In total, 53 questionnaires were returned, 3

³¹ I hereby express my indebtedness to Ms. Nathalie Lerendu from the organisation staff of the Ministerial Conference for her help and support in the realisation of this survey despite her very busy work schedule.

³² This is the total number of the journalists who had their name accredited before the Conference.

³³ Before the Meeting, the Press Office Department indicated that “attendance at the political conferences and meetings taking place during the Irish Presidency [was] limited to politicians and journalists in possession of a Press Card [and that] (t)herefore [they could not] authorize any academic professionals to attend.” This made it impossible to interview the participating journalists personally.

of which were not taken into consideration because of incompleteness.

The questionnaire form itself is presented in Annex-II. Below is an evaluation of the questionnaire:

a) Profile of the Respondents

Profile of the respondents is assessed with two characteristics inquired about before the questions. These are the ‘field of the respondents’ and ‘country of origin’.

Criteria 1: Field of the Respondents

- 17 respondents (34%) indicated that they were from public TV/radio;
- 10 respondents (20 %) indicated that they were from a news agency;
- 8 respondents (16 %) indicated that they were from a private TV/radio;
- 5 respondents (10%) indicated that they were freelance journalists;
- 4 respondents (8 %) indicated that they worked in other patterns such as working for magazines or newspapers;
- 6 respondents (12 %) did not indicate any field.

Field Indicated 44 (88%)					No Field Indicated 6 (12%)
Public TV/Radio 17 (34%)	News Agency 10 (20%)	Private TV/Radio 8 (16%)	Freelance 5 (10%)	Other 4 (8)	

If this dispersion also reflects the actual involvement and interest in Euro-Mediterranean relations, we may say that public media is more dominant in this context.

Criteria 2: Country of Origin³⁴

23 respondents (46%) indicated that they were from the Member States of the European Union (15 from Ireland itself, 4 from the Mediterranean members, 4 from non-Mediterranean members except Ireland);

10 respondents (20%) indicated that they were from non-member countries (7 from Mediterranean non-members, 3 from non-Mediterranean non-members);

17 respondents (34%) did not indicate country of origin

Respondents Indicating Country of Origin 33 (66%)				No Origin 17 (34%)
Respondents from Member States 23 (46%)		Respondents from Non-Member States 10 (20%)		
From Non-Med. Member States (MS) 19 (38%)	From Med. MS 4 (8%)	From Med. Non-MS 7 (14%)	From Non-Med. Non-MS 3 (6%)	

An important proportion of the respondents are from the host country. If this is again parallel to the general profile of the participants as a whole including the non-respondents, it may be taken as indicative of a relative lack of will to bother with travelling to Ireland and getting involved in the event. The number of the Mediterranean respondents (4+3) is low.

Now let us evaluate the answers to the questions of the questionnaire taking the two criteria in consideration:

³⁴ Country names are also concealed in order not to give a clue about the identity of the respondents.

b) Evaluation of the Questions:

Question 1: “Do you have a special interest in Euro-Mediterranean relations?”

“Very much”: 11 respondents (22 % of the total number of the respondents),

3 from EU & Non-Med. (16 % of the EU & Non-Med. respondents),³⁵

0 from EU & Med. (0 % of the EU & Med respondents),

4 from Non-EU & Med. (57 % of the Non-EU & Med respondents),

0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),

4 country of origin not known (26 % of the respondents origin of whom not known).

“Some”: 20 respondents (40 % of the total number of the respondents)

7 from EU & Non-Med. (37 % of the EU & Non-Med. respondents),

1 from EU & Med. (25 % of the EU & Med respondents),

2 from Non-EU & Med. (29 % of the Non-EU & Med respondents),

1 from Non-EU & Non-Med, (33 % of the Non-EU & Non-Med respondents),

9 country of origin not known (53 % of the respondents origin of whom not known).

“No particular interest”: 19 respondents (38 % of the total number of the respondents)

9 from EU & Non-Med. (47 % of the EU & Non-Med. respondents),

³⁵ Breaking up the replies into country groups is to make them comparable not within each reply but between replies. For example, for this question, from EU&Non-Med countries 3 respondents opted for ‘very much’, 7 of them opted for ‘some’ and 19 ‘no particular interest’. A comparison within each reply would not be meaningful as the numbers of the participants from country groups are not equal to each other.

3 from EU & Med (75 % of the EU & Med respondents),
1 from Non-EU & Med. (14 % of the Non-EU & Med respondents),
2 from Non-EU & Non-Med. (67 % of the Non-EU & Non-Med respondents),
4 country of origin not known (24 % of the respondents origin of whom not known).

Respondents who have some or no particular interest in Euro-Mediterranean relations are almost four times more than the ones who have a strong interest. This shows a general lack of interest, and is probably an indication that a considerable number of these journalists follow the events by virtue of office rather than of interest. The number of uninterested respondents is higher for EU & Non-Med. countries compared to the one for Non-EU & Med. countries.

Question 2: “Do you regularly follow the news about Euro-Mediterranean relations?”

“Regularly”: 7 respondents (14 % of the total number of the respondents)

3 from EU & Non-Med. (16 % of the EU & Non-Med. respondents),
0 from EU & Med. (0 % of the EU & Med respondents),
3 from Non-EU & Med. (43 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
1 country of origin not known (6 % of the respondents origin of whom not known).

“Sometimes”: 15 respondents (30 % of the total number of the respondents)

5 from EU & Non-Med. (26 % of the EU & Non-Med. respondents),
1 from EU & Med. (25 % of the EU & Med respondents)
2 from Non-EU & Med. (29 % of the Non-EU & Med respondents),

1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),
6 country of origin not known (35 % of the respondents origin of whom not known).

“Cannot find the opportunity”: 28 respondents (56 % of the total number of the respondents)

11 from EU & Non-Med. (58 % of the EU & Non-Med. respondents),
3 from EU & Med. (75 % of the EU & Med respondents)
2 from Non-EU & Med. (29 % of the Non-EU & Med respondents),
2 from Non-EU & Non-Med. (67 % of the Non-EU & Non-Med respondents),
10 country of origin not known (59 % of the respondents origin of whom not known).

The total number of respondents who cannot find opportunity to follow the news about the Euro-Mediterranean relations is considerably high. Similar to the previous question, the number of respondents who follow the news is higher in the case of EU & Non-Med. countries compared to that of Non-EU& Med. countries.

Question 3: “Do you find the opportunity to attend media seminars/workshops or to read in the context of Euro-Mediterranean relations to develop your accumulation?”

“Mostly”: 4 respondents (8 % of the total number of the respondents)

2 from EU & Non-Med. (11 % of the EU & Non-Med. respondents),
0 from EU & Med. (0 % of the EU & Med respondents),
0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),
1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),
1 country of origin not known (6 % of the respondents origin of whom not known).

“Sometimes”: 11 respondents (22 % of the total number of the respondents)

4 from EU & Non-Med. (21 % of the EU & Non-Med. respondents),

2 from EU & Med. (50 % of the EU & Med respondents),

1 from Non-EU & Med. (14 % of the Non-EU & Med respondents),

1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),

3 country of origin not known (18 % of the respondents origin of whom not known).

“Cannot find the opportunity”: 35 respondents (70 % of the total number of the respondents)

13 from EU & Non-Med. (68 % of the EU & Non-Med. respondents),

2 from EU & Med. (50 % of the EU & Med respondents),

6 from Non-EU & Med. (86 % of the Non-EU & Med respondents),

1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),

13 country of origin not known. (76 % of the respondents origin of whom not known).

We again see that the majority of the respondents could not find the opportunity to attend media seminars/workshops or to read in the context of Euro-Mediterranean relations to develop their accumulation. Here however, the pattern is slightly different: the rate of the participants from the Non-EU & Med. countries who cannot find the opportunity is as high as the one for the participants from the EU & Non-Med. countries. Taken into consideration with the fact that 4 participants from Non-EU & Med. countries expressed high interest in EU-Med relations (Question 1), in the case of these countries this may be attributable to the relative absence of such opportunities in the Non-EU & Med. countries.

Question 4: “Are you in touch with journalists or media institutions from Mediterranean countries?”

“Regular professional contact”: 1 respondent (2 % of the total number of the respondents)

1 from EU & Non-Med. (5 % of the EU & Non-Med. respondents),

0 from EU & Med. (0 % of the EU & Med respondents),

0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),

0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),

0 country of origin not known (0 % of the respondents origin of whom not known).

“Occasional contacts”: 9 respondents (18 % of the total number of the respondents)

4 from EU & Non-Med. (21 % of the EU & Non-Med. respondents),

2 from EU & Med. (50 % of the EU & Med respondents),

1 from Non-EU & Med. (14 % of the Non-EU & Med respondents),

1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),

1 country of origin not known (6 % of the respondents origin of whom not known).

“No particular contact”: 40 respondents (80 % of the total number of the respondents)

14 from EU & Non-Med. (74 % of the EU & Non-Med. respondents),

2 from EU & Med. (50 % of the EU & Med respondents),

6 from Non-EU & Med. (86 % of the Non-EU & Med respondents),

2 from Non-EU & Non-Med. (67 % of the Non-EU & Non-Med respondents),

16 country of origin not known (94 % of the respondents origin of whom not known).

European journalists may have regular, close and institutionalised contact among themselves. However, such a contact does not exist with or among the journalists of Mediterranean countries.

Question 5: “In your institution, are you the person who continuously follows the Euro-Mediterranean events?”

“Always / Most often”: 1 respondent (2 % of the total number of the respondents)

1 from EU & Non-Med. (5 % of the EU & Non-Med. respondents),

0 from EU & Med. (0 % of the EU & Med respondents),

0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),

0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),

3 country of origin not known (18 % of the respondents origin of whom not known).

“Depends”: 32 respondents (64 % of the total number of the respondents)

12 from EU & Non-Med. (63 % of the EU & Non-Med. respondents),

3 from EU & Med. (75 % of the EU & Med respondents),

7 from Non-EU & Med. (100 % of the Non-EU & Med respondents),

3 from Non-EU & Non-Med. (100 % of the Non-EU & Non-Med respondents),

13 country of origin not known (76 % of the respondents origin of whom not known).

“Euro-Mediterranean relations is not my field”: 17 respondents (34 % of the total number of the respondents)

6 from EU & Non-Med. (32 % of the EU & Non-Med. respondents),

1 from EU & Med. (25 % of the EU & Med respondents),

0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
1 country of origin not known (6 % of the respondents origin of whom not known).

Very few of the respondents seem to have specialised in Euro-Mediterranean relations; the answers accumulate on the 'depends' option. As we see, the institutions look like sending journalists on an ad hoc basis.

Question 6: "Do you find the Mediterranean policy of the EU successful?"

"Very much": 2 respondents (4 % of the total number of the respondents)

1 from EU & Non-Med. (5 % of the EU & Non-Med. respondents),
0 from EU & Med. (0 % of the EU & Med respondents),
0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
1 country of origin not known (6 % of the respondents origin of whom not known).

"Somehow": 29 respondents (58 % of the total number of the respondents)

13 from EU & Non-Med. (68 % of the EU & Non-Med. respondents),
3 from EU & Med. (75 % of the EU & Med respondents),
0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),
3 from Non-EU & Non-Med. (100 % of the Non-EU & Non-Med respondents),
10 country of origin not known (59 % of the respondents origin of whom not known).

“Not at all”: 19 respondents (38 % of the total number of the respondents)

5 from EU & Non-Med. (56 % of the EU & Non-Med. respondents),

1 from EU & Med. (25 % of the EU & Med respondents),

7 from Non-EU & Med. (100 % of the Non-EU & Med respondents),

0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),

6 country of origin not known (35 % of the respondents origin of whom not known).

Only 2 of the respondents (4 %) find the Mediterranean policy of the EU successful, whereas 29 respondents (68 %) think that this policy is partly successful. Majority of the EU & Med and all of the Non-EU & Non-Med respondents opt for this answer (the latter probably being neutral personally). 7 of the Non-EU & Med participants say that they do not find this policy successful at all.

Question 7: “Do you think that you can cover Euro-Mediterranean relations completely free from the official ideology of your state and from the influence of the government?”

“Completely free”: 32 respondents (94 % of the total number of the respondents)

19 from EU & Non-Med. (100 % of the EU & Non-Med. respondents),

4 from EU & Med. (100 % of the EU & Med respondents),

5 from Non-EU & Med. (71 % of the Non-EU & Med respondents),

3 from Non-EU & Non-Med. (100 % of the Non-EU & Non-Med respondents),

16 country of origin not known (94 % of the respondents origin of whom not known).

“With some caution”: 2 respondents (4 % of the total number of the respondents)

0 from EU & Non-Med. (0 % of the EU & Non-Med. respondents),

0 from EU & Med. (0 % of the EU & Med respondents),
1 from Non-EU & Med. (14 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
1 country of origin not known (6 % of the respondents origin of whom not known).

“With considerable caution”: 1 respondent (2 % of the total number of the respondents)

0 from EU & Non-Med. (0 % of the EU & Non-Med. respondents),
0 from EU & Med. (0 % of the EU & Med respondents),
1 from Non-EU & Med. (14 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
0 country of origin not known (6 % of the respondents origin of whom not known).

Almost all the respondents indicate that they can cover Euro-Mediterranean relations completely free from the official ideology of their state and from the influence of their government. 1 respondent (14 %) from a Non-EU & Med. country and 1 respondent (6 %) who has not indicated any country expresses some caution. Only 1 respondent who is from a Non-EU & Med. country says that he/she has to cover the issue with considerable caution.

Question 8: “Do you think the coverage of Euro-Mediterranean relations by the media of your country is constructive for those relations?”

“Very much”: 10 respondents (20 % of the total number of the respondents)

4 from EU & Non-Med. (21 % of the EU & Non-Med. respondents),
1 from EU & Med. (25 % of the EU & Med respondents),

0 from Non-EU & Med. (0 % of the Non-EU & Med respondents),
1 from Non-EU & Non-Med. (33 % of the Non-EU & Non-Med respondents),
4 country of origin not known (24 % of the respondents origin of whom not known).

“Somehow”: 24 respondents (48 % of the total number of the respondents)

8 from EU & Non-Med. (42 % of the EU & Non-Med. respondents),
2 from EU & Med. (50 % of the EU & Med respondents),
2 from Non-EU & Med. (29 % of the Non-EU & Med respondents),
2 from Non-EU & Non-Med. (67 % of the Non-EU & Non-Med respondents),
10 country of origin not known (59 % of the respondents origin of whom not known).

“Not very constructive”: 16 respondents (32 % of the total number of the respondents)

7 from EU & Non-Med. (37 % of the EU & Non-Med. respondents),
1 from EU & Med. (25 % of the EU & Med respondents),
5 from Non-EU & Med. (71 % of the Non-EU & Med respondents),
0 from Non-EU & Non-Med. (0 % of the Non-EU & Non-Med respondents),
3 country of origin not known (18 % of the respondents origin of whom not known).

The majority of the respondents think that the coverage of Euro-Mediterranean relations by the media of their country is somehow constructive or not very constructive for those relations. Especially the respondents from Non-EU & Med. countries (71 %) think that the coverage of the media is not very constructive.

A general evaluation of the survey can be the following:

- 1) Journalists who are following the Euro-Mediterranean events have a busy agenda. They are preoccupied with many other things. This point was also expressed by the respondents in their e-mails accompanying their reply to the questionnaire. Probably due to this workload -or maybe because of lack of interest- tens of questionnaire forms were returned with the automated message “your message was deleted by the recipient without being read”. A considerable portion of the respondents say that Euro-Mediterranean relations is not their field of specialisation. Media institutions might be trying to function cost-effectively, and for them, hiring a person specifically for Euro-Mediterranean relations might be a luxury.
- 2) Parallel to the previous point, a substantial portion of the journalists have no or little interest in Euro-Mediterranean relations, do not -or cannot- follow the news about the field, and do not -or cannot- attend related seminars or workshops.
- 3) Not many journalists (Europeans and Mediterranean alike) have close and systematic contact with their Mediterranean colleagues. This can be regarded as a failure to take the advantage of a beneficial synergic relationship.
- 4) As a positive sign, almost all of the respondents say that they are able to cover Euro-Mediterranean relations completely freely.
- 5) In some responses, there appears a manifest difference between the answers of the journalists from the European & Non-Mediterranean countries and of those from the Non-European & Mediterranean countries. The latter are more interested in but have less opportunity to follow Euro-Mediterranean relations or to equip themselves with related information. All of the Non-European & Mediterranean journalists are of the opinion that the Mediterranean policy of the Union is not successful, and a considerable portion of

them say that the coverage of Euro-Mediterranean relations in their media is not constructive for those relations.

Conclusion

The European Union attributes high importance to its relations with its Mediterranean neighbours. Elaborate programs and activities with budgets of million Euros are in practice. The Union ascribes an important place to media in this project. Saying that the success of the Mediterranean policy of the Union is and will be heavily influenced by the performance of the media in this field would not be an exaggeration. The expectation is that the media will 'set the agenda' of the European and Mediterranean peoples in such a way as to inform them about the European Union and Euro-Mediterranean relations, to create a constructive atmosphere and foster a positive attitude in this context, to bring the different cultures together.

Compared to NATO and BSEC, the machinery that the EU has constructed to tap the potential of the mass media is much more ambitious, sophisticated and costly. Different from NATO which is involved in mass media activities 'in person', the Union assumes a regulatory and supportive role for the mass media. Different also from BSEC which is contented with a mere call, the Union allocates an important financial source and concrete programmes.

However, the staff who are expected to operate this machinery, namely the journalists, do not seem completely ready for such a duty. They seem reluctant and unprepared.

Much of the remedy for this plight lies in the hands of the employers of the mass media sector. They should consider the fact that journalists pursue a type of work that leans on intellect, and are different from purveyors simply providing goods; they should be given time and opportunity. Journalists, on the other hand, should be aware of the possibilities presented to them by the Union in the context of various programmes; Euro-Mediterranean relations is a rich and promising field for them to specialize in. The Union and the partner governments of the Euro-Mediterranean relations on

their part should follow up the existing programmes in the field and try to close the gap between the desired outcome and the reality.

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Annex: The Questionnaire Form³⁶

30 April 2004

Dear Sir/Madam,

Within the framework of an academic study, we would like to learn your opinion about the Euro-Mediterranean relations. We would be glad if you could kindly fill out the short questionnaire below.

The study is funded by the European Commission, and the data collected herein will not be used for any other purpose. Your name or your institution are not required in the questionnaire. If you want to make any additional comment, you may write it under the relevant question or below the page.

With my best regards,

Assist. Prof. Dr. Armagan Emre Cakir
European Community Institute
Marmara University, Istanbul – TURKEY

For questions and comments: acakir@marmara.edu.tr

³⁶ This questionnaire was presented to the subjects in printed form and also forwarded them via e-mail. A reminder was also sent a month later.

Editor's Note: For clarification, this letter was prepared by the author on his own responsibility and the Euro Mediterranean Project's involvement is limited to publishing this paper.

For the option of your choice please bring the cursor between the blue brackets and put an “x” like (x)

- YOUR FIELD (Choose one of the options below):

Public TV/Radio () News Agency () Private TV/Radio ()
Freelance () Other () (Please Specify):

- YOUR COUNTRY:

QUESTIONS:

Do you have a special interest in Euro-Mediterranean relations?

Very much () Some () No particular interest ()

Do you regularly follow the news about the Euro-Mediterranean relations?

Regularly () Sometimes () Cannot find the opportunity ()

Do you find the opportunity to attend media seminars/workshops or to read in the context of Euro-Mediterranean relations to develop your accumulation?

Mostly () Sometimes () Cannot find the opportunity ()

Are you in touch with journalists or media institutions from Mediterranean countries?

Regular professional contact () Occasional contacts () No particular contact ()

In your institution, are you the person who continuously follows the Euro-Mediterranean events?

Always / Most often () Depends () Euro-Mediterranean relations is not my field ()

Do you find the Mediterranean policy of the EU successful?

Very much () Somehow () Not at all ()

Do you think that you can cover the Euro-Mediterranean relations completely free from the official ideology of your state and from the influence of the government?

Completely free () With some caution () With considerable caution ()

Do you think the coverage of the Euro-Mediterranean relations by the media of your country is constructive for those relations?

Very much () Somehow () Not very constructive ()

THE DISASSOCIATION OF THE CYPRUS ISSUE FROM THE GREEK-TURKISH RELATIONSHIP: A NEW ERA FOR GREEK FOREIGN POLICY?

DIMITRIS KAVAKAS

Introduction

The 24th April 2004 referendum in Cyprus for the ratification of the UN Plan for the unification of the island attracted the attention of world diplomacy. Both Greece and Turkey were involved in the process of coming to an agreement for Cyprus. For many years the Cypriot problem has been a thorn in the bilateral Greek-Turkish relations. Recently, the rapprochement process between the two neighbouring countries advanced and enhanced. The referendum in Cyprus and the Greek-Cypriot rejection of the plan affects the Greek-Turkish bilateral relations. However, following the visit of the Turkish Prime Minister Tayyip Erdogan to Athens in May 2004, it was made evident that Greek-Turkish relations speeded up the pace of rapprochement.

The paper studies whether there has been a change in the traditional approach in Greek-Turkish relations that the solution of the Cyprus issue is a pre-condition for the improvement of bilateral relations. It is argued that after the referendum for the UN plan, its approval by the Turkish side and its rejection by the Greek side in the island, Greek foreign policy orients itself towards a process of disassociation of the issue from its bilateral relations with Turkey. This is done so as to avoid any possible Greek-Cypriot intransigence affecting the constant improvement of Greek-Turkish rapprochement.

An evaluation should be made as to whether the above is the case and how this is illustrated in Greek foreign policy development and behaviour. In addition, the foreseen new initiatives by Greece to create an environment so that the Greek-Cypriot side can accept the plan in a new referendum highly involve EU institutions who have an interest in a positive development for Cyprus.

Finally, the paper assesses whether there is a new era for Greek foreign policy and evaluates its consequences for the region as a whole.

Traditional Impact of the ‘Cyprus Issue’ on Greek-Turkish Relations

Following the 1974 Turkish invasion in the island of Cyprus, the issue of the division of the island has been on the agenda of both Greeks and Turks in their rhetoric, foreign policy planning and action as well as in bi-lateral talks. For decades, following 1974, every presentation of Greek foreign policy included the element that improvement of bilateral relations with Turkey had as a condition the solution of the Cypriot problem. Greece developed a stable and significant foreign policy priority after 1974 that perceived Turkey as a neighbour with serious revisionist demands in the Aegean Sea, Thrace and Cyprus. It was foreseen therefore that the most effective way to hold back such demands was to develop a strong and consistent foreign policy based on three pillars. The first pillar was the traditional development of a military balance of power. The steady build up of a strong army to balance the Turkish forces and the placement of these forces in the sensitive border areas of Thrace, eastern Aegean islands, formerly demilitarized by the Treaty of Lausanne, and Cyprus. Thus, both Greece and Turkey have been engaged in a huge race of army build-up that cost a significant percentage of the annual budget and so nearly came to an open confrontation during the Imia/Kardak crisis.

The second pillar was European integration. Perhaps the most wise and successful move in Greek foreign policy was the application during the late 1970s and final accession to the European Community in 1981. This initially developed both the dynamic and the potential for significant economic development but also the participation as a partner in the most important source of power and influence in the European continent and its surrounding regions. It was perceived that in this way Greece could address an open invitation, from a position of power, to Turkey to enter into the

logic of western interdependence relations, where international borders of countries are not questioned.¹

Following the above, the third pillar involved Cyprus. Turkey could prove, by following the above Europeanized path, that she had made the historic choice for a fair solution of the Cyprus problem. As a consequence, Turkish occupation forces would be removed from the island and the united Cyprus would accede to the EU and NATO. As a result of this third pillar development in Greek foreign policy since the late 1970s, developments in Cyprus and the solution of the Cyprus issue was made a precondition for both the improvements of Greek-Turkish relations and the European orientation for Turkey. It is understood that Greek policy followed this principle in the 1980s when Greece vetoed the EU fourth financial protocol to Turkey and the development of EU-Turkey customs union, not to mention the prospect for EU membership for Turkey.

Although the Cyprus problem did not start in 1974, I have mentioned this date because it signifies a change in Greek foreign policy. What is described as the ‘traditional’ approach is actually 30 years old. The traditional approach was the one proclaimed by Prime Minister Constantine Karamanlis in the Greek Parliament on 14 March 1957: “Greece is obliged to assist in the Cyprus issue under the auspices of its allies. This last statement makes the Cyprus problem a problem with significant contradictions. There are times when an action to favour the Cypriot cause could be harmful for Greece. There are to the contrary other times when an action which is sound for our national policy may be harmful for Cyprus”.² On these lines, the ‘traditional’ Greek foreign policy before 1974 was one of co-decision and common approach development between Athens and Nicosia. In this way, Greek interests were preserved whenever developments in Cyprus came to block other important issues for Greek foreign policy. To the contrary, the later-developed attitude of ‘Nicosia decides and Athens supports’ according to the 1957 statement of Karamanlis

¹ Couloumbis, Th. & Dalis, S., 1997, p.48

² Romaïos, G., 2004

obliged Greece to hold hostage some of its foreign policy developments to the will and decisions of the Greek-Cypriot leadership, particularly when the development of the Cyprus issue is linked to the improvements of Greek-Turkish relations.

Following Greece's accession to the EEC in 1981 and although part of the accession agreement was that Greece would not export its bilateral problems with Turkey to Brussels, a process of Europeanization of Greek-Turkish relations started and was made a condition for the improvement of EU-Turkish relations.³ Turkey-EU relations have a longer past than one might think. Turkey applied for membership of the European Economic Community as early as July 1959, one month after Greece's application and signed an Association Agreement on 12 September 1963. An Additional Protocol was signed in November 1970 where the rules for Turkey's prospective customs union with the European Economic Community were elaborated, which was to be followed by a decision on Turkey's accession to the Community. However, unfavourable political developments in Turkey, and most important, the military coup of 12 September 1980 precluded any possibility of Turkey's EU membership. Turkey's isolation ended with its return to civilian government in 1983. Trade barriers were removed, and on 14 April 1987 an application for full EEC membership was submitted by the government of Turgut Özal. Nonetheless, Turkey-EEC relations would be impacted by Greece's accession to the Community in 1981. The rule of unanimity in the EEC decision-making process provided Greece with leverage in influencing Turkey-EEC relations. While Turkish-Greek disputes in the Aegean - ranging from the delineation of territorial waters, airspace and continental shelf to that of Flight Information Regions (FIR), the unresolved Cyprus problem - and the rest of bilateral differences remained unsettled, Greece decided to exploit Turkey's interest in improving its relations with the European Union by conditioning its consent to the improvement of Turkey-EU relations on the modification of Turkey's policies on their bilateral disputes.⁴

³ Kavakas, D., 2000

⁴ Grigoriadis, I., 2003

As Turkey did not seem willing to alter its policies, Turkey-EU relations suffered a stalemate as any decisions that could improve Turkey-EU relations were blocked by Greece's veto. The channeling of financial aid provided by the Fourth Financial Protocol of 1981 between Turkey and the European Union was frozen. Moreover, the EEC Commission politely rejected Turkey's application in December 1989. The Commission based its decision on the "substantial economic and developmental gap between the Community and Turkey", which implied that Turkey could not fulfill its obligations deriving from the EEC economic and social policies. Besides, it cited Turkey's disputes with Greece, the Cyprus issue and the fact that its human rights regime and "respect for minorities" had "not yet reached the level required in a democracy".⁵ To appease Turkey's discontent for the polite rejection of its EEC membership application in 1989, the European Commission initiated a renewed effort to accomplish a customs union between Turkey and the European Economic Community, improve cooperation in the industrial and other fields and release the funds provided for in the Fourth Financial Protocol.⁶ Nonetheless, it was Greece again which blocked the last part of the Commission initiative. However, the EU leaders agreed in the EU Lisbon Summit of June 1992 that "the Turkish role in the present European political situation is of the greatest importance", and negotiations on achieving Turkey-EU customs union were resumed in November 1992. In the EU Copenhagen Summit of June 1993 the EU leaders agreed on a set of conditions to be met by all states aiming to accede to the European Union. The "Copenhagen criteria" included, first, the stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities; second, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union, and third, the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

⁵ Hale, W., 2000, p. 178-179

⁶ *ibid.*, p. 234-235

Increasing pressure from EU member states coincided with Greece's decision to set the membership of Cyprus to the European Union as one of its primary foreign policy strategic objectives. After a series of bilateral and UN-brokered negotiations failed to solve the political problem of Cyprus, Greece hoped that Cyprus' accession to the European Union would boost the conflict resolution process. Greece's intention to achieve concrete steps to achieve Cyprus' EU membership facilitated the beginning of a bargaining process whereby Greece would agree on the piecemeal improvement of Turkey-EU relations while it would secure the progress of Cyprus' EU membership application.⁷ So on 6 March 1995 Greece lifted its veto against the Turkey-EU customs union agreement and the release of EU funds for Turkey provided for by the Fourth Additional Protocol on the condition that accession negotiations between Cyprus and the European Union would commence within six months after the end of the EU Intergovernmental Conference-in effect within 1998.

Although we study the impact of the Cyprus referendum that led to the rejection of the UN Plan by the Greek-Cypriot population and its acceptance by Turkish-Cypriots, it is evident that the disassociation of the Cyprus issue from Greek-Turkish relations started a few years earlier. It was in May 1999 when the Greek and Turkish Foreign Ministers George Papandreou and Ýsmail Cem initiated a dialogue initiative on low-profile bilateral issues, e.g. trade, tourism and environmental protection. The display of mutual goodwill at both the governmental and grassroots levels during the earthquakes that hit Turkey and Greece in August and September 1999 respectively contributed to a dramatic reversal of hostile attitudes in public opinion and the press, thereby facilitating détente efforts. The historic decision was made in the EU Helsinki Summit of December 1999: Turkey was officially recognized as a candidate state for accession to the European Union.⁸ On the other hand, important conditions were set as regards Turkish-Greek relations and the Cyprus problem. For the first time it was agreed that Greece and Turkey will try to solve any bilateral dispute by the end

⁷ Suvarierol, S., 2003, pp. 62-66

⁸ Nikolaidis, K., 2001, pp. 247-8

of 2004 independently from developments in Cyprus.⁹ In this way, both EU-Turkish relations could progress since the Copenhagen criteria required the Greek-Turkish rapprochement and also Cyprus could progress towards membership of the EU independently of the solution of the problem.

The Impact of the Cyprus Referendum

From the 1960s until today both Greece and the Greek-Cypriot community followed two major ambitions for Cyprus. The first ambition was the 'Enosis' prospect, the irredentist goal for the unification of Cyprus with the Greek State, an ambition that was abandoned after the 1970s. The second was independence of Cyprus with the dominance of the Greek community and the existence of a Turkish-Cypriot minority with some rights.¹⁰ Unfortunately this last ambition still dominates at least the Greek-Cypriot leadership and majority of population as is evident from the referendum result. It is suggested that for years the proclaimed solution for an independent Cyprus based on a federation between two sovereign ethnic groups was supported by the Greek-Cypriot community under the assumption that the solution will bring dominance to the Greek-Cypriots.¹¹ During those years Greek-Cypriots took advantage of the Turkish-Cypriot refusal to negotiate under UN auspices in order to reach a federal solution. This refusal covered a long-held strategy by the Greek-Cypriots to avoid the extension of Turkish influence over the whole island and to develop what was called a 'common defence space' uniting the Greek and Greek-Cypriot defence spaces. This strategy, however, contradicted the proclaimed desire for the solution of the problem based on a dual-community federation.

The fixing of the date for the latest EU Enlargement, which was set to be the 1st May 2004, influenced the will to compromise on the Greek-Cypriot side. It is thought that if Cyprus were not to become a member of the EU the result of the referendum would have been

⁹ Moroni, M., 2004

¹⁰ Hrakleidis, A., 1995, p.191

¹¹ Tsardanidis, Ch. 1995, p.212

different. Greek-Cypriots elaborated on following the Greek example of the 1980s when participation in the European institutions exercised significant leverage and increased the country's weight towards Turkey.

The impact of the referendum in Cyprus can be considered as threefold. First, the Greek-Cypriot community could no longer hide behind the refusal of the Turkish-Cypriots to negotiate and thus had to make a real decision on whether they were willing to accept a compromise. The outcome of the referendum suggests that the traditional ambition of Greek-Cypriots to maintain their dominant position in any federal solution is present and enhanced by EU membership. However, on the other hand, it is also similarly evident that Turkish-Cypriots voted in favour of the compromise because of EU membership. It is suggested that if EU membership was not an issue, the votes of the Turkish side would also have been different. Therefore, the first impact of the referendum result would be on the participation and influence of Cyprus in the EU institutions. Already there is a feeling in international public opinion that the Greek-Cypriots refused to compromise at the expense of the Turkish-Cypriots given that they were coming from a dominant position, that of an EU member. Experience, however, in the European councils saw that negative behaviour can never be for the advantage of a member state.¹²

The second impact of the result is related to the Turkish-Cypriot community. Following the demonstration of their willingness to compromise and to accept a federal solution for the re-unification of the island, the international community seems to be trying to find ways for their *de facto* recognition, although no legal form of recognition of a Turkish-Cypriot state exists. The EU announced its decision to develop trade and aid relations with the northern, up to now isolated, side of the island. The EU's foreign policy chief, Javier Solana, said just before the referendum and following the prediction of the result that: "those who think the situation will continue as if nothing has happened - they are making a wrong analysis of the situation. Things will not be the same the day

¹² See Kavakas, 2000, Chapter 5

after”.¹³ The Greek-Cypriots’ rejection of the plan was met with dismay and anger among the world powers that had pressed both sides to accept it. Gunter Verheugen, the EU’s commissioner for enlargement said that the Greek-Cypriots would join the Union under a ‘shadow’.¹⁴

Finally, the third impact would be on Greek foreign policy and Greek-Turkish relations. Both Greece and Turkey would have hoped that the UN Plan had been accepted by both sides. This would have automatically given a boost to the Turkish ambitions to get a date in December 2004 for the start of accession negotiations. For Greece it would have been an opportunity to concentrate on the rapprochement process with Turkey having overcome the Cyprus problem. The result put both parties in a difficult situation. Turkey on the one hand did its best to ensure that the Turkish-Cypriots approved the plan; however, the rejection by the Greek-Cypriot side deprived her of the possibility to retaliate in any way, since the European orientation of Turkey is considered very important. On the other hand, Greece found itself supporting the decision of the Cypriot government, a decision of which she did not approve and which was not in her interest. The visit of Prime Minister Erdogan to Athens in the beginning of May 2004 was primarily aimed at securing the continuation of a fragile rapprochement that could be troubled by the Cyprus referendum.¹⁵ In their meetings the two Prime Ministers confirmed that Greece and Turkey were willing to move forward in their bilateral relations independently from any developments in Cyprus. Although Cyprus remains an important foreign policy priority for both Greece and Turkey, it seems that it has been disassociated from Greek-Turkish bilateral relations.

New Era for Greek Foreign Policy?

On March 6, 2004, the Greek general elections signified a government change. It appears that there has been a change in the

¹³ Kathimerini newspaper, article entitled ‘Greeks prepare for the day after’, Saturday 24 April 2004

¹⁴ The Economist, *A chance for peace and unity wasted*, 25 April 2004

¹⁵ Adam, K., 8/5/2004

strategy whereby the two parties handled the Cyprus issue. The previous Foreign Minister, George Papandreou, followed a strategy of intervention, presentation of the Greek position and pressure to get influence on its implementation. This included the government of the Republic of Cyprus with which many times he ran into disagreements that were publicly displayed. It seems that the previous strategy, although pursued by a socialist government, was closer to the 1950s strategy of Karamanlis, as explained above. The new policy of the nephew of the late Karamanlis, Prime Minister Kostas Karamanlis, was to follow the 'Nicosia decides Athens supports' strategy. This choice created a significant contradiction that the new government tried to overcome by using the disassociation policy. Prime Minister Karamanlis has steadily maintained that Greece will stand by Cyprus no matter what the Greek-Cypriots decided. He also, however, said that 'the government's effort to solve the Cyprus problem will continue irrespective of the results of the referenda, because the potential for solving the problem has to be safeguarded'.¹⁶ These two sentences can be in contradiction to each other. The Greek government dedicated to the solution of the Cyprus problem stands by any decision that the Greek-Cypriots make even if this decision is against the solution.

Greek foreign policy will face new challenges in the near future and will certainly enter a new era. It is a post-enlargement era with the Republic of Cyprus sitting in the Council of Ministers and participating in all European institutions. Greek foreign policy will face three main challenges in this new era. The first challenge would be its behaviour and strategy inside the EU institutions concerning Cyprus. Following the recent developments and the signals that EU partners received from the first days of Cyprus' participation in the EU institutions it is expected that President Papadopoulos will follow a hard line in the European Council. The question will be how Greece will respond. If the Greek representatives follow the recent 'Nicosia decides, Athens supports' strategy, significant Greek interests and a positive image

¹⁶ Kathimerini newspaper, article entitled 'Greeks prepare for the day after', Saturday 24 April 2004

might be at stake; an image that took a long time to improve and hard work to change following the negative periods of the 1980s and early 1990s.

The second challenge would be the approach of the Greek government towards the Cyprus issue. Following the rejection of the UN Plan, there will be international initiatives and pressures on the Greek-Cypriots for discussions about the Plan, a campaign for the information of the public about its benefits and a possible new referendum. However, it is evident that Greek-Cypriot leadership at the moment demands a re-negotiation of the plan, something that is difficult given the fact that Turkey is hostile to such a development. It is also considered as unfair for the Turkish-Cypriots having accepted the plan by an overwhelming majority of 65% to have to renegotiate and put it to a new referendum. This is a very delicate situation that demands active and constructive foreign policy. It is the argument of this paper that in order for Greek foreign policy to be effective and overcome these challenges successfully, the current doctrine of 'Nicosia decides, Athens supports' has to be adapted to a 'co-decision' regime.

The final challenge involves the bilateral relations with Turkey. It is in the interests of Greece that Turkey progresses towards its European orientation. The December 2004 deadline for a start date for EU accession negotiations signifies an important political decision on behalf of the EU. What will be the reaction and position of Greece if Cyprus decides to veto the process? This challenge is linked to the previous two and illustrates the significance of a constructive and pro-active foreign policy as opposed to a reactive and passive stance that is supportive of already-made decisions.

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EU DILEMMAS FOLLOWING CYPRUS' REFERENDUM

COSTAS MELAKOPIDES

Introduction

An avalanche of articles and editorials followed, as expected, the twin Cypriot referendum of 24 April 2004. In most cases, a thorough knowledge of the Annan Plan was clearly absent. Therefore, the alleged explanations of why the Greek Cypriots' No reached the resounding 76%, whereas the Turkish Cypriots' Yes received 65%, were inevitably defective. The most common, simplistic, generalization asserted that the Greek Cypriots (G/Cs) "rejected reunification" while the Turkish Cypriots (T/Cs) "embraced it" wholeheartedly.¹ Even worse, this false premise is used for two unwarranted "deductions": first, that the G/Cs must now be "punished" and, second, that the Turkish Cypriots must be "rewarded". Regrettably, this grand journalistic *non sequitur* has been co-propagated by the very circles that inspired and "marketed" the Annan Plan. As I hope to show, however, these circles were only eager to *get rid of* the Cyprus problem - as a means to broader ends - as opposed to solving it fairly and functionally. Such a solution should, of course, uphold the principles of International Law and the norms and values of the European Union. The Annan Plan did not honour these principles, norms and values. Therefore, this essay proposes to revisit Cyprus' referendum, to expose the aforementioned *non sequitur*, and to investigate the *modus operandi* required by a responsible EU.

Schematic Evaluation of the Annan Plan

The 24 April referendum was meant to endorse or reject the Annan Plan, that is, an essentially Anglo-american Cyprus plan carrying

¹ Even Nils Kadritzke, usually informed if not unbiased on Cypriot affairs, fell into the trap of speedy and facile pronouncements. See his "Cyprus: saying no to the future", *Le Monde Diplomatique*, May 2004, where his two targets are President Tassos Papadopoulos and "Greek chauvinism"(sic).

the Secretary General's name. It is common knowledge that the plan ultimately exceeded 9,000 pages; that its convoluted character rendered often incomprehensible even the 220 pages available - until the end - only to English-reading voters; that it was "pushed" openly and crudely on the Cypriots as their "last chance"; and that it was treated by its authors as a plan "for the reunification of Cyprus", whereas - in truth - it was a far more intricate affair, akin to a political/legal/ strategic/diplomatic/etc. Gordian knot serving a variety of analogous interests and needs.

Given its nature, therefore, it was not commonly known that this Plan was inherently and suspiciously defective. Suffice it to mention at the outset that the proposed "United Cyprus Republic" was at odds with fundamental European values and norms and contradicted established principles and rules of International Law; it proposed forgiving Turkey for its 1974 invasion and the ongoing, and universally condemned, occupation; it expected the Greek Cypriots - the primary victims of the invasion - to support and sustain in the final analysis both the proposed "federal state" and the two "constituent states", including the "Turkish Cypriot" one; it called for the demilitarization of the new entity, but permitted the stationing in it of foreign troops *ad infinitum*; and it subjected the proposed "UCR" to experimental constitutional-administrative burdens, including the threat of ever-present vetoes and the provision that, in all cases of political/economic/legal/etc deadlock, the ultimate decision-making authority was vested in the Supreme Court, where determining power was held by three non-Cypriot, that is, foreign, judges!

The "Yes" Side

Even its warmest Greek Cypriot proponents had conceded that the Annan Plan was only "a painful compromise". But they insisted that, "assuming good will" it was bound to improve through membership in the EU. Also, *in tandem* with (or rather echoing) the plan's foreign propagators, they asserted that the following attributes made it endorsable: (1) "reunification" at last; (2) eventual departure of most Turkish occupation troops; (3) return of almost half the refugees to their abandoned homes under G/C

administration; and (4) eventual, if partial and conditional, compensation for the properties that would not be returned. The strongest argument of the plan's supporters, however, was not what was "positive" in it, but rather the constantly articulated "catastrophic consequences of a No".

The proponents' endorsability claims will be exposed below as a sophistical *petitio principii*. First, a word on the alarmist threats. They were massively orchestrated and vociferously expressed to intimidate the people thoroughly. Of course, besides being morally outrageous, the alarmist assertions revealed the willing submission, as against dignified resistance, to some overt or covert threats by the self-regarding foreign decision-making centers.² In other words, instead of condemning such threats as politically unconscionable and morally unbearable, they had succumbed to them. Thus, they were perceived as serving ultimately the special interests of the foreign capitals that wished to attain the Cypriots' Yes at all costs.³

Now, how valid were the supporters' major material expectations (on the return of some refugees and on the properties issue)? The tragic irony is that for any of the plan's benefits to ensue, two pivotal assumptions were required: first, the *existence* of "good will"; and second, that the plan *could actually work*! As intimated already, both assumptions were at best "heroic", that is, unfounded or naive. For if the "UCR" was massively perceived by the G/Cs as partial, unfair and unworkable, it would follow that its life was bound to be short. In this case, however, the implications would be colossal, if only because the Republic of Cyprus would exist no more while the occupied areas would have attained "legitimacy". In

² The threats in question referred primarily to the Republic's future "international isolation" and to the following "certainties": that no other plan would be forthcoming, that the island's division would be rendered permanent, and that the legitimate Turkish Cypriots would flood to the free side of the Republic leaving the occupied north to the settlers from mainland Turkey.

³ Needless to say, this author does not share necessarily this "fifth column" perception about the entire pro-Yes elite. After all, many of them were simply too tired of the problem; others simply could not see the enormity of the plan's negative implications; and some had even participated in some measure in the drafting of the plan...

sum, the entire operation was, at best, inherently risky and, at worst, utterly suspect. As for the remaining “pluses”- i.e., phased departure of the Turkish troops and eventual reunification - far from being the generous bonuses attached to a defective text, they are the manifest legal and political obligations of Turkey. For one must remember that Turkey has been condemned - explicitly and repeatedly - for the 1974 invasion, the illegal occupation, and the massive violation of the fundamental human rights of both Greek and Turkish Cypriots for over 30 years. This condemnation is established through countless resolutions and decisions by the United Nations, by the European Commission, the European Parliament, and by the European Court of Human Rights.⁴ Moreover, with Turkey awaiting the historic December 2004 decision on its EU future, it seems inconceivable that it can succeed while occupying 37% of the territory of a EU member-state. Thus, in the absence of any guarantees whatsoever that this particular UN plan would actually work, the attempt to white-wash Turkey’s aggression in Cyprus, accompanied by the failure to compensate the victims of the occupation, was politically and morally offensive.

The “No” Side

Even a schematic account of the No side’s fears, frustrations and concerns will provide a fuller explanation of the 76%. To begin with, few analysts have noted that around 75% of the G/Cs who voted No had explained - in sophisticated exit-polls - that their primary worry with the plan was “*insecurity*”, while the issues of *properties* and the *settlers* followed far behind.⁵ Upon investigation, it transpired that this insecurity had at least four primary sources: first, the envisaged continuing presence of thousands of Turkish troops for up to 14 more years; second, the permission to allow 600 Turkish troops to remain in Cyprus *ad*

⁴ The most celebrated decisions of the European Court of Human Rights are associated with the *Loizidou v. Turkey* case (1996 and 1998) and the fourth case of *Republic of Cyprus v. Turkey* (May 2001).

⁵ One such sophisticated exit-poll was conducted by Nicosia’s TV Channel, MEGA.

infinitum (i.e. even after Turkey's assumed accession to the Union); third, the plan's granting to Turkey a "right of intervention" even within the G/C constituent state; and fourth, the total absence of any guarantees whatsoever that the plan *will be actually implemented*. In view of the accumulated mistrust caused by the occupation through 40,000 Turkish troops in northern Cyprus, recalling the unmitigated efforts by Ankara and the Denktash regime to undermine all previous reunification initiatives, and given Turkey's rather fuzzy domestic political landscape, it would be odd indeed if the Greek Cypriots did not feel fearful, suspicious and insecure.

President Tassos Papadopoulos stated in his famous address (of 7 April) that the Greek Cypriots were asked to start delivering immediately their part of the bargain - beginning with the dissolution of the Republic of Cyprus itself - whereas the Turkish side's obligation to deliver would be extended over 15 years. In an effort to undermine the Cypriot President's credibility, this statement was viciously attacked.⁶ The statement, in fact, expressed laconically and succinctly the primary fears and suspicions of the G/C's overwhelming majority. Therefore, the statement might have only solidified the Greek Cypriots' opposition to the plan, which was hovering between 70-80% in any case.⁷ Moreover, President Papadopoulos did not "campaign" even once after this address. Arguably, however, he was politically and morally obliged to submit his opinion to the G/C community and the world at large: the referendum's significance was nothing short of cosmogonic since, in case of a *Yes to this plan*, should the entire project collapse the universally recognized Republic of Cyprus would be obliterated. The consequences of the most probable collapse were never addressed by the dazzling rush of the UN. As intimated already, however, the Republic of Cyprus could not be

⁶ Nils Kadritzke's article contains a typical example. See footnote 1.

⁷ For instance, Cypriot ANTENNA TV's opinion poll on the "fourth Annan Plan", conducted on 30 March 2004, revealed the following on the Greek Cypriot side: 74% rejected it; 4% were in favour; and 22% did not reply/did not know. See "Gallop: 74% of (Greek) Cypriots vote No", *Eleftherotypia* (Athens daily), 31 March 2004.

“reconstituted”: it would be probably lost forever, together with its presently occupied part!

Additional grounds explaining the overwhelming “No” should be articulated explicitly. Primarily, they derive from the plan’s *nonviable* and *unworkable* features, as shown by some manifest structural defects. First, the constitutional demand to form inter-communal majorities amounted essentially to giving the right of veto to the minority T/Cs. In this manner, the Turkish Cypriots, who constitute around 12% of the legitimate Cypriot citizens - given that the remaining residents of the occupied North are the illegal settlers - were being aided by the plan to “discriminate” against the 88%. Therefore, since this bordered on a tyranny of the minority, it deepened the sense of unfairness or injustice. Second, in cases of inter-communal decision-making impasse, the Annan Plan provided that the three foreign judges of the Supreme Court would also become legislators as well as governors. In the post-colonial History of the world, this is rather unprecedented. Third, most of the economic burden of running the new state would fall on the G/Cs, whose present per capita income is calculated at around four times that of the T/Cs, while the GDP of the occupied territory is around 8% of the free territory’s GDP. Fourth, the pivotal property issue was to be handled by a Property Board. This was a source of intense insecurity and frustration, if only because the Board’s time-horizon for compensations was running to up to 35 years. Moreover, its uncertain sources of funds and its obscure modus operandi did boggle the mind. And fifth, despite disingenuous ambiguities the plan did endorse the legitimization of most of the over 110,000 illegal settlers from mainland Turkey. However, in view of their low literacy level, their limited skills and their socio-cultural distinctness, most of these people have long been in serious conflict with the native Turkish Cypriots, who are now a minority in the occupied land. What is more, the arrival of the illegal Anatolian settlers following the 1974 invasion is an established war crime. This legal fact was just bypassed by the Annan Plan. Suspicion and mistrust, therefore, could be anticipated *a fortiori* between these settlers and the Greek Cypriots, since most of the settlers have occupied and exploited for years the homes and properties of the legitimate citizens of the Republic.

In his letter to Kofi Annan (dated 7 June 2004), President Tassos Papadopoulos complained bitterly about the former's Report on his Cyprus mission. He accused it of factual inaccuracies, biased inferences, and numerous counterproductive suggestions. On the crucial issue of functionality, his letter includes this observation:

“Functionality covers all the areas of the operation of the state and our concern for functionality was reflected in all of our proposals during the process covering, *inter alia*, federal legislation and its practical application, the Central Bank, fiscal and monetary policy, the curtailing of the various transitional periods, ensuring conformity with EU obligations, the administrative structure and function of the federal government, the decision-making process at all levels, the territorial aspect and the issue of missing persons.”⁸

Procedural Sins

Some of these defects and anomalies might have been surmountable if only the Greek Cypriots could come to perceive, somehow, the entire affair as *ultimately* just or fair. In fact, however, feeling manipulated or blackmailed by the whole procedure and the entourage of Mr Annan deepened their sense of injustice. Notable in this regard are the following data. The timetable of the decisions associated with the earlier versions of the plan (November 2002-February 2003) was truly asphyxiating. This in itself caused serious additional suspicions. For, while the content of the highly technical plan was truly incomprehensible to the average citizen, Mr Annan had first demanded agreements, followed by referenda, to be held only days before the Republic of Cyprus was to sign the Treaty of Accession on 16 April 2003.

Following the failure of that effort -on account of Rauf Denktaş as explicitly acknowledged by the SG himself⁹ - the last negotiating round began with the 13 February 2004 New York agreement. But

⁸ President Papadopoulos 7 June 2004 letter circulated as a UN document, being a reply to Kofi Annan's Report on Cyprus (S/2004/437).

⁹ See his Statement after the collapse of the negotiations at The Hague, on 11 March 2003.

this agreement was also reached under unconscionable pressures that solidified the suspicion that the UN Secretariat, Washington and London were all demanding the plan's unquestioned endorsement at all costs. In fact, the 13 February agreement contained another unprecedented provision: namely, should no consensus be reached by the Cypriots themselves by the end of March 2004 -even assisted for a week by Ankara and Athens - the Secretary General himself would "exercise his discretion" and thus "fill in the remaining gaps"... Equally important, the new referenda were set for 24 April 2004, that is, only days before the Republic's formal EU Accession on May 1! In addition, the UN allowed the settlers to vote in the referendum, obliterating the distinction between them and the native Turkish Cypriots. This fortified the suspicion that the plan's makers had actually decided to "legitimize" most settlers by fiat. Finally, President Papadopoulos' proposals for functional improvements were utterly ignored by the SG's Special Advisor, Mr Alvaro de Soto.¹⁰

Thus, one could hear Greek Cypriots argue that the final plan was so inimical to their interests, and so contrary to international principles and rules, that it was engineered so as to ascertain their No. In any case, all this amounted to a travesty of any conception of a free and democratic "referendum". Equally important, whereas the New York agreement stated explicitly that, in case of a No, the entire affair would be considered null and void, it is a sad fact that, after 24 April, the Republic of Cyprus has undergone unconscionable pressures while Turkey and the T/Cs have enjoyed unprecedented favours.

Could the European Legal Culture be Ignored?

Unfairness and manipulation were embedded in various additional legal aspects of the case. This plan contradicted central commitments of International Law, of the European Union's legal culture, and its defining political values and norms, as shown by the following examples. First, the orchestrated attempt to wipe out

¹⁰ On Mr De Soto's controversial, undiplomatic behaviour, see President Papadopoulos' Reply to Kofi Annan's Report.

Turkey's guilt and responsibility for the 1974 invasion would constitute serious injury to the EU's prestige and a deleterious precedent for the entire international community. Second, the only partial and conditional satisfaction of the Greek Cypriots' human rights - regarding, *inter alia*, the right of all persons to return to their homes and properties, to be compensated for the loss of property enjoyment, the right of unimpeded residence anywhere on the island, and to vote if residing in the T/C constituent state-constitutes flagrant violation of elementary human rights and offends the European Constitution. Third, as we know, the European Court of Human Rights has condemned Turkey in the historic *Titina Loizidou vs Turkey* case. This decision - concerning the violation of Ms Loizidou's right to enjoy her occupied property - forced Ankara to pay 1 million EUR to Ms Loizidou in November 2003 (that is, shortly before the sudden and unexpected reactivation of the SG's initiative).¹¹ And yet, the Annan Plan demanded that all similar cases now pending at the ECHR and all future such cases would have to be abandoned! This meant that, except for Ms Loizidou, no other refugee could receive compensation from Turkey for the violation of the same right. It followed that under this plan, such compensation would have to come from the Greek Cypriot constituent state. In other words, the Greek Cypriots were being forced by the Annan Plan to compensate themselves! Finally, let us recall that the plan envisioned both demilitarization of the "UCR" plus the presence of foreign troops with "intervention rights" in its territory. Surely, as this arrangement flies in the face of any notion of sovereignty, it sufficed to render the "United Cyprus Republic" a second - (if not a third-) rate state or, as some commentators put it, a "satrapy of Turkey". In any event, the proposed experimental political entity could not function as a full, not to mention an equal, member of the European Union.

¹¹ It is notable that Ankara paid this sum in November 2003, that is, more than five years after the compensation ruling of 1998. During this period, Turkey stubbornly attempted to evade the issue, causing repeated austere warnings by the Council of Europe. As for the Secretary General's initiative, it was indeed "sudden and unexpected", if only because, until January 2004, Ankara had kept referring to the Annan Plan as dead and buried. Ankara's relevant change of mind is explained in this essay.

Who was Meant to Benefit?

Given the legal anomalies and political and moral contradictions embedded in this rushed plan, the Greek Cypriots concluded that they confronted an apparent trap. They also asked, precisely who would wish them such a fate and why? A fair answer is that the labyrinthine text was concocted primarily by “experts” serving the current “Cyprus” agenda of the General Secretariat; and that they were all influenced or guided by policy-makers from Washington and London. This was manifest in their open and direct involvement in all stages of this “good offices mission”. The self-regarding interests of these two capitals were -and still are- very hard to hide. They also suffice to explain the indignation with which they received the G/Cs’ No.

On London’s part, these interests center on legitimating the perpetual presence in Cyprus of the two British sovereign bases. Being equivalent to around 3% of the Republic’s territory, they are a remnant of the Republic’s colonial past. The strategic value and multidimensional role of these bases are too well-known to require any comment here. But Annan-related British interests also included the attempted expansion of Britain’s rights to the territorial waters and arguably the continental shelf of these bases.¹² The makers of the Annan Plan performed this attempt surreptitiously, with superbly calculated textual ambiguity.¹³

As regards Washington, its persistent manifold pressures on the Greek Cypriots to accept this Plan are a causal extension of its long-term regional strategic designs and perceptions. Thus, beyond

¹² Three years ago, it was revealed that exploitable deposits of petroleum and natural gas had been located in the area between Cyprus and Egypt. Since then, the issue remains dormant.

¹³ See “Annan V”, Part C “Treaty on Matters Related to the New State of Affairs in Cyprus”, Annex II, “Additional Protocol to the Treaty of Establishment”, Article 5.3. Noteworthy is also the Protocol’s Article 8: “Any dispute about the interpretation or application of this Protocol shall be resolved by consultations and shall not be referred to any international tribunal or third party for settlement.” The “Annan Plan” can be found on the Web at www.cyprus-un-plan.org

hoping to contribute to settling the “triangular” disputes of Turkey-Cyprus-Greece, the current US vision looked as follows: first, to score some “diplomatic victory” on the island, following especially the monumental catastrophe in Iraq and the growing anti-Americanism in the area; second, to help Ankara reach the historic goals regarding the EU by unloading Turkey’s heavy Cyprus-related legal burden; third, were a “Cyprus constitutional model” to emerge, it could conceivably be “applied” to other countries in the region, in association with the ambitious US project for the Greater Middle East. And fourth, the following hypothesis seems irresistible: should Turkey fulfill the dream towards full EU membership, by removing its “Cyprus malaise”, Washington would certainly count on increasing dramatically the power and influence of “New Europe” within the EU.

Finally, it would be redundant to enumerate the manifold - legal, political, diplomatic, economic and strategic - beneficial implications accruing to Ankara by the entire process. One of these, however, should be singled out, because it borders on political, legal and moral deception. That is, whereas Turkey and the T/Cs would only gain by the Annan project and therefore their endorsement was a forgone conclusion - whereas the G/Cs were being pressed to endorse their victimization- Turkey and the T/Cs are now being variously “rewarded”, while the Greek Cypriots have undergone a period of “punishment” or asphyxiating pressures.¹⁴

Our analysis might have conveyed the Greek Cypriots’ melancholy and frustration. For, once again,¹⁵ they saw themselves as the

¹⁴ As this essay was nearing completion (early October 2004), the Republic of Cyprus was scoring some notable diplomatic gains, as shown in the Epilogue below.

¹⁵ One of the most blatant revelations of the manner in which Cyprus has been perceived by crucial decision-making centres is contained in George Ball’s memoir, *The Past Has Another Pattern* (New York: Norton, 1982, p.342). Referring to Washington’s 1964 perception of the Cyprus problem, the former Under Secretary of State wrote: “Viewed from Washington, the issues were clear enough. Cyprus was a strategically important piece of real estate at issue

expendable pawns in (machievellian) geopolitical and “diplomatic” games, whereas they have long perceived the European Union as their political vocation and legal-moral salvation. (Recall that the Republic of Cyprus applied for membership in 1990; its accession negotiations began in March 1998; and was long subjected to manifold threats and sacrifices in order to achieve the status of a full member.) Simultaneously, we must clarify why the Turkish Cypriots, in their eagerness to join the EU,¹⁶ had rationally opted for the plan: for it would liberate themselves from the occupation, improve dramatically their sad living standards, while also granting them, immediately, real human rights. We should also recall the Greek Cypriots’ final reason to reject the plan on 24 April: the Republic of Cyprus’ formal EU accession was only one more week away.

First Implications

A number of conclusions seem to follow. First, the notion of “punishing” the Greek Cypriots for the referendum adds insult to protracted injury. The G/Cs, by appealing to the EU’s pivotal values and norms as well as to the elementary norms of International Law, deserve to be rewarded by the EU. They resisted an un-European project and celebrated the principles and values assumed to make the Union distinct. As for the Turkish Cypriots, they should be persuaded that the Cyprus Government’s insistence on changes to the plan only aim at fair and functional improvements to render reunification viable and solid. Such improvements, beyond serving the common, pan-Cypriot interests and needs, would realize in fact the Turkish Cypriots’ passion to join “Europe”.¹⁷

between two NATO partners: Greece and Turkey. We needed to keep it under NATO control.”

¹⁶ Nils Kadritzke was among the first to identify this eagerness. See his “Turkish Cypriots Dream of Europe”, *Le Monde Diplomatique*, August-September 1998.

¹⁷ This “passion” was manifested in the Turkish Cypriots’ dramatic demonstrations in December 2002 and January 2003. See Costas Melakopides, “Euro-Mediterranean Peacebuilding: The Exit from the Cypriot-Greco-Turkish Labyrinth”, in *Euro-Med Integration and the ‘Ring of Friends’: The*

Second, it may be understandable - from a rather crude *Realpolitik* point of view - that the European Union, just like the UN General Secretariat, desired to fix quickly a long drawn-out international problem. It is, however, politically and morally inexcusable that the EU appeared ready to tolerate the aforementioned violations of the *acquis communautaire* and the European Constitution.

Third, the time is ripe for the Union's own creative initiative to resolve the Cyprus problem as a clear case of (judicially condemned) invasion and occupation, resulting in long and blatant violation of the human rights of nearly one million Europeans.¹⁸ To be fair and effective, the Union's Cyprus initiative should rest on the EU's nonnegotiable legal, political, and philosophical principles, values and norms. This initiative is not only *morally and legally required*. Equally important, it would constitute the EU's foremost diplomatic triumph, demonstrating its power and influence in a domain where everyone else has failed. In addition, a European initiative to remove the EU's "Cyprus headache" will affirm that the EU means what it says on values and does what it says on norms. Moreover, the EU's success in Cyprus will show that, beyond rhetoric, Brussels is sincerely and pragmatically committed to the project of the Euro-Mediterranean Partnership. Finally, such an outcome would cure Turkey's serious Cyprus malaise. After all, Ankara cannot really expect to be embraced by a Union whose *raison d'être* it contradicts, if only by occupying EU territory and refusing to recognize the Republic of Cyprus!

After Helsinki (December 1999), the EU relied too religiously on the UN's role, presumably because of the latter's traditional involvement in and alleged "expertise" on the matter and also because it was eager to see a "reunited Cyprus" enter the Union, come what may. But Washington and London's asphyxiating pressures (for the self-regarding and Turkey-regarding reasons analysed earlier) contributed to Brussels' yielding and hoping for

Mediterranean's European Challenge, Vol.IV, ed. Peter G. Xuereb (EDRC University of Malta, 2003), esp. pp.191-193

¹⁸ The Greek Cypriots number today around 750,000; the legitimate Turkish Cypriots in the occupied territory are calculated about 90,000.

the best in the future. In any event, if even part of my argument is valid, it should follow that the time for EU “neutrality” is over, now that the Republic of Cyprus is a full member-state.

Suppose, however (for the sake of argument), that the EU *does not wish* to solve the Cyprus problem according to its legal, political and axiological commitments. One cynical reason for this might be the conceivable inclination to postpone *ad infinitum* Turkey’s European vocation. Although we know of a number of capitals that favour this stance about Turkey, any such connection with Cyprus seems too uncivil and inhuman to be contemplated.

Finally, can we preclude that some EU circles might have envisaged the permanent division of Cyprus? Such a notion might be based on the (false) premise that the two communities cannot live together;¹⁹ or the (falsified) premise that the Greek Cypriots do not desire reunification;²⁰ or the (untenable) thesis that no plan can succeed where the Annan Plan has failed.²¹ Since none of these premises is true and defensible, one should conclude that any idea of a permanent Cypriot division could only result from ruthless geopolitical designs contrary to the Cypriots’, and the EU’s own, interests. Therefore, to tolerate any such designs would be a paradigm of international illegality and immorality. Moreover, it would be fought by all means by Nicosia, Athens, and many from among the EU’s 25 member-states. If need be, Nicosia would be forced to take its case to the Court of the European Communities.

Nicosia might also be advised to appeal to a crucial, but generally neglected, statement of Helsinki’s Presidency Conclusions. The first paragraph on “The enlargement process” contains the following cardinal points:

¹⁹ This was falsified by the post-April 2003 freer (if conditional) movement of most Cypriots across the Green Line and the tangible proofs of even friendly relations among them on a person-to-person basis.

²⁰ This premise should collapse upon reflection on this essay’s arguments and data.

²¹ This is untenable because the falsified assumptions of the Annan Plan made its future failure all but certain. Obviously, whether the EU initiative can succeed will depend upon its wisdom.

“The candidate States are participating in the accession process on an equal footing. They must share the values and objectives of the European Union as set out in the Treaties. In this respect the European Council stresses the principle of peaceful settlement of disputes in accordance with the United Nations Charter and urges candidate States to make every effort to resolve any outstanding border disputes *and other related issues*. Failing this they should within a reasonable time bring the dispute to the International Court of Justice. The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004”. (emphasis added)

Maybe what primarily inspired this paragraph was the Aegean dispute. But now its relevance to the Cyprus Problem is quite evident. President Papadopoulos once mentioned that he does not contemplate using a veto against Turkey in the December 2004 European Council. Surely, however, the Greek Cypriots cannot rely exclusively on Ankara’s good will or good faith. It seems to follow, that logically, legally, ethically and politically, the only exit from the Union’s Cyprus-related dilemmas is a settlement according to the EU’s legal principles and political norms. In this manner, the peoples of Cyprus, Greece and Turkey are bound to enter an era of unmitigated friendship and cooperation, while the European Union would be resting on some well-deserved diplomatic laurels...

Epilogue

As October 6 was approaching, further vicissitudes marked EU-Turkey relations and associated perceptions. First, the new Turkish Penal Code caused consternation by its proposal to penalize adultery. Then, PM Erdogan reassured Europeans that the relevant article would be removed and he kept his word. Ironically, however, the adultery issue might have been a red herring: other articles in the new TPC may question seriously the notion of Turkey’s galloping democratic revolution. For instance, Article 306 threatens with 3-10 years’ imprisonment any actions that oppose “basic national benefits”, that is, “independence, territorial

integrity, national security and the basic principles of Turkish democracy”. Remarkably, the article contains some disconcerting examples: “propaganda regarding the departure of Turkish troops from Cyprus, endorsement of a solution [in Cyprus] contrary to Turkey, and propaganda regarding the subject of the Armenian genocide”.²² The TPC case, therefore, is far from closed.

Secondly, prominent Europeans started questioning openly the wisdom of granting Turkey the green light in December 2004 and of giving assurances that negotiations entail full membership. Along with the reservations expressed by well-known Commissioners, and some important French and Austrian politicians, President Jacques Chirac proposed that the ultimate decision on Turkish membership should rest with referenda. Suddenly, Turkey’s membership became quite unpopular among many Europeans, especially after estimates of the economic burdens it would imply.

Third, preparations were underway in Turkey for the envisaged (4-5 October 2004) Forum between EU and the OIC. Ankara insisted rather stubbornly that the secessionist regime of occupied Cyprus participate under the name “Turkish Cypriot State”, that is, the name given to the T/C community by the Annan Plan! While FM Abdullah Gul kept reassuring Brussels that his insistence had “nothing to do with recognizing” the (illegal) regime, the Dutch presidency was not persuaded. Hence it withdrew EU participation and the forum was cancelled.

On the other hand, September 2004 was a rather good month for the Republic of Cyprus. A series of statements and EU decisions about it have undermined the catastrophology of the “Annanites”. Optimism resurfaced that the EU will, after all, honour its principles and legal commitments. To begin with, the new President of the European Parliament, Josep Borrell, apparently

²² Aris Abatzis’ report in *Eleftherotypia*, 27 September 2004. According to him, the new Penal Code is in some areas even stricter - and in some others, more ambiguous - than the previous TPC, thus arguably not improving the Turkish people’s freedoms.

gave full endorsement to President Papadopoulos' expose' of Nicosia's stance. Following their meeting in Brussels on 28 September, Mr Borrell stated:

"The solution proposed to the Cypriots could not have been that good, thus it was not accepted. We must listen to the Cypriots so as to find another solution, and the European Parliament is intensely involved in this effort".²³

Secondly, COREPER has debated the Regulation on economic assistance to the T/C community. Nicosia has long supported all assistance, for it will help reduce the disconcerting economic gap between the two sides. Nicosia insisted, however, that any such assistance cannot bypass the Cyprus Government and that no impression should be left that occupied Cyprus enjoys any legitimate authorities. After prolonged debate - where, reportedly, the British representative antagonized Nicosia's arguments-COREPER endorsed the theses of the Cyprus Government.

Third, the Cyprus Government is constantly proving its good faith regarding the "upgrading" of the life of the Turkish Cypriots, by extending generous social, medical, economic and commercial measures to assist them. But it emphasizes also that no measures can be legitimized if, instead of helping reunification, they would tend to cement division. Therefore, the Dutch Presidency's decision on the EU-OIC Forum is especially noteworthy. First, it resisted Ankara's sustained efforts to exploit the Annanian term, "Turkish Cypriot constituent state". Evidently, this term has no substance or content since the Plan's rejection. Second, it exposed Ankara's real motives (i.e. to extract some quasi- or crypto-recognition for the secessionist entity), a fact revealed by Ankara's refusal to back down. And third, the Dutch Presidency helped decisively to draw the line on the meaning and the manner of "upgrading" the status of the T/C community.

Finally, the Commission's October 6 Report and Recommendation on Turkey lend themselves to various, even contradictory, readings

²³ *Eleftherotypia*, 29 September 2004.

regarding the final form of the EU-Turkey relationship and the role of Cyprus in the intervening process. As regards the latter, Nicosia was not pleased by the absence of reference to the occupation troops on the Republic's - and therefore EU's - territory as well as to Turkey's associated legal obligations. (The relevant silence was interpreted by some observers as Commissioner Verheugen's protracted, personal, "vendetta" against the Greek Cypriots, following the referendum.) On the other hand, the recommendation that the accession negotiations take place in the framework of an Intergovernmental Conference, where unanimity is required by all 25 EU member-states, entails that Nicosia's vote becomes a *sine qua non*. Needless to say, another crucial presupposition, for even the start of Turkey's accession negotiations, is the formal recognition by Ankara of the Republic of Cyprus.

Therefore, the debate that immediately erupted among the Greek Cypriots' political and intellectual elites concerned the need to draw up short - and medium-term strategies vis-à-vis Turkey's accession prospects. In fact, the Commission's aforementioned stance generated a fresh look at the Republic's right to veto. Thus, whereas President Papadopoulos was once perceived to have precluded "a priori" the use of this weapon, the landscape created by 6 October seemed to change matters radically.²⁴ In sum, within days after the Commission spoke, Greek Cypriot opinion-makers tended to flirt with the notion that the newly-founded EU status of the Republic empowered it to demand satisfaction of a few elementary needs: the recognition of the Republic of Cyprus by Turkey; the end of the occupation; the departure of most settlers; and the speedy start of honest and dignified negotiations for the solution of the Cyprus problem in terms of the principles, values and norms of the European Union. If need be - that is, if the satisfaction of these rightful needs is not explicitly endorsed by the Conclusions of the December 2004 European Council - the

²⁴ This landscape included the (early October 2004) revelation that the European public was far more inimical to Turkey's EU membership than was hitherto supposed. For instance, according to a poll by *L'Express*, only 26% of the French public supports this membership now, whereas 61% is "categorically against". As reported by the Macedonian Press Agency (www.mpa.gr), 11 October 2004.

Republic of Cyprus, hopefully backed by like-minded member-states, could even veto granting Turkey a date to start accession negotiations at the present stage.

THE IMPACT OF EASTERN ENLARGEMENT ON THE MEDITERRANEAN REGION: TRADE, FDI AND COHESION

SHAI MOSES

1. Introduction

The enlargement of the European Union to the east became a reality on May 1st 2004. The 'Enlarged Europe' is established on the internal market as the basic membership criterion, which provides the foundation to hold all 25 Member States together within a supranational policy platform.

One enquiry that remains rather unclear is the impact of enlargement on the Mediterranean region. One group of Mediterranean countries that could be concerned are the group of so called 'cohesion countries'. The cohesion funds are granted to areas in which the GDP is no more than 90% of the EU GDP average. With the completion of enlargement, the average GDP fell substantially, making Southern European Member States comparatively wealthy. This means that Spain, Portugal and Greece could find themselves no longer entitled to benefit from the funds. The second group that could be affected are the Mediterranean Non-Member Countries (MNMCS). The rationale is that if the Central and Eastern European Countries (CEECs) are competitors vis-à-vis the MNMC in the same economic activities, the latter would suffer some negative effects from enlargement (such as trade diversion), due to the full entrance of CEECs into the Market. Thus, the paper examines the economic activities of the triangle EU-CEECs-MNMCS in terms of trade and foreign direct investment (FDI) during the pre-accession period (1989-2003).

The structure of the article is as follows. Section one describes the patterns of core-periphery within the enlarged EU. Section two explains the economic activities between the EU and CEECs, focusing on the effects on the Northern Mediterranean Members. Section three illustrates the economic relations between the EU

(including the new members) and MNMCs. The last section offers some reflections concerning the prospects of the region.

2. Aggregate Economic Activity and the EU Core-Periphery Pattern

The European Union consists of countries with a diverse GDP per capita. As can be seen in Table 1.1, there are countries like Denmark, Luxembourg, the Netherlands and Austria which have a GDP per capita more than 20 percent above the EU-25 average; while at the same time, countries like Estonia, Latvia, Lithuania, Poland and Slovakia have a less than 50 percent GDP per capita of than the EU-25 average. This variation increases the probability that the Union will be affected quite differently by asymmetric shocks. It also means that the concept of flexibility is of a high value, since in order to submit a unified (European) policy in such a varied space, the Union will have to develop a mechanism that will assist each country to exploit its comparative advantage towards a genuine convergence.

According to the traditional neoclassical theory, the real GDP growth rate is one of the major indicators in examining the occurrence of economic convergence. The theory relies on the concept; diminishing returns immediately lead to a process of convergence. A poor economy with a very small amount of capital will tend to have a large marginal product, meaning that a poor economy will tend to grow fast. Table 1.2 shows that the countries from central and eastern Europe belong to the group with the highest average annual growth (with Ireland and Luxembourg as well); Slovakia with 4.28%, Slovenia with 4.64%, Estonia with 4.95% and Latvia with 5.61%. The cohesion Mediterranean Members show lower figures of growth. Greece obtained an average of 3.35%, Spain 3.15%, and Portugal only 2.57%.

Table 1.1: GDP per capita in Purchasing Power Standards (PPS), 1998-2005, (EU-25 = 100)

	1998	1999	2000	2001	2002	2003	2004	2005
Belgium	116.8	116.3	117.7	118.1	117.3	116.9 ^(f)	116.5 ^(f)	116.2 ^(f)
Czech Republic	:	:	0.1	0.1	0.1 ^(f)	69.0 ^(f)	69.9 ^(f)	71.1 ^(f)
Denmark	125.6	127.9	127.8	127.4	123.7 ^(f)	123.9 ^(f)	124.0 ^(f)	123.4 ^(f)
Germany	115.1	113.9	112.9	111	109.7 ^(f)	108.5 ^(f)	108.0 ^(f)	107.3 ^(f)
Estonia	42.2	41.5	43.9	45.4	47.8 ^(f)	49.0 ^(f)	51.2 ^(f)	54.9 ^(f)
Greece	72.2	72.1	73	74.2	78.0 ^(f)	79.8 ^(f)	81.6 ^(f)	82.5 ^(f)
Spain	89.7	92.3	92.3	93.1	94.8 ^(f)	95.8 ^(f)	96.2 ^(f)	96.9 ^(f)
France	115.3	114.8	114.9	115.7	115.6 ^(f)	113.9 ^(f)	113.4 ^(f)	113.2 ^(f)
Ireland	117.7	122.8	127.3	130	138.1 ^(f)	131.4 ^(f)	130.8 ^(f)	132.1 ^(f)
Italy	114.4	112.6	112.1	110.5 ^(f)	108.4 ^(f)	107.3 ^(f)	106.2 ^(f)	106.0 ^(f)
Cyprus	81.5	82.3	84.4	86.5	84.2	83.6 ^(f)	83.5 ^(f)	84.1 ^(f)
Latvia	35.8	36.2	37.6	39.6	42.0 ^(f)	45.5 ^(f)	47.4 ^(f)	49.3 ^(f)
Lithuania	40	38.5	39.6	41.9	43.8 ^(f)	46.1 ^(f)	48.5 ^(f)	50.6 ^(f)
Luxembourg	194.1	209	220.1	214.5	209.0 ^(f)	209.2 ^(f)	208.0 ^(f)	208.8 ^(f)
Hungary	51.8	52.8	54	56.9	58.8 ^(f)	61.0 ^(f)	62.0 ^(f)	63.0 ^(f)
Malta	:	77.9	78.6	76.2	75.7 ^(f)	73.7 ^(f)	73.0 ^(f)	72.5 ^(f)
Netherlands	121.9	121.2	122.6	125.2	122.7 ^(f)	120.3 ^(f)	118.5 ^(f)	116.7 ^(f)
Austria	125.1	125.6	126.6	123.7	122.2 ^(f)	121.5 ^(f)	120.9 ^(f)	120.6 ^(f)
Poland	44.7	46.2	46.2	46.2	45.9	46.4 ^(f)	47.3 ^(f)	48.1 ^(f)
Portugal	75.9	77.6	77.9	78	77.8 ^(f)	75.2 ^(f)	73.9 ^(f)	73.3 ^(f)
Slovenia	72.2	74.3	74	75.3	76.6 ^(f)	77.3 ^(f)	78.1 ^(f)	79.2 ^(f)

Slovakia	48.1	47.4	48.4	49.4	52.0 ^(f)	51.4 ^(f)	51.5 ^(f)	52.0 ^(f)
Finland	114.3	112.1	115.2	115	112.1 ^(f)	110.5 ^(f)	110.3 ^(f)	109.7 ^(f)
Sweden	115.7	119	120.7	117.3	115.4 ^(f)	115.8 ^(f)	115.1 ^(f)	114.6 ^(f)
United Kingdom	114.4	113.7	114.9	116.1	118.3 ^(f)	119.4 ^(f)	120.7 ^(f)	120.8 ^(f)

Source: Eurostat

Table 1.2: Real GDP Growth Rate
Growth Rate of GDP at constant prices (1995) - percentage change on previous year

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Average
Belgium	3.2	2.4	1.2	3.5	2	3.2	3.8	0.6	0.7	1.1	2.0 ^(f)	2.5 ^(f)	2.17
Czech Republic	:	:	:	:	:	0.5	3.3	3.1	2	2.9	2.9 ^(f)	3.4 ^(f)	2.36
Denmark	5.5	2.8	2.5	3	2.5	2.6	2.8	1.6	1	0.5	2.1 ^(f)	2.2 ^(f)	2.48
Germany	2.3	1.7	0.8	1.4	2	2	2.9	0.8	0.2	-0.1	1.5 ^(f)	1.8 ^(f)	1.40
Estonia	-1.6	4.5	4.5	10.5	5.2	-0.1	7.8	6.4	7.2	5.1	5.4 ^(f)	5.9 ^(f)	4.95
Greece	2	2.1	2.4	3.6	3.4	3.4	4.4	4	3.9	4.3	4.0 ^(f)	3.3 ^(f)	3.35
Spain	2.4	2.8	2.4	4	4.3	4.2	4.2	2.8	2	2.4	2.8 ^(f)	3.3 ^(f)	3.15
France	2.1	1.7	1.1	1.9	3.4	3.2	3.8	2.1	1.2	0.5	1.7 ^(f)	2.4 ^(f)	2.10
Ireland	5.8	9.9	8.1	11.1	8.6	11.3	10.1	6.2	6.9	1.4	3.7 ^(f)	4.6 ^(f)	7.94
Italy	2.2	2.9	1.1	2	1.8	1.7	3	1.8	0.4	0.3	1.2 ^(f)	2.1 ^(f)	1.72
Cyprus	5.9	6.5	1.9	2.3	4.8	4.7	5	4	2	2	3.4 ^(f)	4.1 ^(f)	3.91
Latvia	:	1.6	3.8	8.3	4.7	3.3	6.9	8	6.4	7.5	6.2 ^(f)	6.2 ^(f)	5.61
Lithuania	-9.8	3.3	4.7	7	7.3	-1.7	3.9	6.4	6.8	9	6.9 ^(f)	6.6 ^(f)	3.69

Luxembourg	3.8	1.4	3.3	8.3	6.9	7.8	9	1.3	1.7	2.1	2.4 ^(f)	3.1 ^(f)	4.56
Hungary	2.9	1.5	1.3	4.6	4.9	4.2	5.2	3.8	3.5	2.9	3.2 ^(f)	3.4 ^(f)	3.48
Malta	:	:	:	:	:	4.1	6.4	-1.2	1.7	0.4 ^(f)	1.4 ^(f)	2.0 ^(f)	2.75
Netherlands	2.9	3	3	3.8	4.3	4	3.5	1.2	0.2	-0.7	1.0 ^(f)	1.6 ^(f)	2.52
Austria	2.6	1.6	2	1.6	3.9	2.7	3.4	0.8	1.4	0.7	1.8 ^(f)	2.5 ^(f)	2.07
Poland	:	2.7	6	6.8	4.8	4.1	4	1	1.4	3.8	4.6 ^(f)	4.8 ^(f)	3.84
Portugal	1	4.3	3.5	4	4.6	3.8	3.4	1.8	0.5	-1.2	0.8 ^(f)	2.2 ^(f)	2.57
Slovenia	5.3	11.2	3.6	4.8	3.6	5.6	3.9	2.7	3.4	2.3	3.2 ^(f)	3.6 ^(f)	4.64
Slovakia	6.2	5.8	6.1	4.6	4.2	1.5	2	3.8	4.4	4.2	4.0 ^(f)	4.1 ^(f)	4.28
Finland	3.9	3.4	3.9	6.3	5	3.4	5.1	1.1	2.3	1.9	2.6 ^(f)	2.7 ^(f)	3.63
Sweden	4.2	4.1	1.3	2.4	3.6	4.6	4.3	0.9	2.1	1.6	2.3 ^(f)	2.6 ^(f)	2.91
United Kingdom	4.4	2.9	2.8	3.3	3.1	2.9	3.9	2.3	1.8	2.2	3.0 ^(f)	2.8 ^(f)	2.96

Source: Eurostat

Regional incomes in the EU pursue an apparent pattern. There is a rich core of regions that have high GDP per capita and are situated close to one another, and a poorer peripheral set of regions positioned away from the core. Core regions with high GDP per capita enjoy good access to EU markets. That means, deeper integration is improving the accessibility of all regions in the EU, but it is improving the accessibility of the core regions relatively faster than for regions in the periphery.

The high concentration of activities in central regions is found in the following details as well: the core region accounts for only 14 per cent of the land area but one-third of the population and almost half (47 per cent) of the GDP (Hilpert, 2003:177). Population concentration in these regions is 3.7 times higher than in peripheral regions. In 77 of the 88 (87.5%) central regions (NUTS 2), GDP per capita in 1998 was above the EU average, while 88 of the 111 (79%) peripheral regions had a level below the average. Average

GDP per head in the central regions was twice as much as in the peripheral ones, and productivity was 2.4 times higher (European Commission, 2004a). In 1997, expenditure on research and development (R&D) amounted to 2.1 per cent of GDP in the core as against 0.9 per cent in the periphery. In six of the seven most-peripheral regions, GDP per head was just about half of the EU average (Ibid.). Observing the core-periphery patterns, a competition based on comparative advantage, should emerge between CEECs and the southern Members.

3. The EU-CEECs Trade and FDI Patterns

The discussion should begin with the notion that the more members there are in a free trade area (customs union), the greater the probability that low cost competitive producers of a broad range of goods and services are included. The famous argument is that the World is the optimal area (global free trade). The argument can be deduced to supply and demand factors. The greater the degree of overlap in production structures (the supply side), the greater the likely benefits for specialisation and trade to take account in competing products. On the demand side, the greater the parities in income levels, tastes and patterns of consumption, the greater will be the preference for intra-industry trade. The coming enlargement complies with the simple condition of increasing the number of members. However, the bigger concern is whether there is comparability in terms of the similarity of production structures, incomes and consumption patterns. A positive answer could be reached if membership *per se* would promote a further rapid convergence of the transition economies to the levels of the EU (Gabrisch and Werner, 1999).¹

The discussion goes well beyond pure economic analysis and into the political dimensions, which have probably driven the move

¹ This is a similar argument to that applied in the case of the southern enlargement, with the accession of Greece in 1981, and Portugal and Spain in 1986. Nevertheless, the magnitude of the income disparities between the EU-15 and the 10 New Members is significantly greater than was the case in previous enlargements.

towards enlargement on both sides. After the collapse of the Soviet Union and the end of the cold war the EU and the US have been concerned with the shape of Europe. The proposal of accession for CEECs soon after the collapse of the old regimes was for political rather than economic reasons. Afterwards, it was decided to delay enlargement to enable the EU to complete the Single Market project and to introduce the single currency.

Since the beginning of the 1990s, the Applicant Countries' (ACs) trade policies have generated a major transformation. Not without obstacles, they all moved promptly from an institutional pattern of central planning and a sound bias against foreign trade, to a market-based trade regime in most industrial and agricultural goods. Trade flows were largely redirected from the former Soviet Union towards the EU (Patrakos *et al.*, 2000). After the 1989 revolutions the Union quickly promoted Generalised System of Preferences (GSP) status for its eastern neighbours and between 1991 and 1995 it established Association Agreements with all CEECs.² In addition, Kaminski (1999) observed that the rapid fall in CEECs' tariffs was not followed by an increase in non-tariff barriers. Most of this group have much lower trade barriers than did Spain and Portugal in the 1980s during their entrance to the EC, and also much less protectionist than Austria and Finland were on agriculture until 1995 (Johnson and Rollo 2001; Kaminski, 1999).

The outlook of the impact of trade liberalisation between the EU and the CEECs is motivated by the theoretical argument of the Heckscher-Ohlin model. CEECs are considered to be abundant in qualified and unqualified labour, some raw material and energy. This pattern of factor endowments is similar to that in southern European countries. The Northern Member States of the EU are considered to be abundant in capital and human capital. Therefore, CEECs are supposed to react by increasing efficiency due to the

² These 'Europe Agreements' consisted of trade provisions, leading to a standstill of existing tariff levels and the gradual reduction of tariffs and quantitative restrictions on trade (Hare 2001). That means, even before accession, CEEC countries already had relatively free access to the EU market, and enjoyed limited asymmetric protection against EU imports and will continue to do so during their transition periods after accession.

exploitation of the relative comparative advantages in relation to northern European countries, while being in conflict vis-à-vis the southern European countries since they have the same relative comparative advantages (Brenton and Manzocchi, 2002).

Thus, the completion of enlargement and consequently, the termination of the EAs after accession, will have a significant effect on the spatial structure of production in the enlarged Europe, notably in the sensitive products sectors in the waning industries of the EU-15 Members.³

For our purposes, table 2 reveals quite an interesting picture. Almost all new members were in deficit in their current account transactions during 1992-2002. Poland, in particular, shows high figure deficit in 1999 and 2000 (-11.7 and -10.8 respectively), in the same period France had a surplus of 35.3 and 17.7 respectively. Concerning the Mediterranean cohesion Members, Spain succeeded between 1995 and 1997 to reach a surplus, only to return to a double figure deficit in 1999. Portugal and Greece stayed in deficit throughout most of the period (since 1996 in particular), and this deepened with the turn of the century.

Table 2: Current account transactions, EU-25, Net Balance, 1992-2002 (1000 million ECU/EUR)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Belgium	:	:	:	:	:	:	:	:	:	:	21.7
BLEU	5	9.4	10.3	10.9	11.1	12.3	18.1	17.8	18.3	16.3	26.8

³ The EU's external trade stance remains relatively liberal, with the notable exception of some specific sectors such as agriculture, and is governed by the rules of the General Agreement on Tariff and Trade (GATT) and the World Trade Organization (WTO).

Czech Republic	:	0.4	-0.7	-1	-3.4	-2.8	-1.2	-1.5	-2.9	-3.7	-4.7
Denmark	2.4	3.3	2	1	2.1	0.8	-1.7	2.7	2.7	5.5	5.3
Germany	-11.3	-8.3	-20.2	-15.8	-6.3	-2.4	-5.5	-23.4	-27.9	4.2	59.7
Estonia	:	0	-0.1	-0.1	-0.3	-0.5	-0.4	-0.3	-0.3	-0.4	-0.8
Greece	:	1	1.9	-1.1	-2.2	-0.4	-3.1	-6.9	-10.6	-10.5	-10.3
Spain	-16.5	-4.7	-5.4	0.6	0.3	2.2	-2.6	-13.1	-21	-18.3	-16.6
France	3.6	7	6.2	8.4	16.2	34.5	36.3	35.3	17.7	25.7	27.4
Ireland	0.4	1.6	1.3	1.3	1.6	1.7	0.7	0.6	-0.6	-1.2	-1
Italy	-22.9	8.2	11.6	19.6	31.9	29.7	17.7	7.7	-6.3	-0.7	-7.3
Cyprus	:	:	:	-0.1	-0.4	-0.3	-0.5	-0.2	-0.5	-0.4	-0.6
Latvia	:	0.4	0.2	0	-0.2	-0.3	-0.6	-0.6	-0.5	-0.8	-0.7
Lithuania	:	-0.1	-0.1	-0.5	-0.6	-0.9	-1.2	-1.1	-0.7	-0.6	-0.7
Luxembourg	:	:	:	:	:	:	:	:	:	:	1.8

Hungary	:	-3.7	-3.4	-1.8	-1.3	-0.8	-2.1	-2.3	-3.2	-2	-2.8
Malta	:	:	:	-0.3	-0.3	-0.2	-0.2	-0.1	-0.5	-0.2	-0.1
Netherlands	5.7	11.6	15.1	18.3	17.4	26.7	14.8	16.3	8.7	12.4	12.2
Austria	:	:	:	-4.7	-4.3	-5.7	-4.7	-6.3	-5.4	-4.1	0.7
Poland	:	:	0.8	0.7	-2.6	-5.1	-6.2	-11.7	-10.8	-5.9	-5.3
Portugal	:	:	:	:	-3.3	-5.4	-6.9	-9.1	-12	-11.6	-9.4
Slovenia	:	:	0.5	-0.1	0	0	-0.1	-0.7	-0.6	0	0.3
Slovakia	:	:	0.6	0.3	-1.7	-1.7	-1.9	-1.1	-0.8	-1.9	-2
Finland	-3.8	-0.9	1.1	4	4	5.8	6.6	7.3	10	9.6	10.6
Sweden	:	:	:	:	5.1	5.6	6.2	8.3	8.3	9.5	11.6
United Kingdom	-22.5	-23.1	-17.3	-3.8	-8.6	-1.4	-5.6	-31.7	-32.1	-29	-30.2

Source: Eurostat

Table 3: Intra-Industry trade, total product, EU-15 1992-2002
Current prices (1 000 million ECU/EUR)

Imports									
	France	Spain	Greece	Germany	Denmark	Belgium	EU (15 countries)		
	136.7	47.29	12.22	196.7	18.74	75.89	838.6	1992	
	124.1	43.06	11.84	172.7	18.52	73.15	771.1	1993	
	140.7	49.61	12.28	190	21.36	82.11	868	1994	
	151.47	59.47	13.88	214.12	25.22	91.83	974.41	1995	
	157.66	66.13	14.33	218.06	25.17	96.61	1024.99	1996	
	165.67	67.28	15.43	232.6	27.81	101.77	1112.48	1997	
	185.47	86.12	17.73	248.13	29.41	107.18	1207.15	1998	
	197.98	87.21	19.15	257.11	29.97	108.85	1273.01	1999	
	239.51	112.3	22.11	295.34	33.67	131.95	1491.1	2000	
	239.2	115.66	17	300.1	34.51	138.63	1508.9	2001	
	229.99	117.48	17.25	286.42	37.5	148.73	1509.4	2002	
	230.77	117.46	21.32	292.58	35.29	148.93	1497.6	2003	

Sweden	Finland	Portugal	Austria	Netherlands	Luxembourg	Italy	Ireland
24.17	9.61	17.91	29.35	71.14	:	91.68	12.5
22.76	8.77	15.41	28.74	69.33	:	75.32	12.13
27.07	10.75	16.72	31.78	77.88	:	86.26	14.2
34.13	14.65	18.44	38.44	89.5	:	95.85	15.98
36.12	16.15	21.15	40.13	92.57	:	100.19	18
39.18	17.94	23.58	42.56	98.53	:	113.1	21.31
42.23	19.32	26.79	45.68	101.45	:	120.9	23.74
43.55	19.7	29.3	48.41	106.66	8.6	127.29	27.08
50.65	23.08	32.49	53.93	120.84	10.09	146.57	34.38
46.27	23.14	33.07	56.8	120.35	10.9	150.37	37.09
46.71	23.39	33.03	55.77	122.62	10.91	150.46	36.63
48.37	23.22	30.56	58.19	121.58	10.87	146.36	28.97

United Kingdom	
111.46	
122.72	
145.71	
153	
162.16	
184.13	
185.81	
192.56	
183.11	

Exports

France	Spain	Greece	Germany	Denmark	Belgium	EU (15 countries)	
125.6	36.25	5.21	210.3	21.24	79.92	833.9	1992
117.7	35.5	4.25	190	21.28	83.68	803.4	1993
133.6	42.97	4.52	208.2	23.09	93.71	904.1	1994
145.03	50.83	5.08	232.72	25.92	105.03	1019.8	1995
150.3	57.29	4.98	237.06	26.98	107.15	1070.81	1996
165.26	60.72	5.08	251.25	28.84	114.76	1166.71	1997
178.38	71	5.22	274.11	29.05	123.72	1258.92	1998
190.89	69.77	5.6	293.37	31.6	128.35	1339.17	1999
219.07	87.67	6.02	337.38	37.16	151.81	1565.8	2000
219.56	92.98	4.68	351.61	37.92	160.26	1603.2	2001
215.41	94.85	4.79	354.8	40.07	166.58	1611	2002
213.02	95.36	5.43	367.18	39.66	168.69	1587.7	2003

United Kingdom	Sweden	Finland	Portugal	Austria	Netherlands	Luxembourg	Italy	Ireland
85.71	26.88	12.08	11.43	23.32	94.41	:	84.7	16.81
87.88	25.1	11.5	10.53	22.47	93.05	:	82.57	17.92
99.22	28.6	14.2	12.09	24.56	105.8	:	92.53	20.99
105.95	36.63	17.79	13.95	29.04	124.17	:	102.38	25.27
117.27	38.2	17.65	15.62	29.4	131.65	:	110.16	27.11
137.23	40.55	19.46	17.07	32.69	144.87	:	116.53	32.41
141.81	43.81	21.89	18.14	36.69	150.66	:	124.67	39.78
149.64	46.49	22.89	19.16	39	163.01	6.57	128.69	44.13
176.37	52.77	27.78	21.17	44.98	198.57	7.64	144.41	53.01
175.04	46.13	25.92	21.89	48.61	202.88	9.37	148.03	58.35
174.3	46.54	25.72	22.57	51.09	199.38	9.26	144.89	60.71
151.5	48.52	24.78	21.96	52.34	200.49	10.2	138.22	50.32

Although a deficit of itself does not necessarily mean a problem, a continual and persistent deficit is an indicator of obstacles for the local market, especially since the growing national debt constitutes a burden on the economy.⁴

As mentioned earlier, EU trade with the ACs was significantly low until the end of the 1980s. It increased strongly in the 1990s, both in imports and in exports. EU trade with the ACs tripled between 1992-1999. Within the EU-ACs trade, about 75% of EU exports go to the Central European countries. About 20% of exports went to the Mediterranean ACs, and only 5% to the Baltic States (Dohrn et al., 2001). In 1999, the trade balance showed a surplus on the side of the EU in all cases except the Slovak Republic. Two major processes explain this sharp increase in trade between the EU and CEECs. The first is the exploitation of a “new market”, deriving from structural reforms and augmented economic activities. The second is that the economic activity had to be “normalised” from the originally distorted trade structures. At the end of the 1980s, only 30% of exports as well as imports of the Central European ACs were conducted with the EU. During the 1990s, the EU’s share within total trade of the ACs augmented to about 70%, which is even more than the share of EU-15 Intra-Trade within the Union total trade (Ibid.)

However, table 3 reveals, in addition, that parallel to the intensification of EU-CEECs trade throughout the period, the Mediterranean Members have increased as well their volumes in intra-EU trade. Greece and Portugal imported from the Union in 2003 1.7 times more than in 1992, while Spain imported 2.4 times more. In exports, Greece remained at almost constant figures throughout the period, Portugal nearly doubled its exports, and again Spain showed the most growth (2.6 times higher). The figures, thus, explain why Spain is of the three the closest to reaching the EU average in the near future, while Portugal and Greece are still lagging behind (see also, table 1).

⁴ Constant deficit increases the size of allocations that is needed to disburse interest payments.

4. FDI

The Eastern European countries saw a large inflow of FDI. In fact, they received more than most cohesion countries ever did, which should facilitate their path to restructuring their economy towards the west (Tondl, 2002). Foreign investors started to invest first in Hungary and the Czech Republic in 1991/92 with annual FDI of about 4% of GDP (Hunya, 2000). By contrast, the cohesion countries began receiving FDI inflow between 1987 and the mid-1990s, consequently due to the creation of the internal market, and respectively with their entrance to the EC. The rationale was again to exploit relocation of firms to the periphery for comparative cost advantages and market entry.

Table 4: FDI in EU-25 as % of GDP (in the reporting country, total investment)

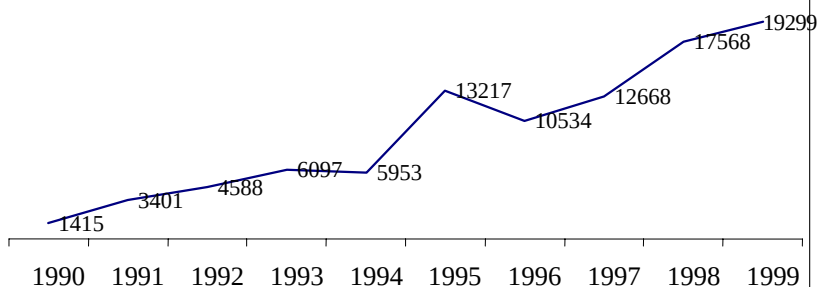
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Average
Belgium	:	:	:	:	:	:	:	:	:	:	5.4	5.4
BLEU	4.7	4.7	3.3	3.7	4.9	4.7	7.7	52.6	89.1	35.8	47.6	23.5
Czech Republic	:	:	:	:	:	:	:	:	9.1	9.2	12.6	10.3
Denmark	0.7	1.2	3.2	2.3	0.4	1.7	3.7	6.6	:	5.3	3.3	2.8
Germany	-0.1	0	0.3	0.5	0.3	0.6	1.1	2.7	10.7	1.2	1.7	1.7
Estonia	:	:	:	:	:	5.8	11	5.8	7.6	9.6	4.4	7.4
Greece	:	:	:	:	:	:	:	:	1	1.3	0	0.8
Spain	1.4	1.9	1.8	1.1	1.1	1.1	2	2.6	6.7	4.8	3.2	2.5
France	1.2	1	1.2	1.5	1.4	1.8	2.1	3.2	3.3	4.2	3.6	2.2
Ireland	:	:	:	:	:	:	10.2	19.4	27.9	9.4	20	17.4

Italy	0.3	0.4	0.2	0.4	0.3	0.3	0.2	0.6	1.2	1.4	1.2	0.6
Cyprus	:	:	:	:	:	6.4	3.8	8.8	9.7	10.5	9.8	8.2
Latvia	:	:	:	:	:	9.3	5.8	5.7	5.7	2.1	4.7	5.6
Lithuania	:	:	:	:	:	3.6	8.3	4.5	3.3	3.7	5.2	4.8
Luxembourg	:	:	:	:	:	:	:	:	:	:	599.6	599.6
Hungary	:	:	:	:	:	:	:	4.2	3.5	4.7	1.3	3.4
Malta	:	:	:	:	:	:	:	20.8	16.3	7.2	-10.4	8.5
Netherlands	2.2	2.4	1.6	2.8	3.5	3.3	9.6	10.3	15.7	13.5	6.3	6.5
Austria	:	:	:	0.8	1.9	1.3	2.1	1.4	4.6	3.1	0.7	2.0
Poland	:	:	:	:	:	3.2	3.8	4.4	5.6	3.1	2.2	3.7
Portugal	2	1.8	1.4	0.6	1.3	2.3	2.8	1.1	6.4	5.4	3.5	2.6
Slovenia	:	:	:	:	:	2.1	1.4	1.8	2.4	1.4	4.2	2.2
Slovakia	:	:	:	:	:	:	:	:	10.5	7.1	15.7	11.1
Finland	0.4	1	1.6	0.8	0.9	1.7	9.4	3.6	7.4	3.1	6	3.3
Sweden	0	1.9	3	5.8	1.9	4.3	7.5	24.2	:	5.4	:	6.0
United Kingdom	1.4	1.5	0.9	1.8	2.1	2.5	5	6	8.3	4.2	1.6	3.2

Average annual inflows of FDI as a percentage of GDP in cohesion countries between 1992 and 2002 amounted to 17.4% in Ireland, 2.5% in Spain, 2.6% in Portugal; and for the period 2000-2002 - only 0.8% in Greece (see table 4).

The New Members, however, present a different picture. The average annual inflows of FDI as a percentage of GDP in most of the group exceed 4.5%. Especially, in most recent years, the Czech Republic and Slovakia have presented more than 10% of FDI/GDP.

Table 5: Total FDI Flows to the Applicant Countries 1990-1999 in US\$ Million



Thus, the Eastern Countries, now taking their first steps within the EU, are in a better position to catch up, as were the southern countries when they joined the Community. They are already more integrated through trade relations and FDI, have the benefit of geographic proximity and have achieved a certain macroeconomic stability (European Commission, 2003). Concerning FDI, almost no investment had been made in the CEEC by investors from the EU before 1990. In this year, annual FDI flows to the ACs totalled 1.4 billion dollars. Soon after the fall of the iron curtain, the CEECs gave priority to attracting foreign investors. Table 5 shows that in 1999 total FDI for this region was 13.6 times higher than 1990.

Nonetheless, the flows of FDI are exceedingly concentrated on a small number of countries. Hungary accounted for 37 % of total inflows of the ACs between 1992 and 1993; afterwards Poland became the dominant actor by receiving 38 % of total inflows in 1999 (Dohrn, et al., 2001). More than half of total FDI in the ACs came from EU investors. Among the EU, Germany is responsible for half of the investments, subsequently the Netherlands, France, and Austria (Ibid.; and Jovanovic, 2001). Yet, table 6 shows that the largest FDI stocks, among CEECs, have been gathered in Poland, Hungary, and the Czech Republic.

Table 6: FDI Intra EU-25 flows by Member State of Destination (in million ECU/EUR)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Belgium	:	:	:	:	:	:	:	:	:	:	12856
BLEU	6737	6302	5357	6489	7943	7866	12229	118447	201185	67273	107521
Czech Republic	:	:	:	:	:	:	:	:	4333	5493	9018
Denmark	541	843	3053	2587	208	1857	1053	7426	:	5686	3448
Germany	1248	541	3045	4278	3148	7187	19610	41610	206885	15023	28562
Estonia	:	:	:	:	:	149	488	240	376	460	260
Greece	:	:	:	:	:	:	:	:	1155	1641	0

Spain	4300	6963	5446	3784	3590	4719	9493	7551	27807	26499	18718
France	8212	7803	9341	11646	3152	16053	22458	35973	41215	53375	42833
Ireland	:	:	:	:	:	:	4647	6307	40936	19045	18336
Italy	1501	2528	1467	2567	2274	2224	2117	4310	10346	13084	12138
Cyprus	:	:	:	:	:	196	:	211	408	421	:
Latvia	:	:	:	:	:	:	:	:	197	173	272
Lithuania	:	:	:	:	:	161	634	277	287	325	315
Luxembourg	:	:	:	:	:	:	:	:	:	:	107734
Hungary	:	:	:	:	:	:	:	1331	1381	2174	431

Malta	:	:	:	:	:	:	:	:	:	:	:	:
Netherlands	:	5869	1692	5055	3479	8637	13222	24946	35237	30424	20732	
Austria	:	:	:	840	3020	1486	4342	2093	7747	5664	760	
Poland	:	:	:	:	:	3286	4485	6119	9575	5881	4117	
Portugal	1191	1062	681	390	1075	1672	1196	1233	7085	6260	4014	
Slovenia	:	:	:	:	:	285	342	347	422	260	623	
Slovakia	:	:	:	:	:	:	:	:	1928	1522	3741	
Finland	59	512	981	481	999	1480	10332	4131	9230	4561	8179	
Sweden	196	1264	2378	853	2205	5092	12950	50450	:	9722	:	

United Kingdom	3011	2037	4337	4289	5742	9974	16863	60231	85965	49479	21557

Hence, taking into account trade patterns and FDI, deepening integration with CEECS, all in all, would seem to benefit the Central European and the Northern EU Members more than the Southern and Western Mediterranean cohesion Members. However, the variation within each sub-region, which is revealed almost in every table, indicates that we cannot speak freely about one group vs. the other.

Spain has made significant progress toward the ‘core’ of the Union, while Portugal and Greece will have further to go in order to converge. Of the new Members, Poland, Slovakia, and the Czech Republic seem to be converging faster than the others.

In the long run, the ability of a member state to move between ‘core’ and ‘periphery’ will be a consequence of its capacity to attract FDI and trade and to be a genuine competitor within the EU and well beyond. Nevertheless, European policies could and should assist a member state during a defined period of time to gain the abilities of competition. The next section concerns one major example of such - the Cohesion Fund.

5. The Cohesion Dilemma

The Cohesion Fund was established at the Maastricht summit, December 1991, due to strong pressure from the four poorest member states for additional financial support, in order to boost their prospects of meeting the convergence criteria for Economic and Monetary Union. This fund has applied to countries with a GDP per capita of less than 90% of the Union average (the Members within the EU-15 were: Portugal, Spain, Greece and Ireland, with a combined population of 63 Million). Whereas the

European Regional Development Fund (ERDF) seeks to reduce regional disparities, the Cohesion Fund seeks to reduce disparities between countries. Cohesion fund disbursements are project based, whereas most ERDF funding is program based. Moreover, the cohesion fund was applied only for four states and is limited to transport and environment infrastructure projects (European Commission, 1997). The Edinburgh European Council decided that 15 billion Euros (at 1992 prices) would be allocated to the fund between 1993 and 1999, with 70% going to Objective 1 regions. The fund came into existence at the end of 1993 with an annual budget of 1.5 billion euros, rising to 2.6 billion euros by 1999. In 1999, commitments for financing cohesion fund projects amounted to 3.15 billion euros, covering between 80 and 89% of the cost of the supported projects. 18 billion euros are available for the fund between 2000 and 2006.

However, the disparities in unemployment rates between the ten worst-affected and ten least-affected regions became increasingly marked. In 1993, unemployment rates in the ten worst-affected regions were seven times greater than in the ten least-affected. The Commission's Sixth Periodic Report (1999) showed that unemployment in the worst-affected regions had risen from 20 to 24%. In 1998, Andalusia in Spain had the highest unemployment rate (29.9%) and Centro in Portugal the lowest (2.1%).⁵

The Report (1999) showed, in addition, that between 1986 and 1996, the GDP per capita in the 25 poorest regions increased from 52 to 59% of the EU average. In this period, the GDP per capita in the four poorest countries increased from 65 to 76.5% of the EU average. It is not surprising that these countries should be concerned by eastern enlargement, since they may be about to lose their allocation from the cohesion fund (see, in addition: Farrell, 2001; Hooghe, 1996).

Table 7 shows the development of the cohesion countries, compared to the applicant countries. The data commence in 1988, with the major reform of the regional policy, under Jacques Delors'

⁵ It worth noting, both are Cohesion countries (Ibid.).

Commission presidency. The trend is significantly marked toward one direction. A European inter-state convergence seems to occur in the Mediterranean cohesion members, as well in the ten applicant countries.

Table 7: GDP per head (PPS), in MED cohesion countries and AC-10, EU15=100

GDP per head (PPS), EU15=100	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	58.3	59.1	57.4	60.1	61.9	64.2	65.2	66.1	66.9	66	66	66.8
ES	72.5	73.1	74.1	78.7	77	78.1	78.1	78.4	79.5	80	81.1	82.5
P	59.2	59.4	58.5	63.8	64.8	67.7	69.5	70.9	71.1	74.3	75.3	76.1
AC-10 (in market prices)						38.9	39.6	42.4	43.2	42.9	44.6	44.6
Source: Eurostat, REGIO												

Subsequently, Table 8 shows the Commission’s estimation of GDP growth rate of the Mediterranean cohesion members with and without structural funds’ support. In all countries, removing EU intervention leads to a decrease in GDP growth, even causing Portugal to trail towards a negative growth.

Table 8: Table of SF Effects
GDP Growth rate in %, with or without Structural Funds' support

	Spain		Portugal		Greece	
	GDP	GDP without SF Objective 1 support	GDP	GDP without SF Objective 1 support	GDP	GDP without SF Objective 1 support
2000	4.1	2.9	3.4	-1.1	4.3	1.9
2001	2.7	1.5	1.7	-2.5	4.1	1.6
2002	2.0	0.8	1.5	-2.5	3.5	0.8
2003	3.2	2.0	2.3	-1.5	4.2	1.4
2004	3.7	2.6	2.8	0.0	5.0	2.4
2005	3.8	2.7	3.0	0.1	5.0	2.5
2006	3.8	2.8	3.0	0.2	5.0	2.7

Source: Eurostat

Nonetheless, I wish to end this section with the following data. Table 9 indicates the disparities in GDP per head in PPS by region within selected Mediterranean Members. One surprising picture is revealed. In Spain, Greece and Italy, although there is a convergence between Members, the inequalities within the Members have actually increased during the period (Portugal is the exception).

Table 9: Disparities in GDP per head in PPS by region within Mediterranean Member States standard deviation of index EU15=100

Member State	1998	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
EL	6.1	6.5	6.3	6.1	6.6	7.6	7.8	10.4	10.2	10.1	10.2
ES	13.9	14.9	14.9	16	15.9	15.2	15.9	17.1	17.7	18.4	19.1
I	25.7	25.8	24.8	24.7	24.9	24.7	25.5	28.6	28.7	27.8	27.6
P	17.2	17.7	13.5	15	13.6	14.3	13.8	13.5	13.3	14	14.2

Source: Eurostat Regio

This observation suggests the following. As a country manages to converge closer to the average level, the core regions within the country grow faster than the periphery. These core regions, thus, grow faster than the EU growth average, in order their country would converge towards the EU average as an all. This indicates, for example, that the regions surrounding Madrid, Barcelona and Valencia have become as modern and sophisticated as the other core regions in Europe.

6. The EU-MNMC Trade and FDI Patterns

The European Union is the leading trade partner of the twelve Mediterranean Partner Countries (MPCs) accounting for 45% of total MENA trade in 1999. The Maghreb countries are particularly dependent on Europe.⁶ The MENA countries accounted for 7.84% of the European Union’s total extra-EU exports in 2001, but accounted for just 6.72% of extra-EU imports (see table 10).

Table 10: EU Major Trading Partners, 2001, in Million Euro

World regions	Imports	%	Exports	%
America	269397	26.59	326823	33.24
of which USA	195668	19.31	239905	24.40
MED	68110	6.72	77042	7.84
EFTA	108531	10.71	103302	10.51
New Members	134088	13.23	152817	15.54
Africa	87057	8.59	69929	7.11
Asia	345999	34.15	253335	25.77
Total Extra-EU trade	1013182	100	983248	100

Source (European Commission, 2004b)

⁶ For example, the EU accounted for three-quarters of Tunisia’s total trade in 2000 (European Commission, 2004b).

The eastern enlargement created a concern that the EU will intensify its abilities to perform as an economic regional bloc. The concern over EU becoming such a closed trade bloc is the fact that it could increase the economic pressure most southern Mediterranean countries feel already from the dependence on the EU as the major trade association. The concerns are related as well to the disappointing performance of the Barcelona Process. This Process, which aimed to reduce the economic barriers between the EU and the Mediterranean partners, has witnessed rather an upsurge in the gap between the northern and southern shores.

European business still refrains from investing in the region. Only 2% of European Foreign Direct Investment flow goes to MNMCs. The explanation lies in the many trade barriers that exist within MNMCs, raising the cost and risk of economic activities, and consequently, bias investments out of the region. Several barriers that are mentioned in the literature are: (1) complicated customs and bureaucratic procedures; (2) Technical barriers to trade (certification requirements); (3) Lack of investment guarantees; (4) High import duties and tariffs; (5) Lack of competition rules; (6) Security Fears; (7) Unreliable and underdeveloped banking system; (8) Cultural differences; and (9) Lack of telecommunications and transport infrastructures.⁷

MED South-South trade has not increased and the levels of EU investment in the region remain rather low and well beneath the flows of investment to other parts of the world (European Commission, 2000; Gillespie, 1997). The southern Mediterranean's most competitive merchandise, i.e. agricultural products, does not have free access to European markets, mainly because of the existence of non-tariff barriers (NTBs) and the restrictive Common Agricultural Policy (CAP), applied by the EU. Other NTBs that are related to technical barriers have included: the diversity of rules, lack of cumulation of origin, insufficient physical infrastructure, etc. It is not surprising, thus, that the MEDA financial aid program has encountered many difficulties in its implantation stage.

⁷ See, in addition, the survey of the European Chambers of Commerce, website: <http://www.eurochambres.be/>

One negative effect of enlargement for MNMCs will occur as soon as the New Members replace Mediterranean agricultural exports to the EU (a classic trade diversion). In other words, MENA countries' export-access to the EU will be structurally affected because of enlargement.

Chemicals and machinery equipment is the most important EU-MNMCs trading sector, followed by textiles, beverage, food and electronics. Manufactured articles (consumer goods and textiles) and machinery equipment account for about 50% of trade exchange. Israel and Turkey are the biggest EU partners in the machinery sector and Tunisia, Morocco and again Turkey are the leading traders in the textiles sector (European Commission, 2004b). In addition, tourism is a key source of revenue for Maghreb countries and Turkey. However, the political instability of the region makes the economies very fragile. This makes the flows of tourism unpredictable. In addition, the dependency of some countries on oil as the prominent resource for income, the necessity of revenues from migrant workers in the gulf area to help the home economy, and the consequences of September 11th in general, all in all cause significant tumult in the region's aggregate demand.

Table 11 reveals another pessimist picture for the Mediterranean non- Members countries. With the opening of the eastern European markets, the EU began importing more and more from CEECs and less and less from MED countries. Although there is an increase in EU imports from Med Countries in 2001 as a percent of total EU imports, it is still less than the figure in 1992, while the figures for CEEC new Members increase constantly.

Table 11: NMS and MP Shares in EU Markets

	EU imports from New Member States as a percent of EU total imports	EU imports from MED countries as a percent of EU total imports
1992	4.9	3.9
1995	7.5	3
1998	8.7	2.9
2001	9.8	3.5

Source: Direction of Trade Statistics,
IMF (2002)

Total FDI flows to the MP as a ratio to total flows to developing countries declined from 4.3% during 1990–95 to 2.8% during 1996–2000 (European Commission, 2004). The drop in MP’s share is ascribed to the limited attractiveness of these countries for the many reasons that have been mentioned earlier, and particularly when compared to other regions, such as central and eastern Europe, for example. These results are consistent with the pattern for the MENA region in which, on average, a country receives only one-third the foreign direct investment expected for a developing country of equivalent size, with most of the inflows being concentrated in enclave sectors in a few countries, while portfolio investment is virtually nonexistent because equity markets are underdeveloped (Ibid.).

It is further unlikely that investment patterns will be strongly affected by enlargement at the expense of the Mediterranean countries. Investors avoid the South Med countries because of political instability and economic rigidities, and not because of high tariffs, cost differences or better opportunities elsewhere.

Table 12: Direct Investment in MNMCs reporting country, 1992-2001, in million EUR

MED										
U/R	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
CY	:	:	:	66	43	67	61	114	176	182
DZ	2	− 2	0	0	213	229	541	229	297	1319
EG	354	421	1056	457	501	786	960	999	1337	:
IL	453	517	372	1031	1092	1436	1570	2711	4755	3399
JO	:	:	:	:	:	:	:	:	:	:
LB	2	3	4	17	40	86	118	:	:	:
MA	298	370	187	213	240	968	336	880	281	3023
MT	:	:	:	101	218	71	238	770	693	:
PS	:	:	:	94	140	144	195	177	:	:
SY	:	13	19	7	6	6	7	22	26	:
TN	450	562	451	253	221	325	598	345	843	466
TR	650	543	511	677	569	710	838	735	1063	3647
Total	2209	2429	2600	2916	3283	4828	5462	6982	9471	12036

Table 12 shows how the MED region is not on the priority list for investment from around the world. Only Israel has managed to attract investments of more than one billion Euros constantly throughout the period. Table 13 intensifies the picture, showing how high is the variance between the MPCs. In 2001, Israel, Morocco and Turkey accounted for more than 80% of total FDI to the region.

Table 13: Share of MP Countries' FDI as a percentage of total FDI for the region, 1992-2001

MED U/R	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
CY				2.26	1.31	1.39	1.12	1.63	1.86	1.51
DZ	0.09		0.00	0.00	6.49	4.74	9.90	3.28	3.14	10.96
EG	16.03	17.33	40.62	15.67	15.26	16.28	17.58	14.31	14.12	
IL	20.51	21.28	14.31	35.36	33.26	29.74	28.74	38.83	50.21	28.24
JO										
LB	0.09	0.12	0.15	0.58	1.22	1.78	2.16			
MA	13.49	15.23	7.19	7.30	7.31	20.05	6.15	12.60	2.97	25.12
MT				3.46	6.64	1.47	4.36	11.03	7.32	
PS				3.22	4.26	2.98	3.57	2.54		
SY		0.54	0.73	0.24	0.18	0.12	0.13	0.32	0.27	
TN	20.37	23.14	17.35	8.68	6.73	6.73	10.95	4.94	8.90	3.87
TR	29.43	22.35	19.65	23.22	17.33	14.71	15.34	10.53	11.22	30.30
Total	100	100	100	100	100	100	100	100	100	100

A solution could be found perhaps in a new initiative from the EU; for example in the New Neighborhood Policy (NNP). However, I would like to suggest in the concluding section how MNMCs could augment their welfare by themselves.

All in all, due to their tiny national income (in comparison to the present EU), the poor accession countries will contribute little to the EU's budget in general and its aid in particular. Their bilateral aid is almost negligible, in addition to their already small gross national products. Thus, the South Med countries can hardly expect more generous EU assistance thanks to higher EU budget revenues. The costs of enlargement are likely to make the enlarged EU stingier. Furthermore, the EU seems more concerned about the stability in the Balkans and the Former Soviet Union and will probably advocate more EU assistance to these countries.

Thus, Cohesion and enlargement will be the main task for the EU, and not the European Mediterranean Partnership (EMP).

Enlargement and the Impact on the Mediterranean Region - Some Reflections

- Eastern enlargement increases the gap between the north and the south of the Mediterranean region.
- The enlargement could be used as an anchor to make 'painful' reforms.
- The orientation of the Mediterranean Cohesion Members should be developed in a market based on high-skilled labour, rather than remain in low-skilled production sectors.
- Spain shows the best performance in this direction among the group.
- However, the re-allocation of the cohesion fund will moderate growth rates in all the present cohesion countries.
- With or without structural fund intervention, the gap between the regions within cohesion Members is not expected to diminish in the near future, rather to increase.
- FDI does not reach MNMCs because of political and security problems, not attached to enlargement; i.e., even without enlargement the weak rate of investments would have remained.
- The variance within MNMCs is significant. Israel, Morocco and Turkey attract most of the trade and FDI of the region, while all the rest are lagging behind.
- Small and medium enterprises (SMEs) should be promoted across the Mediterranean countries by reducing bureaucratic procedures.
- MNMCs should establish competitive and non-discriminatory rules in their markets, including in the government procurement sector. This will reduce governmental expenditures, increase competition and encourage growth.
- MNMCs should develop reliable infrastructures in the telecommunication and transport sectors. These sectors are fundamental in order to strengthen the connection between the region and the world economy.

- MNMCs should not wait for new programmes; rather they need to take the initiative and open themselves to the world economy.

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Abstract

The enlargement of the European Union to EU-25 became a reality on May 1st 2004. The 'Enlarged Europe' is established on the internal market as the basic membership criterion, which provides the foundations to hold all 25 Member States together within a supranational policy platform.

Although the process creates expectations of increased welfare in the European space, in west and east, within and around the Union alike, the impact on the Mediterranean region is yet unclear. One group of Mediterranean countries that could be concerned is the group of so called 'cohesion countries'. The cohesion funds are granted to areas in which the GDP is no more than 90 percent of the EU GDP average. With the completion of enlargement, the average GDP fell substantially, making southern European Member States comparatively wealthy. This means that Spain, Portugal and Greece could find themselves no longer entitled to benefit from the funds. The second group that could be affected is the Mediterranean Non-Member Countries (MNMCS). The rationale is that if Central and Eastern European Countries (CEECs) are competitors vis-à-vis MNMCS in the same economic activities, the latter could suffer some negative effects from enlargement, due to the entrance of CEECs into the Market. Thus, this paper explores the triangle of EU-CEECs-MNMCS in terms of patterns of trade, FDI and cohesion from 1989 onwards.

I argue that CEECs have indeed attracted most attention in terms of increase of trade and FDI, especially from the Northern Members (particularly Germany). In addition, in the short term, a disruption will occur to the real growth for the northern Mediterranean members, due to re-allocations of structural funds. However, in the long-term, enlargement will be beneficial for these countries, as they will have to adjust to a more competitive environment with more skilled workers in industries and services.

Conversely, the picture for MNMCS gloomy. While trade and FDI are increasing between EU and CEECs, they are diminishing between EU and MNMCS. When taking into consideration that the

patterns of FDI to the southern Mediterranean have never been significant, it is hard to see the light at the end of the tunnel. Nonetheless, the countries from this region that choose to liberalise their economy unilaterally, i.e. implement structural domestic reforms without attending to exogenous European initiatives, could make the most of this new enlarged Union.

LES INVESTISSEMENTS EUROPÉENS DANS LES PAYS MÉDITERRANÉENS ASSOCIÉS

BASSEM KARRAY

L'émergence des zones d'intégration régionale de par le monde a eu pour effet de déplacer le champ de concurrence d'un cadre interétatique à un cadre inter-régional. L'interdépendance est la dominante d'une économie mondiale ouverte, de plus en plus dématérialisée et dont l'essor est fonction de l'internationalisation des investissements. Puissant vecteur de la mondialisation, l'investissement est plus qu'une opération économique permettant de réaliser un gain en capital ; il est, en réalité, porteur d'attitudes, de comportements et de valeurs¹.

La promotion des investissements internationaux résulte d'une combinaison de facteurs qui s'articulent autour de l'élimination des restrictions de quelle que nature que ce soit. La libéralisation des investissements internationaux est impérative parce qu'il ne peut y avoir ni libre circulation du capital ni libre circulation du travail s'il n'y a pas libre circulation de l'investissement².

Les sociétés contemporaines éprouvent un besoin vital de l'investissement international. L'attraction de ce dernier est une contrainte impérieuse pour pallier à la rareté des ressources, tant publiques que privées, allouées au financement de la croissance et au développement et à la faiblesse de l'épargne³. Tel est le cas des pays méditerranéens associés dont le développement nécessite

¹ Ces aspects expliquent les réticences à l'égard de l'investissement étranger, « ...l'investissement privé était contesté dans son essence, parce qu'il est supposé être porteur de dépendance, de néocolonialisme, de profits excessifs et des maux les plus divers dont souffrent les pays en développement ». F. HORCHANI, « Le règlement des différends dans la législation tunisienne relative à l'investissement », *RTD*, 1992, p. 138.

² D. CARREAU et P. JUILLARD, *Droit international économique*, LGDJ-DELTA, 1998, p. 397.

³ D. GUERRAOUI, « Rapport introductif », in *Les investissements directs étrangers, facteurs d'attractivité et de localisation, sous la direction de D. GUERRAOUI et X. RICHET*, l'Harmattan et édition Toubkal, 1^{ère} éd., 1997, p. 7 et 8.

l'amélioration de leur capacité captive des ressources extérieures. Les dix pays méditerranéens associés⁴ sont en quête d'un statut plus avantageux que l'actuel. Concurrencés par les dix pays de l'Europe centrale et orientale⁵, admis à la Communauté en 2004, les pays associés, dont le niveau de développement est différent, sont à la croisée de chemins, entre l'approche régionale globale et l'approche bilatérale. Les stratégies de promotion des investissements sont définies par des instruments bilatéraux portant exclusivement sur l'investissement ou par des instruments de portée globale.

Les investissements européens proviennent soit de fonds publics soit de fonds privés. Les premiers prennent la forme de prêts consentis par les institutions européennes, en particulier la banque européenne d'investissement ; alors que les seconds prennent la forme d'investissements directs étrangers (IDE) et d'investissements en porte feuille. L'IDE est une opération par laquelle un investisseur installé dans un pays (pays d'origine) acquiert une part d'actif dans le capital d'une entreprise majoritaire sise sur un autre pays (pays d'accueil). Lorsque sa participation est majoritaire, l'investisseur étranger serait capable d'assurer durablement le contrôle de ladite entreprise⁶. Quant aux investissements en porte feuille, ils constituent des placements purement financiers, généralement à court terme⁷.

⁴ Ces dix pays sont l'Algérie, le Maroc, la Tunisie, l'Egypte, la Syrie, le Liban, la Turquie, Israël, la Palestine et la Jordanie.

⁵ Le commerce des marchandises de l'Europe occidentale avec les économies en transition a été en 2003 l'élément régional le plus dynamique des exportations et des importations de la région puisqu'il a augmenté de plus de 10 pour cent. Les échanges de l'Union européenne avec cette région atteignent presque maintenant le niveau total des échanges avec l'Afrique, le Moyen orient et l'Amérique latine. (*In OMC, statistiques du commerce international*, 2003, p. 9)

⁶ A. AKARI, « IDE et développement : l'expérience tunisienne », in *Les investissements directs étrangers, facteurs d'attractivité et de localisation*, sous la direction de D. GUERRAUI et X. RICHET, l'Harmattan et édition Toubkal, 1^{ère} éd., 1997, p. p. 265.

⁷ A. AKARI., « IDE et développement: l'expérience tunisienne », *article précité*, p. 265.

Les investissements provenant de fonds privés sont plus profitables pour les pays méditerranéens associés puisqu'ils créent des ressources complémentaires de financement, sans toutefois aggraver la dette extérieure qui asphyxie les finances des Etats.

Pilier fondamental dans les relations nord-sud de la méditerranée, les investissements européens ne se limitent plus aux secteurs industriels; ils s'étendent de plus en plus sur le commerce des services. L'ouverture progressive des pays du sud à la concurrence européenne a favorisé la diversification des investissements européens, lesquels demeurent en deçà des attentes des sociétés riveraines de l'Europe.

Une analyse du rythme d'évolution au cours des dix dernières années permet de dégager un bilan mitigé⁸. Quels sont les moyens qui doivent être mis en place en vue de promouvoir les investissements européens dans une zone à composants particulièrement hétérogènes et dans laquelle les obstacles sont autant variables que multiples?

La pénurie des grands capitaux⁹ s'explique par les entraves qui caractérisent la région méditerranéenne (I). L'hétérogénéité de ces entraves appelle la mise en place d'une action renforcée en vue de stimuler l'investissement (II).

⁸ Au cours des dix dernières années, les pays méditerranéens n'ont accueilli en moyenne annuelle que 4 % des flux d'investissements directs étrangers (IDE) destinés aux pays en développement (PED), in « Les IDE en méditerranée : les potentialités de renforcement, le rôle du partenariat euromed », MINEFI, DREE, accessible sur le site internet : www.commerce-exterieur.gouv.fr Voir par exemple pour le cas tunisien : N. BACCOUCHE et I. BEN HAMDEN, « L'investissement : cadre juridique et tutelle administrative en question, *Etudes juridiques*, revue publiée par la Faculté de Droit de Sfax, 1997, n° 5, p. 10 et s. Ces deux auteurs ont relevé l'inadaptation du régime juridique de l'investissement en Tunisie qui est caractérisé par la complexité, la portée limitée des avantages fiscaux et la curieuse pénalisation des entreprises organisées et dotées d'une gestion transparente

⁹ Les IDE n'avaient apporté en Tunisie et au Maroc en 2001 qu'une valeur de 3489 millions d'Euro, in *Direct investment in MNMCs reporting country 1992-2001*, eurostat.

I/ Les Entraves aux Investissements Européens Dans les Pays Méditerranéens Associés

Les entraves à l'essor des investissements européens sont de deux types au moins. Il s'agit, d'une part, des variables politico-économiques qui atténuent l'effet d'amont des investissements européens (A). Il s'agit, d'autre part, des instruments bilatéraux et nationaux qui sont, eux même, insuffisants pour drainer les capitaux (B).

A- La faible attractivité politico-économique du marché méditerranéen

La décision d'investir est généralement prise en fonction de la rentabilité économique du projet, qui elle-même fonction de l'importance de la sécurité juridique et de l'inexistence ou du moins de la faible probabilité du risque. L'évaluation du risque est basée principalement sur des indicateurs d'endettement extérieur, sur une appréciation des facilités d'accès du pays aux marchés internationaux de capitaux et sur la prise en compte des risques politiques¹⁰. Un investisseur vigilant ne décide de mobiliser ses fonds qu'au prix d'une étude du marché et de son environnement. On entend par un environnement de marché « *l'ensemble forcément complexe de déterminants qui entourent une entité et qui sont en perpétuel changement et en perpétuelle interaction* »¹¹. Les variables juridiques, politiques, économiques et sociales s'entrecroisent et se convergent mutuellement pour déterminer en fin de compte le tableau de bord d'un marché quelconque. Cette imbrication infaillible de facteurs, de par leur nature hétérogène, démentie toute décision d'investissement reposant sur chacun des facteurs pris isolément. L'attractivité du marché est tributaire d'un

¹⁰ W. ANDREFF, « Les firmes multinationales et les pays associés à l'Union européenne, évaluation d'attractivité effective des investissements directs étrangers », in *Les investissements directs étrangers, facteurs d'attractivité et de localisation*, sous la direction de D. GUERRAOUI et X. RICHET, l'Harmattan et édition Toubkal, 1^{ère} éd., 1997, p. 49 et 50.

¹¹ N. BACCOUCHE, « L'environnement fiscal de l'entreprise à l'heure de l'internationalisation de l'économie : le cas tunisien », *études juridiques*, n° 10, revue publiée par la Faculté de Droit de Sfax, 2003, p.77.

« *climat favorable* » offrant le plus haut degré de rentabilité à moyen et à long terme¹².

Le marché méditerranéen est formé, à mauvais escient, par des micromarchés cloisonnés et faiblement intégrés. Les pays méditerranéens associés peuvent former ensemble un espace de l'ordre de 300 millions consommateurs s'ils mettent en œuvre un programme de démantèlement des obstacles douaniers, fiscaux et techniques. La persistance de ces obstacles fige les marchés dans l'étroitesse. La modestie de leur taille en terme de consommateur et de pouvoir d'achat limite considérablement l'attractivité de capitaux européens¹³.

Les pays méditerranéens ne peuvent drainer des capitaux européens que s'ils réalisent une intégration conduisant à surdimensionner la taille de leur marché. Ils doivent remettre leur pendule à l'heure de l'internationalisation des échanges qui se profile à travers l'ouverture intra-zone¹⁴. L'intégration commerciale entre les pays méditerranéens associés doit reposer sur la diminution des tarifs douaniers et des obstacles non tarifaires, l'harmonisation des cadres réglementaires et la mise en place d'infrastructures transversales.

¹² D. GUERRAOUI, « Rapport introductif », in *Les investissements directs étrangers, facteurs d'attractivité et de localisation, sous la direction de D. GUERRAOUI et X. RICHEL*, l'Harmattan et édition Toubkal, 1^{ère} éd., 1997, p. 12.

¹³ Les pays méditerranéens ne captent que 6% des IDE européens destinés aux PED, part inchangée depuis 1994. Cependant, la part de l'Amérique latine s'élève à 44% et de l'Asie à 25%, in « Les IDE en méditerranée : les potentialités de renforcement, le rôle du partenariat euromed », MINEFI, DREE, accessible sur le site internet : www.commerce-exterieur.gouv.fr

¹⁴ Les échanges intra-branches sont très faibles entre les pays méditerranéens associés. De même, les échanges intra-zones ne représentent qu'une part dérisoire de la totalité de leurs échanges, alors que l'UE apparaît comme un partenaire commercial incontournable, in « Les IDE en méditerranée : les potentialités de renforcement, le rôle du partenariat euromed », MINEFI, DREE, accessible sur le site internet : www.commerce-exterieur.gouv.fr

L'acquis communautaire a certainement été exporté par le biais des accords d'association conclus séparément avec chaque pays¹⁵. En plus, des limites inhérentes à cette approche, la méditerranée est une zone géopolitiquement à fort risque. Une comparaison selon le critère du risque pays et du niveau de compétitivité de la région méditerranéenne révèle une forte disparité, même entre des pays ayant un niveau de développement comparable¹⁶. L'instabilité, caractéristique attrayante depuis des années, empêche la mobilisation de grands capitaux. Encore faut-il rappeler que le conflit israélo-arabe a constitué un goulot d'étranglement du processus de Barcelone.

Conscients de l'engouement d'une approche globale pour la zone méditerranéenne, les partenaires euro-méditerranéens ont lancé une stratégie d'association renforcée entre les cinq pays du Sud-ouest et Nord-ouest de la méditerranée lors du sommet tenu à Tunis en décembre 2003. Ce projet permettrait de réduire considérablement le handicap de l'exiguïté du marché¹⁷. Néanmoins, même si les obstacles à cet échelon infrarégional sont moins aigus, ils sont, toutefois, difficiles à surmonter. Le conflit algéro-marocain et le retard économique de la Mauritanie bloquent les ambitions lancées lors du sommet de Tunis 5+5.

¹⁵ Voir sur l'acquis communautaire I. FRIKHA, « La projection de la mondialisation à travers l'association », in *Droit communautaire et mondialisation, sous la direction de Y. BEN ACHOUR et S. LAGHMANI*, CPU, 2003, p. 30.

¹⁶ Selon la publication du Middle East and North Africa « MENA Report » pour l'année 2002 sur le risque pays, la Tunisie est classée deuxième meilleur pays de la région (risque 6.5), le Maroc (risque 6), l'Egypte (risque 5.8), la Jordanie (risque 5) et l'Algérie (risque 3.3). Quant au classement en matière de compétitivité, la Tunisie occupe la 38^{ème} place à l'échelle mondiale selon l'indice de compétitivité globale ; alors que le Maroc et la Turquie occupent respectivement la 61^{ème} et la 65^{ème} place. Selon l'indice de compétitivité micro-économique, la Tunisie occupe la 33^{ème} place, le Maroc la 49^{ème} et la Turquie la 52^{ème}. Voir le rapport annuel sur la compétitivité globale 2003-2004 élaboré par le forum mondial de Davos et l'université américaine Harvard.

¹⁷ A. AKARI, « IDE et développement, l'expérience tunisienne », *article précité*, p. 277.

Il ne reste ainsi que de développer une intégration pilote entre deux pays ayant un intérêt suffisant et des indices de développement comparables¹⁸. A titre d'exemple, au lieu que la Tunisie et le Maroc se fassent concurrence pour drainer le maximum de capitaux, une stratégie d'intégration du marché marocain et tunisien permet d'augmenter leur taille respective et d'accroître leurs opportunités d'investissement¹⁹. La réussite d'une telle entreprise encourage les autres Etats de la zone à y adhérer. L'harmonisation des politiques d'incitation entre les pays demandeurs permettra de ne pas se livrer à une surenchère en offrant le système fiscal le moins disant²⁰. Tout récemment, quatre pays arabes méditerranéens (l'Egypte, la Jordanie, le Maroc et la Tunisie²¹) ont conclu le 25 février 2004 une convention visant l'établissement d'une zone de libre échange conformément à la déclaration d'Agadir du 8 mai 2001.

En plus de ces variables politico-stratégiques, la défaillance et le manque de modernité, voire l'obsolescence des réseaux d'infrastructure de transport et de communication défavorise la situation concurrentielle des pays méditerranéens. La lenteur du mouvement de démantèlement de monopoles étatiques des grands services publics a conduit à un détournement de flux vers d'autres zones plus libérales. La forte centralisation des pouvoirs érige des obstacles indésirables et renforce une bureaucratie déjà établie²².

¹⁸ Voir « 5+5 », l'ambition d'une association renforcée étude faite par 13 économiste français, in *l'entreprise et le partenariat euro-méditerranéen*, publication de l'Institut arabe des chefs d'entreprise, IACE, 12 et 13 décembre 2003, p. 242.

¹⁹ Cette concurrence prend essentiellement un aspect fiscal, voir : N. BACCOUCHE, « L'environnement fiscal de l'entreprise à l'heure de l'internationalisation de l'économie : le cas tunisien », *article précité*, p.74.

²⁰ VADCAR, « Le projet d'Accord multilatéral sur l'investissement: Problématique de l'adhésion des pays du sud ». *JDI*, n°1, 1998, p. 26

²¹ Ces quatre pays possèdent les niveaux de commerce intra-branches avec les autres pays méditerranéens les plus élevés, in « Les IDE en méditerranée : les potentialités de renforcement, le rôle du partenariat euromed », MINEFI, DREE, p. 7 (accessible sur le site internet: www.commerce-exterieur.gouv.fr)

²² A. AKARI, « IDE et développement, l'expérience tunisienne », *article précité*, p. 277.

L'adoption des législations internes fortement incitatives et la conclusion d'accords d'intégration régionale n'avaient pas permis la promotion des investissements européens. Les pays méditerranéens associés n'attirent cependant pas des investissements à la mesure de leurs ambitions à la fois légitimes et mesurées compte tenu des efforts consentis en matière de développement social ainsi que des sacrifices fiscaux déjà consentis²³.

B- Le faible apport des instruments nationaux et bilatéraux

Bien qu'il soit inscrit parmi les grands vecteurs de stimulation de la croissance dans l'espace euro méditerranéen, l'investissement ne jouit pas d'un cadre juridique étoffé dans les accords d'association. L'objectif tracé, à cet égard, se limite à créer un climat favorable aux flux d'investissement. Les moyens d'action pour la réalisation de cet objectif sont vaguement formulés. Il s'agit d'établir des procédures harmonisées et simplifiées, des mécanismes de co-investissement (en particulier entre les petites et moyennes entreprises), ainsi que des dispositifs d'identification et d'information sur les opportunités d'investissement²⁴. A cela s'ajoute, le cas échéant, la mise en place d'un cadre juridique favorisant l'investissement par la conclusion entre les pays méditerranéens associés et les Etats membres, des accords de protection des investissements et des accords destinés à éviter la double imposition²⁵.

Ces mécanismes sont, en réalité, en faveur des pays tiers méditerranéens dont le tissu commercial est essentiellement formé par des petites et moyennes entreprises. Mais ce plan d'action constitue tout simplement un préalable au co-investissement et non

²³ N. BACCOUCHE, « Regards sur le code d'incitations aux investissements de 1993 et ses démembrements », *RTD*, 2000, p. 44

²⁴ Voir la lettre (a) de l'article 53 de l'accord d'association Tunisie - Communauté européenne.

²⁵ Voir la lettre (b) de l'article 53 de l'accord d'association Tunisie - Communauté européenne. Pour aller plus loin : F. HORCHANI, « Quelques réflexions sur la politique législative en matière d'investissement », *RTD*, 1991, p. 296.

un dispositif réellement adapté pour la promotion et la protection des investissements.

Aussi paradoxal que cela puisse paraître les accords d'association euro méditerranéens inscrivent la promotion et la protection des investissements comme un levier de coopération, mais sans qu'ils prévoient de mécanismes appropriés qui permettent de stimuler les flux d'échange²⁶. L'absence de définition de règles de traitement, de protection et de garantie atténue l'apport de ces mécanismes. D'ailleurs, les accords d'association marquent la défaillance de l'approche régionale globale en matière de protection des investissements en encourageant explicitement les pays associés à conclure des accords en la matière avec les Etats membres de la Communauté pris séparément. Ces conventions portent sur l'élimination de la double imposition, l'admission des travailleurs et le transfert de capitaux. Leur démultiplication verticale (des pays membres vers les pays associés) peut contribuer à la création et à l'accroissement des investissements, mais sous réserve qu'elles soient conclues suivant un modèle unique. Mais quoiqu'il en soit la décision d'investir, synonyme d'apport de technologie et de modernité²⁷, revient exclusivement aux acteurs du secteur privé. L'octroi de fonds publics communautaires ne suffit pas à satisfaire les enjeux économiques tant que la zone méditerranéenne demeure en pénurie de grands capitaux.

Les moyens d'action privée, mis par les investisseurs européens, n'ont pas conduit, eux aussi, à l'essor des flux d'investissement²⁸. Selon la CNUCED, les IDE européens apparaissent inégalement

²⁶ P. JACQUET soutient que les accords d'association signés et mis en œuvre avec les pays de la zone euro-méditerranéenne « *n'ont pas eu l'effet d'entraînement attendu sur les flux d'investissement direct étranger* », accessible sur : www.sceco.univ-aix.fr

²⁷ F. HORCHANI, « Quelques réflexions sur la politique législative en matière d'investissement », *article précité*, p. 296.

²⁸ La valeur des IDE a atteint en Tunisie le volume de 843 millions d'euro en l'an 2000 pour chuter à 466 millions d'euro en 2001. La valeur enregistrée en 2001 est proche de celle de 1992 qui était à l'ordre de 450 millions d'euro. Alors qu'au Maroc l'année 2000 a enregistré 281 millions d'euro. Cependant cette valeur a augmenté à 3023 millions d'euro en 2001, in *Direct investment in MNCs reporting country, 1992-2001*, eurostat

répartis au sein de la zone euromed²⁹. Demandeurs d'investissements industriels, lesquels permettent l'entrée de la haute technologie du savoir faire et de l'emploi, les pays tiers méditerranéens ne reçoivent, en réalité, que des investissements commerciaux non porteurs de grands capitaux³⁰. Les pays développés n'encouragent que l'investissement commercial qui n'a pas d'incidence sur l'équilibre de la balance des paiements puisqu'il n'entraîne pas une sortie importante de capitaux. Cependant, l'investissement industriel peut provoquer une fuite non négligeable de capitaux et peut créer un courant de réimportation vers la Communauté européenne par l'effet de la délocalisation industrielle³¹. Les pays méditerranéens ont, eux même, contribué à l'avènement d'investissements commerciaux et non industriels à travers la création de zones franches, essentiellement tournées aux activités de services.

Conscients de l'importance des flux d'investissement à l'essor de leur économie, les pays méditerranéens associés se sont progressivement dotés d'un cadre juridique incitatif à l'investissement international³². Ils accordent ainsi un traitement national à l'investisseur étranger soit en le traitant sur le même pied d'égalité que le national soit en lui accordant un traitement préférentiel. Dans la première hypothèse, les avantages liés à l'investissement seront invariablement accordés à tout postulant

²⁹ Israël a reçu 24% du taux global des IDE européens, l'Egypte 19%, la Turquie 17%, la Tunisie 13%, le Maroc 9%..., source CNUCED wir, 2003, accessible sur le site www.commerce-exterieur.gouv.fr

³⁰ Les IDE se concentrent, par exemple, en Tunisie sur les secteurs textile/habillement, les industries de cuir mais se diversifient lentement vers les industries mécaniques et électroniques. Accessible sur le site www.commerce-exterieur.gouv.fr

³¹ D. CARREAU et P. JUILLARD, *Droit international économique*, op. cit., p. 507. Les experts européens en économie ne cachent pas leur crainte de fuite des grands capitaux de l'Europe de l'ouest vers l'Europe de l'est suite à l'adhésion des pays de l'Europe centrale et orientale où les charges sociales sont moins pesantes.

³² Voir à titre d'exemple pour le cas tunisien, F. HORCHANI, «Le code tunisien d'incitation aux investissements», in *JDI*, 1998, n° 1, p. 67 et s. N. BACCOUCHE, «L'environnement fiscal de l'entreprise à l'heure de l'internationalisation de l'économie : le cas tunisien», *article précité*, p.79.

abstraction faite de sa nationalité. Dans la deuxième hypothèse, l'investisseur étranger bénéficie d'un traitement juridique privilégié soit en lui accordant des incitations par rapport au droit commun (allègements fiscaux, dégrèvements d'impôts directs ou indirects, régimes dérogatoires en matière de recrutement ou de licenciement de personnels...) soit en mettant en place un droit spécial à côté du droit commun ; ce statut spécial correspond à la création d'une zone spéciale³³.

Conçues comme une pièce maîtresse pour l'attraction des capitaux européens, les législations incitatives sont devenues communes à tous les pays suite au dépérissement des législations de dissuasion ou de contrôle. Les dispositions internes d'incitation, qui sont de plus en plus généralisées, ne constituent plus un facteur attrayant de capitaux. Ainsi, les pays demandeurs d'investissements européens s'acharnent à consentir aux plus importantes concessions pour tailler la part de lion des flux. Néanmoins, ce sont les situations économiques -plus que les codes des investissements- qui influencent sur la répartition des investissements³⁴. « *Certes, les règles juridiques ne créent pas, à elles seules, la richesse* »³⁵. Compte tenu de ces entraves, une action visant le renforcement des instruments d'action semble être impérieuse. Le rôle des institutions communautaires et des opérateurs privés européens est capital dans la promotion des investissements dans la méditerranée.

II/ Les impératifs de renforcement des instruments d'incitation

La Communauté a récemment décidé de rénover sa politique d'appui financier à travers la mise en place d'un programme dans le cadre de la BEI (A). Cette action doit être accomplie par une

³³ Voir, D. CARREAU et P. JUILLARD, *Droit international économique*, op. cit., p. 475.

³⁴ C. VADCAR, « Le projet d'Accord multilatéral sur l'investissement : problématique de l'adhésion des pays du sud », *article précité*, p.26.

³⁵ N. BACCOUCHE et I. BEN HAMDEN, « L'investissement : cadre juridique et tutelle administrative en question », *article précité*, p. 27. Ces deux auteurs ont mis l'accent sur la défaillance de l'appareil administratif. Interventionniste et rigide, l'administration « *grève la compétitivité et le caractère attractif de l'économie tunisienne* ».

redéfinition du cadre juridique relatif à l'investissement afin d'encourager les investisseurs privés à investir dans cette zone (B).

A- La rénovation des instruments d'appui financier de la Banque européenne d'investissement (BEI)

La banque européenne d'investissement apporte un soutien financier aux pays partenaires sous forme de contrat de prêt. Elle a signé en 2003 des prêts d'un montant de 42332 millions d'Euro, mais les pays partenaires n'ont acquitté qu'une modeste part qui s'élève à 3556 millions d'Euro³⁶.

Voulant créer un climat propice à l'investissement privé aux pays méditerranéens associés, le Conseil européen tenu à Barcelone en mars 2002 a confié à la BEI la mission de renforcement de la composante financière du partenariat euro méditerranéen³⁷. Faisant suite aux conclusions du Conseil européen, la BEI a créé un programme connu sous le nom de « *facilité euro méditerranéenne d'investissement et de partenariat (FEMIP)* ». L'objectif de ce programme est d'appuyer les efforts de modernisation économique et sociale et de réussir, par conséquent, l'intégration régionale, dans la perspective de zone de libre échange euro méditerranéenne.

L'accent est particulièrement mis sur le développement du secteur privé, générateur de richesses et d'emploi et la promotion des investissements dans le capital humain. La BEI projette, d'ici 2006, d'investir entre 8 et 10 milliards d'Euro sous diverses formes : prêts, capitaux à risque provenant du budget de l'Union, aide à l'assistance technique et aide à l'investissement.

Une structure administrative a été créée dans le cadre de ce programme pour permettre une participation intensive des pays méditerranéens associés dans la définition des orientations de la FEMIP. Ces structures sont au nombre de deux, le comité

³⁶ La part de l'Union européenne est 34.187 millions d'Euro et celle des pays adhérents est de 4.589 millions d'Euro. Accessible sur: www.bei.org

³⁷ La BEI a alloué aux pays méditerranéens associés des prêts à hauteur de 12.6 milliards d'Euro entre 1974 et 2001. Accessible sur: www.bei.org

ministériel de la FEMIP, qui se réunit une fois par an, et les bureaux régionaux ouverts dans les pays du Maghreb et du Machreck.

Réuni à Alexandrie le 7 juin 2004, le comité ministériel de la FEMIP a réitéré l'engagement fort des Etats membres de la Communauté et des pays partenaires méditerranéens en faveur du programme. Ce dernier comporte un volet d'assistance technique permettant de renforcer l'impact sur le développement à travers l'amélioration de la qualité des prêts. Les activités d'assistance technique sont destinées à aider les pays associés de la FEMIP et les promoteurs privés à mieux préparer, gérer et superviser leur opération d'investissement.

Le programme FEMIP constitue un pilier fondamental pour l'essor des activités d'investissement dans les pays méditerranéens associés. Le montant de prêts alloués, à ce titre, s'élève à 2.1 milliards d'Euro en 2003³⁸, la moitié de ce montant a servi à promouvoir directement la croissance des entreprises privées, les investissements étrangers directs (Egypte, Tunisie et Turquie), les financements destinés aux PME (Syrie, Tunisie et Turquie) et la création d'un fonds régional de capital-risque. Lors du sommet d'Alexandrie, les partenaires se sont convenus à renforcer le FEMIP à travers le remplacement des réunions semestrielles du comité de coordination et de dialogue économique par une réunion annuelle du comité ministériel. Ce dernier est en passe de devenir le conseil ECOFIN de la méditerranée. Les moyens d'action dans le cadre de ce programme ont été renforcés par la mise en place d'une enveloppe spéciale FEMIP dans le budget de la BEI destinée à accroître les opérations de prêts au secteur privé et la création d'un fonds fiduciaire afin de soutenir les activités relevant des secteurs prioritaires.

³⁸Voir l'Europe et la Méditerranée, le partenariat financier renforcé, Document de BEI, accessible: www.bei.org

B- La nécessaire redéfinition des instruments juridiques

En l'absence d'un accord multilatéral sur l'investissement et l'exclusion des pays en développement des négociations conduites sous l'égide de l'OCDE, la Communauté européenne et les pays méditerranéens se devaient de créer un instrument juridique permettant de tracer le cadre d'expansion des investissements européens. Un futur accord euro méditerranéen sur l'investissement doit contenir *« des mesures contraignantes visant à créer des conditions favorables à l'investissement de la part d'investisseurs d'un des Etats signataires sur le territoire de l'autre, en assurant, sur une base réciproque le traitement le plus favorable aux investisseurs et en garantissant la protection et la totale sécurité des investissements déjà réalisés, ce qui implique notamment l'impossibilité par les deux Etats de procéder à des nationalisations à des expropriations ou à toutes autres mesures similaires, sauf dans des cas d'utilité publique, sous réserve d'une compensation adéquate, rapide et effective, ainsi que de respect des procédures en la matière prévues par l'ordre juridique national »*³⁹.

La zone euro méditerranéenne a besoin d'un instrument de libéralisation et non d'un simple accord destiné à empêcher les distorsions dans le traitement des investissements, à garantir l'application de la clause de la nation la plus favorisée, comme ce fut le cas de l'accord sur les mesures concernant les investissements liées au commerce des marchandises de l'OMC⁴⁰. Les Etats méditerranéens doivent au préalable harmoniser leur législation nationale autour des principes directeurs de non discrimination. Compte tenu de la disparité des conditions sociales dans la même zone, un label euro méditerranéen relatif aux normes de travail et de sécurité sociale permettrait de contrecarrer toute forme de concurrence injuste entre les pays qui la constituent.

³⁹ Avis du Comité économique social (CE). *L'uniformisation à l'échelle mondiale des règles applicables à l'investissement direct*, CES 290/96 Bruxelles, 28/02/96.

⁴⁰ C. VADCAR, « Le projet d'Accord multilatéral sur l'investissement: problématique de l'adhésion des pays du sud », *article précité*, p.15.

L'action en matière d'investissement est, par définition, globale. L'accord doit couvrir également les trois phases de l'opération d'investissement : la phase pré investissement, la phase durant l'opération d'investissement et la phase post investissement. Par phase pré investissement, on désigne les opérations d'études et de création d'entreprises ou de simple participation. Par phase durant l'opération d'investissement, on entend les opérations effectuées au titre d'exploitation et de réinvestissement. Par phase post investissement, on désigne les exigences conséquentes à l'extinction de l'investissement, comme, par exemple, le rapatriement de capital investi et des bénéfices réalisés.

L'accord doit définir extensivement les types d'investissement couverts par ces dispositions. Ces types peuvent être la création d'entreprises ou d'établissements à l'étranger, les acquisitions de certaines valeurs du capital des sociétés étrangères déjà établies, les bénéfices réinvestis par les filiales ou les succursales et les opérations réalisées entre les sociétés mères et leurs filiales. L'approche de libéralisation doit atteindre progressivement ses plus hauts degrés pour concerner les investissements en portefeuilles et en joint venture.

A ce volet de libéralisation doit se greffer tout naturellement un dispositif visant l'adoption des mesures de sauvegarde liées à la balance des paiements et à la politique monétaire et une mise en place de structures ou de mécanismes de garantie permettant de couvrir les risques non commerciaux encourus de l'activité d'investissement. Etant assez multiples, ces risques ne peuvent pas être énumérés dans une liste fermée. Il peut s'agir notamment:

- des risques de transfert du produit de l'investissement,
- des pertes occasionnées suite à l'adoption par l'Etat d'accueil de mesures gouvernementales d'ordre intérieur privant l'investisseur de certains droits sur son capital ou d'une part importante des avantages découlant de son investissement,
- de l'absence ou de l'insuffisance de garanties juridictionnelles permettant à l'investisseur de défendre ses intérêts lorsque l'Etat d'accueil renonce ou manque à son

engagement contractuel. Les droits de l'investisseur peuvent être gravement touchés « dans le cas où l'investisseur ne dispose pas de voies de recours, judiciaires ou arbitrales, ou ne peut obtenir une décision dans un délai raisonnable ou l'exécution d'une décision définitive en sa faveur »⁴¹. La modernisation et l'impartialité du système juridictionnel constituent les plus importantes exigences de la Communauté européenne⁴²,

- des risques résultant des crises sociales et des troubles populaires et
- de tout risque résultant de pratiques étatiques privant l'investissement étranger du traitement national.

L'ensemble de ces risques doit être couvert par l'agence qui serait également appelée à étudier tout autre risque revendiqué par l'investisseur. Les investisseurs habilités à revendiquer la couverture contre ces risques non commerciaux doivent être nécessairement des ressortissants de l'un des Etats méditerranéens. La garantie ne sera pas systématiquement accordée, elle est soumise à une étude préalable et à un examen d'opportunité. L'opération sollicitée doit contribuer au développement économique du pays d'accueil. Il faut qu'il soit un projet économiquement justifié. Une étude d'impact de l'environnement juridico-économique permet à la future agence euro méditerranéenne de se prononcer sur son appui.

La détermination de l'étendue des pouvoirs de l'Etat d'accueil s'agissant de l'admission des investissements ou du traitement qu'il

⁴¹ I.F.I. SHI HATA, « L'agence multilatérale de garantie des investissements (AMGI) », *AFDI*, vol. 33, 1987, p.605. Voir également F. HORCHANI, « Une projection universelle d'une convention régionale arabe sur la garantie des investissements contre les risques non commerciaux : la convention MIGA du premier octobre 1985 », in *le système régional arabe sous la direction de M. FLORY et P.S. AGATE*, CNRS, 1989.

⁴² Déclaration de l'Union européenne lors de la quatrième session du Conseil d'association UE-Tunisie tenue à Bruxelles le 30/09/2003. L'Union a réitéré l'importance de la justice dans la promotion des investissements. « ...L'indépendance de la justice et le libre exercice de la profession de magistrat et d'avocat sont les garants de l'Etat de droit et nécessaires pour créer un climat de confiance pour les investisseurs », p. 2.

faudra leur accorder constitue une garantie contre l'imprévisibilité des manœuvres gouvernementales. Outre cette fonction centrale de couvrir les risques, ces structures de garantie peuvent être chargées de fonctions d'études et de recherches en offrant aux Etats des recommandations sur les actions à entreprendre en vue d'améliorer les conditions d'attractivité des investissements étrangers européens sur leur sol.

En définitive, les instruments juridiques et les actions publiques et privées commentaires demeurent largement insuffisants tant que les pays méditerranéens associés ne réussissent pas à monter un projet d'intégration sud-sud. L'intégration européenne peut se servir comme un exemple en vertu duquel l'économie avait peu à peu conduit à la réunification de l'Europe de l'après guerre. Il ne faut pas attendre que les conflits politiques soient résolus pour mettre en œuvre une intégration économique. L'économie doit piloter le politique.

STRATEGIC INTERVENTION OR SHOWCASE? EU AID (MEDA) AS A FORCE FOR CHANGE IN MOROCCO*

PATRICK HOLDEN

The Mediterranean region has always been of strategic importance to Europe and has served as a stimulus for collective European action. Indeed it was the setting for the first collective European Community 'Foreign Policy' effort, the Global Mediterranean Policy of the nineteen seventies (Ginsberg, 1989:117-121). Although the European Union's current Mediterranean policy is much criticized, EU officials assert that they are quietly and effectively supporting internal reforms in non-member Mediterranean states that will ensure long-term change. This paper tests this claim through an analysis of how one particular instrument, the EU's MEDA aid programme (designed to inculcate structural change) operates in Morocco. MEDA was established as a part of the Euro-Mediterranean Partnership (1995), intended to develop heightened cooperation and a reform dynamic in the region - an effort that is now being supplemented with the European Neighbourhood Policy (2003) and various other initiatives. EU policy is evaluated in terms of the effort to reform economic structures and institutions rather than promoting democracy. As outlined below reform of economic governance is the Union's major concern and it forms part of a broader strategic vision, which involves establishing a Euro-Mediterranean economic block. However, many have pointed out that (for better or worse) donors have not been able to use aid effectively to encourage/enforce substantial reforms of third countries' economic and governance systems. Consequently it is worth investigating whether aid policy is playing a significant role in developing reformed free-market economic institutions in the region.

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Morocco is the case study country as it is of high strategic importance; the economic and political difficulties it faces clearly have an effect on Europe's own security. Morocco would appear to be amenable to EU leadership as it is clearly economically dependent on the Union and has very close (if not always amicable) political and economic ties with major EU states. Most famously with an application for membership in 1987, Morocco's political elite have been for furthering integration and cooperation with Europe. Yet its complex socio-economic and political environment presents major difficulties for outsiders (and insiders) to bring about meaningful change. Thus, this paper analyses how EU aid is used to intervene in the Moroccan political economy and serve as a form of power projection for the EU. It should also be of interest to those concerned with the political economy of reform (and EU policy) in the wider region. The research on which it is based involved an extensive study of EU planning and policy documents, as well as interviews with policy makers and activists in Brussels and Morocco. One major caveat must be noted; the paper does not discuss what the optimum development strategy for Morocco would be. Rather it is concerned with the EU's capacity to promote its own agenda - there is no normative position taken here as to what the EU *should* be doing in Morocco. The course of the paper is as follows; the theoretical framework and the central question are outlined, an overview is given of the EU policy framework and the situation in Morocco followed by a detailed analysis of the EU's aid strategy for Morocco.

EU Aid and Power Projection

While the EU's efforts to coordinate foreign and security policy (or the traditional domain of high politics) have been given much attention, there are other ways to understand how the EU can project power (Ginsberg, 2001). In particular the instruments of the European Community, its aid and trade policy, can be used to exert economic and political influence and a significant volume of research has been devoted to this sphere of activity. Even the famous critique of the EU's 'capability expectations gap' in foreign policy accepted the 'highly structured political economy dimension of collective autonomous external commercial and development

policies'(Hill,1993:322). Schirm (1998) points out that the EU's comparative advantage, as an international actor, is its potential to promote development and stability, thus enhancing Europe's security. Smith (1998) also argued that it is in this sphere that a type of 'European Foreign Policy' is emerging.¹

This paper may thus be situated within the tradition of proposing and evaluating the EU as an *actor* and a 'civilian power'. The framework is more specific than this, however. EU influences through its ideological power or processes of socialisation are not investigated here; rather the focus is on the use of aid as a tool. It is not implied that the 'instrumental' approach to analysing the EU in the world is the only valid one; merely that it is a worthwhile approach. For this vision of the EU as a purposeful actor the 'strategy' concept is crucial. In the traditional sense the concept implies a conscious plan to work on the external environment in pursuit of certain well-defined medium to long-term objectives (Mintzberg et al.,1998: 3-22). Thus the focus here is on conscious concrete efforts on the EU's behalf to influence the policies and institutions of partner countries. While the main concern is with aid policy aid is, of course, always operated in tandem with other external policies.

This focus on purposeful strategic activity is relevant because the EU has itself begun to proactively shape its surrounding environment. Of particular interest is that in the area now known as 'Wider Europe' (the western half of the Eurasian land mass and the Mediterranean basin) the EU in the 1990s launched efforts to shape the political and economic institutions of its neighbours. In practice the EU can use its instruments to promote its ideas/norms, its economic interests and its traditional security/foreign policy interests (or indeed all three although they rarely perfectly coincide). For example in promoting a free-market democracy in Poland through the PHARE (Poland Hungary assistance for economic restructuring) aid and Russia through the TACIS (Technical Assistance for the Commonwealth of Independent

¹ Smith uses the term 'soft power' to describe this form of power projection.

States) it was both supporting its own economic interests as well as its long-term security interests. That is to say it was effectively creating an environment more amenable to its own political/strategic as well as economic interests.

While much attention has been given to efforts to promote democracy, this paper focuses on efforts to shape economic institutions, policies and governance. This is the main thrust of EU activity and as implied above is an essentially 'political' (in the broader sense of the term) enterprise. A cursory glance at the situation in the Mediterranean region makes this clear. There is a fear of instability in various forms (drug trafficking, 'terrorism') spreading north due to the ongoing economic and political difficulties in neighbouring states. Morocco is an obvious case. Naturally the EU seeks to prevent this. However the means to deal with this kind of unconventional 'security threat' are to support economic and political development. The primary track the EU has chosen (see below) to do this is to reform the economic governance and policies of its neighbours (together with some low key efforts to push for political reform). This dovetails with the EU's perennial efforts to expand its own geo-economic block - in adapting its neighbours' regulatory system and general economic governance (including issues such as competition policy) it is facilitating a form of integration.

The Euro-Med Partnership (the EMP) launched in 1995 includes three baskets; political, economic/financial and social/cultural cooperation. Basket two unsurprisingly is the engine of the process as this involves signing bilateral free trade association agreements (AAs) and the eventual regional free trade area. The EMP has now been altered by the European Neighbourhood Policy that focuses more on 'bilateral' (EU-Partner state level) but has essentially similar objectives and means. The MEDA programme (*mésures d'accompagnement*) was designed officially to support the economic reform and regional integration process. This new aid programme was supposed to be qualitatively different to traditional 'development aid'. Rather than to promote development its aim was to support the EMP objectives (primarily derived by the EU). It was also conceived as a proactive instrument in that it would

attempt to stimulate/catalyse rather than merely ‘support’ reform. It would do this via strategic programming by the Commission, a heavy focus on ‘technical assistance’ on how to reform and a heightened form of rewards-based conditionality – funding would increase or decrease in accordance with the partner’s progress towards reform. Under the previous ‘financial protocol’ system from 1977 until 1995 the aid relationship was quite different. While there were some broad priorities agreed with the EC, aid was basically demand-driven, and responded to the partner governments’ wishes to support socio-economic development (Holden, 2005: 10). To a certain extent MEDA was modelled on the PHARE programme for Eastern European candidate states. Of course the EU could not have quite the same leverage over Mediterranean states but potentially has substantial influence nonetheless. This is particularly the case for Morocco which has been locked into an unequal trading relationship with Europe (White, 2001).

Therefore, from the above it’s clear that in theory and based on official discourse MEDA can be conceived as a ‘strategic intervention’. On the other hand it is by no means clear that the EU has the means to accomplish this. Numerous studies have shown that (for better or worse) aid donors find it very difficult to impose reform of policy and governance. Some common issues which have been pointed out are:

- A lack of organisational coherence on the donor’s part.
- Short term political/diplomatic considerations can impinge on the deeper vision.
- Knowledge constraints in formulating an adequate strategy, the lack of a suitable methodology for programming for qualitative issues such as governance.
- As a result of these difficulties donors often revert to parroting buzzwords and a reform discourse (Hibou, 2002).
- Conditionality places large demands on donors in terms of resources and methodologies for monitoring.²

² In any case, studies have shown that donors cannot ‘buy’ the positive policies they want in this crude fashion. See World Bank, (1998) .

- Given donors' ignorance/negligence or lack of understanding, authoritarian governments can exploit reforms (particularly if they control credit allocation) and ensure that their own elite supporters benefit from (for example) privatisations rather than secure the emergence of a competitive free market (Dillman, 2002).

As to the EU, many would agree that these weaknesses apply to it. This leads to doubts about whether the EU can in fact use its aid strategically to reform its partners' economic institutions and governance. Concerning Mediterranean aid, major official evaluations (European Commission, 1999, European Commission, 2003a) have touched on issues such as these. However their frame of reference has been an economic/technocratic rather than a political one. Therefore the question at hand is apposite:

Does EU aid really amount to a strategic intervention in Morocco's internal structures or is it (if not exactly a showcase) more of a diplomatic 'sweetener' for the Moroccan government?

The remainder of the paper is devoted to exploring this. This involves an in-depth analysis of aid programming and planning concerning economic reform in Morocco informed by the vision of the EU aid as an instrument of civilian power described above. The organisational framework for EU Mediterranean aid is outlined in more detail, followed by an account of the Moroccan context and the specific challenges the EU faces there.

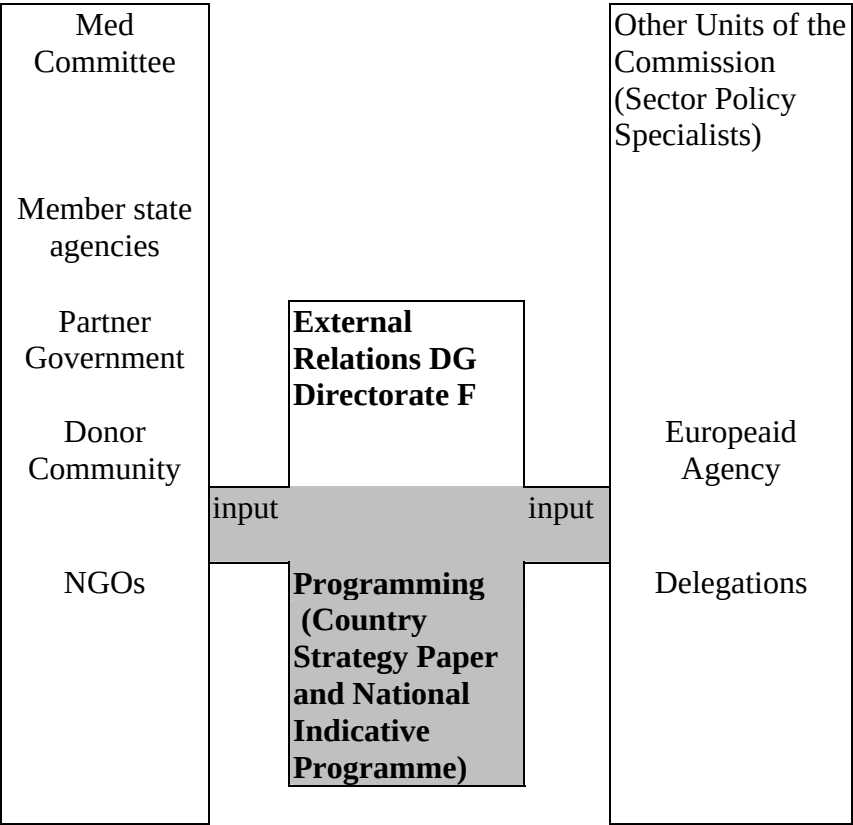
Substantive Context

EU Organisational Framework

While the Council of the European Union (the member states) has the major role in setting out EU Mediterranean policy, the Commission has been delegated a large degree of responsibility in formulating aid strategy. The External Relations directorate general (ERDG) within the Commission handles the programming and policy making. It is guided in this by the Mediterranean Committee of member states, which must approve the programming

documents (but in practice do not make major changes). The Europeaid Cooperation Office within the Commission assists the ERDG in this process and is involved in planning specific projects and programmes and implementing the aid. However the Commission Delegations in the partner country are now playing a much greater role in managing and planning aid. (A process of deconcentration of aid management was set in train in 2002).

Figure 1. Actors in MEDA aid programming/strategy formulation (since the reforms implemented on 01 January 2001).



Concerning aid policy in general the EU system has gone through substantial changes since the launch of MEDA in 1995.³ These reforms encompassed all aspects of external aid and developing strategic coherence was a major theme. This involved establishing a standard programming format for all EC aid schemes. This was a six year Country Strategy Paper (CSP) and a three-year National Indicative Programme (NIP). The CSP would outline the broad situation of the partner country and the EC's overall priorities. The NIP would get down to more specific details and include details concerning the allocation of funds. In terms of content and methodology the common framework agreed included an in-depth economic and political analysis of the partner country, the outlining of medium-term challenges and elaboration of the EC's response strategy. The CSPs were also to include an account of member states' and other donors' aid policy in the area, other EC aid policy instruments,⁴ and the overall EU policy framework.

The Moroccan Context

Generally it is agreed that Morocco has been a type of rentier state (Waterbury, 1970) in that the economic elites and powerful vested interests have been able to dominate the (in many respects underdeveloped) economy. This is intrinsically linked with the essentially authoritarian political system and culture the country has had (at least until recently) since independence. The power of the Monarchy was predominant as the (numerous) political parties were weak and parliaments sporadic in any case. Beyond the formal system power had been exercised by the *Makhzen* (ruling elite centred around the throne) through patronage. In recent years there have been substantial changes, however. King Hassan II made efforts to reintegrate opposition political parties into the system and establish a type of parliamentary monarchy. A new constitution was declared (which left the king with massive

³ There were also separate specific changes to the MEDA system established in the legislation for the second budgetary period in 2000. These were purely procedural and of no great relevance to the theme at hand.

⁴ In the MED area for example these would include separate aid programmes to support civil society organisations in the region.

powers) and after relatively fair elections of 1997 opposition parties were allowed into the government, the socialist leader Youssoufi becoming prime minister. There had been a growth in civil society groups (in all sectors) many of whom were becoming actively engaged in public policy. Upon the accession of Mohammed VI in 1999 the reforms were speeded up and old hard line authoritarians were removed from government. However the declining security situation and a vibrant (and polyphonic) 'Islamist' movement have cast a shadow over efforts at democratization.

The aforementioned political culture and general poverty has naturally affected public management. A culture of patronage at all levels has led to problems with corruption (Waterbury, 1973. El Badaoui, 2004. Maghraoui 2001) and indeed inefficiency in general at all levels. Economic reform has been on the agenda in Morocco since the financial crisis of 1982 forced the government into the arms of the International Monetary Fund and the World Bank. The government pursued reforms that at times had led to social unrest and stabilised the macro-economic situation (budget, inflation and national debt). However efforts to reform the institutional framework for the economy and economic governance in general have been more sluggish. There has been some deregulation but few would argue that a liberal market economy has resulted. Moore Henry (1996: 157-158) argues that patronage and rentier networks were *reconstituted* rather than a genuine competitive private sector nurtured. He cites as an example the World Bank's efforts to promote the independence of the banking sector in 1991. While the Bank sought to finance *independent* banks, in fact the Monarchy and Mahkzen had gained (indirectly) a great deal of control over these institutions before the Bank disbursed its funds - an episode that illustrates the pitfalls for international organisations which seek to intervene in Morocco.

Since signing the EMP in 1995 the government has continued its reform drive, signing free trade agreements with other Mediterranean states (Tunisia, Egypt and Jordan as part of the 'Agadir process', Turkey separately) and with the United States.

The Association Agreement with the EU was signed in 1997 and came into force in 2000.

This outward orientation is intended to help lever change but it is a risky strategy. The challenges remain large. As economic growth has not been robust there is still a very high level of poverty, illiteracy and unemployment. Some sectors (such as telecommunications) have been rapidly liberalised. However many outsiders and insiders deny that deep structural reform has taken place. (El Badaoui, Maghraoui, Interviews). The drives to reform public administration and the justice system are generally regarded to have had little success hitherto [Liberation, 2004]. El Badaoui (2004) argues forcefully that the rentier state persists. The reasons for the lack of real change are both the genuine fear of causing greater economic hardship and instability and the existence of vested interests (at all levels of society) that oppose change.

EU Aid Strategy

As Table 1 illustrates, the clear thrust of EU cooperation is towards promoting economic reform; reforming institutions and developing the private sector. The exception to this are the social and environmental support programmes, which represent the EU's commitment to maintaining social cohesion in partner countries. All in all, the aid programmes are very much geared to the EU's strategic objective of supporting building the Association Agreements/building the free trade area. If one categorizes EU funding rather bluntly as 'support for reform/adjustment and the private sector' and 'socio-economic development' the former has been allocated 836.1 million euro or 63% of the total 1334 million for 1995-2004.⁵ The emphasis on reform has become more noticeable as the partnership develops. Were it left to the partner governments there would be much more funding devoted to job

⁵ Figures taken from the MEDA Annual Report for 2000 and the Country Strategy Paper. All figures in this paper are for *commitments* as they reflect the decision-making in Brussels regarding geographical and thematic priorities.

creation and infrastructure support activities (Interview, Commission, April 2004).

In the case of Morocco, for 2002-2004 there are three programmes (reform of public administration, transport system and support for the association agreement) directly concerned with reforming the governance and regulatory system. Also the programmes to adapt the industrial sector and for the development of the Northern Provinces have a strong institutional element. For the next period this trend is continuing with support for key governance/public administration reforms balanced with support for social and economic cohesion. In terms of the instruments used one notes a greater reliance on budgetary support mechanisms for sectoral reform. That is aid paid directly to the government (usually in tranches) on condition that they undertake certain reforms. Such programmes place a heavy demand on the aid donor in terms of monitoring and research/preparation but they do suit the Commission's stated desire to focus on comprehensive reforms in key sectors. Although this means that other very important sectors (in this case financial reform, the rule of law, decentralisation and local government reform) are given less attention, the Commission does try to coordinate strategically with other international donors. However progress here has been patchy. There is quite close cooperation with the World Bank; for example, the reform of public administration programme is a joint programme with the Bank. Concerning the EU member states, cooperation at the strategic level (as opposed to the level of implementation) is not what one might expect. There have been thematic working groups set up, led by the Commission, but coordination with the Member State Agencies (primarily France, Spain and Germany) is more advanced in traditional development spheres such as water supply and rural development than reform of economic governance and policy.

Table 1 MEDA activities programmed for Morocco for the current period⁶

NIP 2002-2004	Eur Mill
Public administration (direct budgetary support)	81
Transport sector (direct budgetary support)	66
Aid to implement Association Agreement	5
Adaption of the industrial sector	61
Training programme	50
Tempus	8
Emigration I	5
Border management	40
Development strategy for the northern province	70
Rural development/ Arganier	10
Subsidies of EIB loans	30
TOTAL	426.5
NIP 2005-2006	
Fiscal Reform (direct budgetary support)	80
Aid to professional associations	5
Aid to implement Association Agreement	15
Aid to official human rights centre	2.5
Aid to civil society	2.5
Tempus	4
Participatory Development in Kenifra	6
Canalisation of Water	30
Dev strategy for the northern province	30
Subsidies of EIB loans	10
Aid for urban housing	90
TOTAL	275

⁶ The NIP for 2002-2004 was altered slightly in implementation in ways not relevant to the theme at hand. The NIP for 2005-2006 is only two years as there will be a new budget in 2007.

The national strategies are complemented by region-wide activities outlined in the regional indicative programmes (RIPs). These generally take the form of technical assistance and networking programmes and are seen to lay the basis for greater cooperation in the future. For example, there are technical assistance programmes to trade policy units in partner programmes and aid programmes to liberalise and interconnect their transport and energy systems. There are also programmes to support reform of the public administration and cooperation in the field of justice and home affairs to complement national activities. It is noteworthy (going beyond financial aid) that the EU has created a network of cooperative institutions with its neighbours as a part of its Mediterranean strategy. At the multilateral level (the EU, member states and partner states) there are regular ministerial meetings. In the economic and commercial sphere, there are multilateral sectoral ministerial meetings dealing with broad policy issues concerning trade, finance, energy transport etc. At the lower more technical level there are also numerous multi-lateral fora. Concerning the bilateral (EU-partner government) level the Association Agreements establish certain common institutions. The regular Association Councils, which discuss all aspects of the relationship (including political, security and human rights issues) are in the realm of high diplomacy. On the more 'operational level' there are the bilateral Association Committees and Economic Dialogues which deal with the finer points of cooperation and economic policy. All of these fora feed into the reform process in that the EU uses its technical knowledge and dialogue to encourage reform.

Allocative Conditionality?

The MEDA II regulation and programme was designed specifically to ensure that the flow of funds would be calibrated according to a country's progress in making reform. Patrick Laurent (head of the Unit managing the Barcelona Process);

This issue (conditionality) lies at the heart of the indicative allocation of funds within MEDA II. In this respect MEDA I had already broken with the underlying logic of previous

protocols. The main message in MEDA I, which had not always been well understood was that no country had a right to a certain financial amount. Our approach is based upon competition between countries (Euromed synopsis, 2001).

Indeed the EU's ability to adjust funding according to whether partner countries are making progress (or at least efforts) towards structural reform is potentially a powerful tool. However there are numerous obstacles to making this a reality. For administrative reasons the Commission does not attempt to calibrate funding within the three year programming period (unlike some other donors such as the World Bank). Also there are barriers to using the total three-year allocations as a lever for reform. These are political (the Commission and the member states may not wish to upset a certain government) but also methodological and intellectual.

Article 5 of the MEDA Regulation, the legal basis for allocative conditionality, states that allocation of funds should depend on 'progress towards structural reform' (Council, 1996). There is also the sense that progress in issues such as human rights and democratic principles may be taken into account but this is not clear. Academics and other experts are in agreement that to be effective conditionality must be clear and transparent and above all be based on clear criteria. The legal criteria are perhaps understandably vague but the Commission has not produced anything which outlines more specifically what is expected and how conditionality might function. As explained in the following section the Country Strategy Papers do not fulfil this function. The Commission's human resources are rather limited but there are a number of methods and studies (different types of economic freedom indexes) which it could draw on. Of course one could not be too rigorous; some acceptance of local differences and political realities must be made. However, if there is no effort at all the attempt has very little credibility and thus Mr Laurent's assertion that the partners did not seem to understand the new principle of allocative conditionality (in the interview cited above) might be a

bit wide of the mark. There was no real basis for them to ‘understand’ it.

Table 2a MEDA Commitments⁷

	Morocco	Tunisia	Egypt	Syria	MED Total
1995-1999	656	428	686	99	3060
2000-2003	525.3	306.6	194.5	82.7	2383.9
TOTAL	1181.3	734.6	880.5	181.7	5443.9

Table 2b Analysis

	Morocco	Tunisia	Egypt	Syria
TOTAL 95-99	656	428	686	99
% of total for region	21%	13.9%	22%	3%
Aid per capita (euro)	22.6	44.94	10.89	6.99
TOTAL 00-03	525.3	306.6	194.5	82.7
%of total for region	22%	13%	8%	3%
Aid per capita (euro)	18.01	32.19	3.08	5.84
TOTAL 1995-2003	1181.3	734.6	880.5	181.7
% of total for region	22%	13%	16%	3%
Aid per capita* (euro)	40.70	77.14	13.98	12.84

⁷ Details taken from:

http://europa.eu.int/comm/europeaid/projects/med/financial_en.htm>.

All figures in millions of euros, apart from aid per capita in euros. Please note that actual disbursements are much lower. This is due to a number of factors (technical and administrative) from which not much can be extrapolated regarding the EU’s political decision-making.

* Aid per capita figures are based upon an average population figure for each country for 1995 - 2003 according to the University of Utrecht population growth database.

Table 2 offers an overview of the flow of funds to four countries over time. In divining a logic to the Commission's allocations one would be entering the realm of speculation. Has Morocco (as one interviewee suggested) been rewarded for its political opening? Has the government of Tunisia been rewarded for its economic progress and its political repression ignored? There are too many variables. Even signing an association agreement is not a determining factor as Egypt was slow to agree one but still received significant funding. Syria is a laggard in every sense so clearly would not be given a great deal. The point is that if a third party (after significant study), cannot perceive a clear logic to EU funding, then in a sense even if there is a logic the policy has failed. For conditionality to function as an engine for reform it must be reasonably transparent. It can of course function as a political instrument in other ways, beyond the scope of this paper.

Methodological and Intellectual Challenges

In the previous section it was mentioned that there are methodological difficulties in using conditionality. It is also the case that the EU faces methodological challenges in programming financial and technical assistance to mould the institutions of its neighbours.

The Country Strategy Papers

The six-year Country Strategy Paper format was established to achieve a strategic approach for aid to Mediterranean and other areas. It outlines the intellectual analysis and general priorities upon which EU activities are based. The guideline document for CSP's (Commission, 2000) specifies that there should be a systematic and holistic (political and economic) analysis of the country, making use of benchmarks and indicators. Nevertheless, these guidelines were not specific regarding the methodology to be used (Interviews European Commission, 2003/2003). The section of the Moroccan CSP (Commission, 2001) devoted to the government's policy agenda outlines the national government's National Development Plan. It notes that one of the four principal challenges cited is the need to 'modernize the public sector'. As a

part of this it notes that administrative reform is a first rank priority and also reform of public finance. The quality and nature of government planning and the question of political will is not discussed. The 'analysis of the economic and social context' deals first of all with the economic outlook and basic socio-economic indices etc. It notes that the privatisation process is continuing, and that in many ways the legal and regulatory framework for doing business and investing has improved. However it states that there are still major problems. It does not go into detail concerning these but the next section on 'medium-term challenges' gives us an insight. This cites the great need to improve the efficiency of the public sector and hopes that the ongoing process of deconcentration (within the Moroccan government) and the devolution of powers to local and regional bodies will help this situation. In terms of the environment for the private sector, while the legal framework has been approved it emphasises that this must be fully implemented. Small to medium-sized enterprises in particular need a more enabling environment. Concerning the need to attract investment, both domestic and foreign, it notes that the administrative burden on investors must be improved as it is still far too restrictive.

There is a brief analysis of the political situation. As well as this there is a specific section dealing with 'risks' (presumably to the efficient management of aid and the achievement of the results desired in each priority area). In practice, this section deals with the risks to the political and economic welfare of the country more generally as well as to EU projects. Here certain issues of political economy and *cui bono* are addressed albeit in a laconic fashion. The Moroccan CSP notes that there are very strong expectations on the Moroccan side in terms of what they can get from their privileged relationship with the EU. It admits that the envisaged range and scale of activity is quite ambitious and notes that expectations on the Moroccan side are very high. As for the budgetary support programmes, it emphasises that public finance must be 'in order' for these to go ahead. The CSP also, as is mandatory, outlines the coherence of aid policy with other EU policies and the prospects for complementarity (a division of labour) with the member states. In terms of coherence with the entire range of EU policies (the CFSP etc) the CSP is quite laconic.

This is probably not surprising as aid policy is an altogether different (although political) form of external policy to standard foreign policy activity. Also of course the CSP is a Commission document and for many external policies it does not play the leading role. The section on 'lessons learned' illustrates to what extent the Commission is drawing on past experience to inform its current methods and plans. The Moroccan CSP outlines previous EU cooperation with Morocco (from the financial protocol era to MEDA). The initial difficulties with the new MEDA procedures are noted. Also the previous evaluations done on Mediterranean aid are cited although the precise lessons learned not specified. Generally, it accepts that there have been major administrative problems in implementing aid and it is proposed that the deconcentration process may improve this. Sectoral and other budget support mechanisms are noted as being useful in that they give the Commission leverage over the government and help to develop synergy and consensus among Moroccan ministries. No evidence is provided to justify this point. It might not be unduly cynical to suggest that these instruments are favoured as they make the administrative burden on the Commission much easier and help it to increase the disbursement rate.

Although the Mediterranean CSPs are highly regarded within the Commission (Interview, Commission, January 2003), in terms of their supposed function to form the basis for a strategic intervention, they have some clear deficiencies. Although promoting reform is ostensibly the main aim of the programme, political economy issues are not given due attention and there is no deep analysis of the likely opponents and supporters of change. Dearden had noted the CSP's (for developing countries) lacked analytical rigor in terms of their poverty reduction objectives (Dearden, 2002), this is even truer for the reform of economic policy and governance objectives for MEDA countries. While there is a frank analysis there is no use of indicators and benchmarks that could form the basis for specific objectives and also could serve to operationalise the principle of allocative conditionality .

Project and Programme Planning

Aid has become more focused on EU objectives but EU programming and planning methodology must be more rigorously analysed in terms of the difficulties in bringing about reform in third countries' economic policies and institutions. The use of indicators here is crucial. These can be quantitative or qualitative (particularly suited when the aim is reform of institutions and governance). They can also be divided into those for *processes* (activities to take place as a part of the programme) for *outputs* (the direct impact) or *outcome* (the longer term and broader impact). All types have their uses but the distinction should be clear. The support to association agreement programmes takes the form of technical assistance from experts from the private sector or indeed EU member state officials. As stated above it deals with quite a range of areas, and so is quite ambitious. Several types of indicators are used; many are process-based (the production of research) in terms of outputs; it planning documents mention actual legislation and regulations in various sectors and (crucially), their implementation. However, as the programme is small scale (at the moment) it is difficult to derive specific realistic indicators. The regional aid programmes face similar problems as they are mostly concerned with technical assistance and networking. For the programme to liberalise the transport sector, the indicators are either quantitative for outputs such as the number of privatisations etc or process-based. In several instances in North Africa, due to the nature of the political/economic system, public monopolies have simply been replaced by (well-connected) private monopolies. If the aim is to introduce a truly competitive market in this area, there is surely a need for more detailed and to a certain extent qualitative indicators. The reform of public administration programme's objectives include increased quality of the public administration as well as reducing government expenditure and altering the budget procedure. This is a controversial programme as many civil servants jobs will be cut across the board and elements of the finance ministry will lose power. Privately, officials in both donor organisations (The Commission and the World Bank) accept that probably all the governments' objectives cannot be fully met. Yet it is unclear what exactly will be the minimum level of change

demanded. The indicators used are mostly for *processes* (the production of reports etc) or if for *outputs* they are quantitative (reduction in salary costs). The less tangible but fundamental *outputs* and outcomes of better administration and a changed culture appear not to be represented.

While the direction of EU funding is in line with the EU's strategic objectives there is no guarantee its efforts will have the desired effects in specific sectors. Its use of indicators implies a lack of clarity concerning causality and what results it expects from its activities. Essentially the analytical and planning techniques for supporting reform are inadequate and put into question the EU's capacity or commitment to promote deep change. Collaboration with other donors may redress some of these weaknesses but there are deeper problems with the EU and other donor' approaches. Like all donors the Commission tries to assume its work is purely 'technical' or based on a consensus rather than a political intervention. Thus, while programmers are aware of issues pertaining to the political economy of reform and the difficulties of creating a genuine liberalisation, there has been no systematic attempt to get to grips with such issues. The insights of academics such as Dillman (2002) regarding the importance of sequence and how to avoid reform capture have not been taken on board. The Commission is instead promoting simultaneous reforms in different clusters. As the Commission has abrogated to itself responsibility for strategic direction (Holden, 2005) it needs to develop long term comprehensive strategies. It has not done this except for limited (trade related) sectors. As a result it has a panoply of quite broad desiderata ; policy reform, administrative and governance reform, social cohesion, private sector restructuring. The links and the hierarchy (as an official evaluation pointed out - European Commission, 2003) between these have not been clearly established. Accordingly, the impression given is that as Hibou (2002) argues for the World Bank in Africa, EU plans are not based on a deep knowledge and comprehensive plan for the region but rather on ideology and on quasi-performative discourse. Unfortunately the incantation of words such as 'transition' and 'synergy' is not enough to make them a reality.

The Impact of the EU's New European Neighbourhood Policy (ENP)

The ENP offers the partner countries greater access to the EU internal market and certain internal programmes. The primary mechanism is that short to medium-term action plans with benchmarks are developed in agreement with the partner countries.

As such it borrows from the Accession Partnership technique with Enlargement countries and so will be more rigorous than previous EU efforts. Commission documents to prepare the action plans⁸ certainly involve a more structured and detailed analysis of the partners' economic institutions, including the state role in the economy, competition policy and the financial system. However given that the objective is centred on economic integration it is quite likely that the reform agenda will be skewed towards the externally oriented aspects of economic policy and governance and leave the deeper institutional structures untouched.

As regards aid policy there will be a new emphasis on supporting cross border cooperation (akin to internal European Union programmes or those with candidate countries). Some of MEDA II for 2005-2006 has been allocated for this new cross border cooperation focus and a new aid instrument will be established in 2007 (European Commission, 2004a). In other respects there is a dissonance between MEDA aid strategy and the ENP as the national indicative programmes for 2005-2006 were drawn up before the AP benchmarks were agreed. Thus MEDA will continue to support the general EU reform objectives (outlined in the country strategy papers) rather than specifically the APs. In general the coming years will reveal the impact of the ENP but for the moment many are sceptical as to whether what is on offer will be enough to encourage partner governments to implement radical changes.

⁸ At http://europa.eu.int/comm/world/enp/document_en.htm

Conclusion

Although the issue at hand is a complex one, some general conclusions can be drawn. First of all the assumption that the EU is seeking to use aid to project soft power is justified not only by the official and unofficial rhetoric but also by the fact that organisational and legal frameworks have been established to use aid as a strategic rather than a diplomatic or developmental instrument. Secondly in practice this system has had some effect. It has enabled funding to be targeted on the strategic objectives of EU policy and facilitates a more long-term approach. The new ENP should help further develop this. However as outlined above there are major deficiencies in the EU's approach to using aid and conditionality effectively to intervene in the political economy and institutions of Morocco. On the ground the drive for reform and to nurture new forms of governance in Morocco has run into difficulties. Many members of the EU and other international agencies in Morocco feel that the reform process has stagnated. There is a frustration that certain elements of the state apparatus and other interest groups are successfully resisting real change or moulding reforms to suit their own interests. More importantly there is chronic public disillusionment with the economic and political system. Aid is of course also still used as a 'diplomatic' instrument; to help support friendly governments such as Morocco's rather than to bring about change. Of course the increased salience of security considerations concerning terrorism and Islamism render this implicit function of aid more relevant.

In conclusion, while aid is certainly more than just a showcase it can only have a limited role in helping to reform Morocco and other Arab countries. The Union could respond to this fact by seeking to further develop its intellectual and methodological approaches to using aid to catalyse reform. It could also further refine its cooperation with member state agencies and other international donors. However there would still be no guarantee that the EU and the rest of the 'international community' could "impose its will". This is because the (essentially neo-liberal) development strategy upon which EU aid policy is predicated is not

accepted wholeheartedly by many.⁹ While there is widespread recognition of the need for change there is understandable fear that the free trade strategy led by domestic elites and the EU may not produce the growth necessary. Perhaps it is time for a rethink of this fundamental approach but that is beyond the scope of this paper. For now it may be concluded that there are clear limits to the form of EU power projection described herein.

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⁹ There are a significant amount of individuals active in NGOs and indeed government and public administration who are not convinced that the EU and World Bank etc understand the Moroccan situation and have come up with the right prescriptions.

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THE POTENTIAL FOR ANCHORING MNMCS TO THE EURO BLOCK

TAL SADEH*

1. Introduction

In 1995 the EU launched the Barcelona Process (BP), a policy that aims at enhancing economic development, democracy and liberal values in Mediterranean non-Member Countries (MNMCS) (including Jordan and the Palestinian Authority). Euro-Mediterranean cooperation in the BP encompasses three ‘baskets’: economic, political and cultural. These baskets are reflected in the Euro-Mediterranean Association Agreements (EMAAs), which the EU has so far concluded in the framework of the BP with all of the MNMCS except for Libya and Syria.¹ Each EMAA consists of provisions allowing for a Free Trade Area (FTA) in industrial goods, and liberalization of trade in agricultural goods and services, capital movements, government procurement, competition policy, and protection of intellectual property rights. Each EMAA also consists of a bilateral political dialog, and cooperation on cultural and social matters.

Within the economic basket the aim of the BP is to establish by 2010 an FTA among the EU and all MNMCS, based on the EMAAs and on FTA agreements between Mediterranean countries. To this effect the EU has been pressing for liberalization of Mediterranean economies and structural adjustments. The MEDA financial assistance program has been set up, through which the EU helps in the development of infrastructure and the business communities in its partner. The EU has been urging its Mediterranean partners to join all of the WTO’s multilateral agreements and commitments.²

¹ Negotiations with Syria are ongoing. Libya is not yet part of the Barcelona Process.

² See COM(2000)497 final, 6, 8.

While initial activity in the context of the BP focused on allowing duty-free trade among the Mediterranean partners, increasingly the focus is shifting to wider and more fundamental issues. These include industrial cooperation, rules of origin, customs procedures, standardization, regulatory framework for investment, harmonization of rules of origin and liberalization of services.³ Various ministerial conferences, steering committees and working groups have been established to promote these issues. Businesses, environmental, research, and cultural networks have also been established.

The tendency to view the BP not merely as a scheme for regional trade integration but as a process of profound economic and political change among the participants follows on the same Neo-Functionalist logic on which the EU is founded. Cooperation in supposedly simple and technical issues spills over to much more fundamental issues, increasingly impinging on state sovereignty. Thus, in its recommendations to foreign ministers of participant states to the BP, the Commission of the European Communities (henceforth the Commission) called in 2002 for the gradual development of a Euro-Mediterranean internal market.⁴

In May 2004 the EU was enlarged to include eight new Members from central and eastern Europe. This enlargement redefined the EU's borders, bringing them closer to Russia and the Middle East. In 2003, in view of this enlargement, the Commission launched the European Neighborhood Policy (ENP), which is directed towards those countries neighboring the EU to its east and south that are not regarded as potential EU member states in the foreseeable future. Specifically, this Neighborhood group originally consisted of the BP countries, as well as Belarus, Moldova and the Ukraine. In 2004 Armenia, Azerbaijan and Georgia were added to the list.

In a classic demonstration of what Ernst Haas termed 'geographical spillover' the ENP aims at enhancing political stability around the

³ See Commission of the European Communities, 2002a; and 2002b; and SEC(2002)159 final.

⁴ See SEC(2002)159 final, 14.

EU, creating a 'ring of friends', by promoting democracy, pluralism, and respect for human rights and the rule of law.⁵ The lack of these so far is deemed by the EU to pose an increasing threat to its own political stability. In order to achieve this, the Commission is proposing to allow the Neighborhood countries free access to the EU's Internal Market (IM), including labor mobility in the distant future.⁶ According to Prodi (2002), the head of the Commission, the EU proposes 'sharing everything but institutions'. The European Economic Area (EEA) is considered as a model for EU-Neighborhood relations.⁷

Time will tell if indeed the sky is the limit in these relations. However, as this economic and political integration process spills over to ever-deeper issue areas, and as the Neighborhood countries integrate with the IM, the question of adoption of the EU's single currency will surely be raised. For the EU's ten new member states and the four candidate countries this is not a hypothetical question. By law they must eventually adopt the single currency, once a specified set of formal economic convergence criteria has been fulfilled.

However, monetary integration produced considerable economic and political pressure in the EU Member States in the 1990s, and has recently been straining European fiscal politics. It seems that fulfilling formal convergence criteria may not be sufficient as an indicator of a country's compatibility with membership in the euro block, either by formally participating in the third stage of Economic and Monetary Union (EMU) or by unilaterally adopting the euro as an anchor currency.

One such indicator suggested in the literature is potential exchange rate variation (Bayoumi and Eichengreen, 1997). High levels of potential exchange rate variation between countries with a fixed exchange rate mean that either prices would have to adjust, or some kind of market disequilibrium would persist, such as

⁵ See COM(2003) 104 final.

⁶ See COM(2004) 373 final.

⁷ See COM(2003) 104 final, p. 15; and Prodi, 2002.

unemployment. Either way, the forced fix entails social and political adjustment costs. The higher the potential exchange rate variation, the more difficult it would be to form and maintain a currency union. The purpose of this study is to analyze the potential for exchange rate variation between the euro block and MNMCs, and to suggest ways to reduce this potential, with a view to future adoption of the euro as an anchor currency.

The rest of the paper proceeds as follows. Section 2 describes the methodology of the study. Sections 3-6 analyze the performance and idiosyncratic determinants of respectively, national openness levels, bilateral trade ratios, business cycle correlation, national inflation levels, in 39 European and Neighborhood countries in the 1990s. Section 7 analyzes the relationship between these variables, as well as autocracy and regime maturity, and nominal exchange rate variation. Section 8 presents conclusions.

2. Methodology

According to Optimum Currency Areas (OCA) theory currency unions are efficient among major trade partners with open economies and coordinated business cycles. In addition, similar rates of inflation are needed to stabilize currency links. Some economists have used OCA theory to argue that EMU is undesirable, forcing a fix on too disparate countries and damaging EU cohesion. Evidence regarding the extent of synchronization of business cycles among the pre-2004 EU member states (henceforth EU14) is inconclusive. However, it is argued that business cycles tend to get synchronized if enough intra-industry trade is generated among the member states.

Studies of potential membership of the 2004 accession countries in the euro block have generally been less sophisticated. OCA studies of Neighborhood countries are even fewer. With a few exceptions (Bénassy-Quéré and Lahrière-Révil, 1999; and 2000) they focus on specific criteria of specific countries such as trade relations, immigration and institutional issues.

This paper describes and analyzes economic, institutional and political idiosyncratic national variables that are hypothesized in the literature to determine the potential level of exchange rate variation. Hypotheses about the relationship among these variables are tested by using a cross-section sample consisting of all EU Member States as of 2004 bar Luxembourg, three candidate countries (Bulgaria, Romania and Turkey), twelve Neighborhood countries (Algeria, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Ukraine and Tunisia) and Russia. Thus, there are 39 countries in the sample. National observations are based on period averages for the various variables, calculated over the sample period of 1992-98. The sample period is constrained by the availability and the relevance of pre-1992 data for 13 ex-Communist transition countries in the sample, and by the lack of post-1998 exchange rate variability among the ten sample countries that adopted the Euro.⁸ Unless otherwise specified, raw data is taken from the IMF's *Direction of Trade Statistics*, and *International Financial Statistics*.

Each section in this paper focuses on a specific determinant of exchange rate variation according to OCA theory, and on the idiosyncratic variables with which it is associated. Hypotheses are tested by dividing up the sample countries into relevant sub-groups and comparing the average performance of each sub-group in terms of the tested variable.

3. Openness

The more open an economy is to international trade and investments, the less potent is its exchange rate as a policy tool. In an open economy a government has little incentive to manipulate exchange rates, which mostly lead to nominal rather than real shocks, and little to lose from adopting a foreign currency. However, this greater sensitivity to external shocks says nothing on their likelihood, which can increase if openness leads to greater industrial specialization, or decrease if enough economies of scale are generated. Also, market forces may increase daily and weekly

⁸ An eleventh sample country - Greece - joined the euro block in 2001.

exchange rate variation in an open economy, but not necessarily quarterly or annual variation. Thus, it is hypothesized that openness is negatively associated with exchange rate variation.

Small economies are likely to be more open than large economies because trade barriers are more damaging to consumption in small economies (Alesina and Barro, 2002). Small economies often also rely on a stable currency to attract foreign investment. However, Arab economies tend to be less open to the global economy than European economies for social and political reasons.

Table 1 presents size and openness data for the sample countries. GDP data in Table 1 is provided in 1996 PPP US dollar terms, calculated as a period average.⁹ The smallest economy in the sample was Malta's (3 billion dollars), and the largest was Germany's (1,711 billion dollars). The Ukraine was roughly the size of an average sample country (273 billion dollars). Openness is the ratio of exports and imports of goods and services to GDP, again averaged over the sample period and shown in percent points.¹⁰ Malta was the most open economy in the sample in 1992-98, its exports and imports totaling on average almost twice as much as its GDP, while Lebanon had the lowest openness ratio - 34.6 percent. Ukraine's openness ratio was closest to the sample's average.

The bottom rows in Table 1 show that the 19 smaller economies in the sample had an average size of 47 billion dollars and an openness ratio of 100.4 percent. The 20 bigger economies had an average size of 489 billion dollars and an openness ratio of 64.9 percent. Thus, size determines openness as expected.

The average size was 273 and 83 billion dollars respectively for the entire sample and the eight Arab countries. The average openness level was respectively 82.2 and 64.9 percent. Thus, in spite of

⁹ Based on the RGDP series in Heston, Summers and Aten (2002), multiplied by population.

¹⁰ Data on exports and imports of goods and services and on GDP is based on the national accounts section of IFS. However, Lebanon's figure is based on *World Bank Atlas* data.

being more than three times smaller than the average sample country Arab economies were more isolated (see bottom rows).

Table 1: GDP and Openness Ratios

	GDP	Openness
Lebanon	17	34.6
Greece	132	42.5
Italy	1,158	42.7
Turkey	425	43.9
France	1,165	45.0
Spain	609	47.5
Poland	282	48.5
Germany	1,711	49.9
Algeria	146	50.3
Egypt	234	50.5
Libya	23	51.7
Morocco	104	51.7
United Kingdom	1,146	54.5
Romania	101	59.8
Russia	1,109	60.8
Portugal	134	61.8
Finland	98	64.4
Denmark	123	66.4
Hungary	90	67.8
Syria	62	68.2
Sweden	181	71.1
Israel	99	75.4
Austria	170	79.3
Ukraine	274	81.3
Tunisia	54	89.4
Cyprus	7	99.2
Bulgaria	52	99.6
Netherlands	325	100.2
Czech Republic	132	111.9
Lithuania	21	113.3
Latvia	16	114.2
Slovenia	25	114.8

Jordan	24	122.9
Belarus	65	125.6
Slovakia	52	129.4
Ireland	64	134.9
Belgium	212	137.3
Estonia	11	151.1
Malta	3	192.2
Small economies	47	100.4
Large economies	489	64.9
All	273	82.2
EU14	516	71.3
Arab	83	64.9
All other	163	99.3

4. Trade

The more countries trade with each other, the greater the benefit from removing the exchange rate volatility trade barrier.¹¹ In addition, according to the endogenous OCA theory their business cycles would be more correlated as well. Thus, the more the partners trade relative to the size of their economies the lower exchange rate variation is expected to be. According to standard Gravity models trade is hypothesized to be more developed among high-income countries, among partners to Free Trade Areas (FTAs), but to decline with distance, which is a natural trade barrier (Frankel and Rose, 2002).

Table 2 reports the relevant 1992-98 data between the group of countries making up the euro block as of 2001 and the 28 sample countries that are not members of the euro block today. TRADE is the period average of each country's trade ratio with the euro block, in percent.¹² The countries for which trade with the euro block in

¹¹ The 'New Theory of Optimum Currency Areas' argued that fixing a weak currency to a strong currency also benefits the credibility of disinflation policies (Tavlas, 1993). However, this argument is relevant only for a transition period, and only for the weak currency.

¹² The trade ratio is the sum of exports and imports with the euro block divided by the country's GDP. Bilateral trade data in current US dollars is based on the

the 1990s was the least significant were Belarus and Ukraine (5.06 percent), and the country for which that trade was the most significant was Malta (90.84 percent). INCOME is per capita GDP, in 1996 PPP US dollar terms, calculated as a period average.¹³ The poorest countries in Table 2 are Egypt, Jordan, Syria and Morocco (3,600-3,800 dollars per capita), and the richest is Denmark (23,549 dollars per capita). DISTANCE is the distance in kilometers between Brussels and the capital of each country. The most distant countries in Table 2 are Egypt, Israel, Jordan, Lebanon and Syria (3,100-3,400 kilometers), and the closest is the UK (312 kilometers).

Table 2: Trade determinants

	TRADE	INCOME	DISTANCE	FTA(92-94)
Morocco	21.94	3,630	2,077	0.00
Egypt	8.14	3,660	3,213	0.50
Jordan	16.04	3,682	3,330	0.00
Syria	20.34	3,800	3,226	0.50
Romania	23.41	4,466	1,776	0.04
Lebanon	20.65	4,716	3,145	0.00
Algeria	26.36	4,720	1,569	0.50
Ukraine	5.06	5,536	1,839	0.00
Tunisia	51.70	5,664	1,629	0.00
Bulgaria	32.71	6,179	1,680	0.02
Latvia	28.62	6,219	1,464	0.00
Turkey	13.78	6,309	2,516	1.00
Libya	29.22	6,376	2,123	0.00
Belarus	5.06	6,463	1,607	0.00
Lithuania	30.31	6,648	1,440	0.00
Poland	24.42	7,325	1,152	0.13
Estonia	55.52	7,552	1,584	0.00
Russia	10.02	7,622	2,255	0.00

IMF's *Direction of Trade Statistics*. GDP data in nominal US dollars is based on IFS national accounts and exchange rates.

¹³ Based on the RGDPL series in Heston, Summers and Aten (2002). In Libya's case it is based on the World Bank Atlas' GNP per capita series, by atlas method.

Hungary	45.54	8,760	1,128	0.13
Slovakia	39.85	9,684	960	0.00
Slovenia	65.69	12,755	960	0.00
Czech Republic	45.71	12,836	696	0.00
Malta	90.84	13,105	1,704	0.50
Cyprus	23.97	14,660	2,088	0.55
Israel	17.30	15,758	3,301	1.00
United Kingdom	21.31	19,580	312	1.00
Sweden	24.52	20,569	1,272	1.00
Denmark	24.28	23,549	768	1.00
Low income	21.65	5,101	2,228	0.18
High income	37.09	12,886	1,401	0.38

FTA(92-94) is an index scoring 1 for countries which had during 1992-1994 a fully operational FTA with the euro block within the meaning of Article XXIV of GATT, 0 for countries with no operational FTA at all, and any value between 0 and 1 for partially operational FTAs. For each country FTA(92-94) is the average of each of the three years' score.¹⁴ The focus on the 1992-1994 period is designed to reduce the possibility for simultaneity between this variable and TRADE, which is calculated over the entire sample period. The most integrated countries with the euro block in Table 2 are Denmark, Israel, Sweden, Turkey and the UK (an index score of 1), and the least integrated are nine transition economies and five Arab countries (an index score of 0).

The average trade ratio was 27.80 and 31.66 percent respectively for the 14 poorer countries among the 28 non-euro countries and the 14 richer countries (see bottom rows). Thus, as expected, rich countries are found to trade more than poor ones with the euro

¹⁴ Based on regional trade agreements notified to the WTO. An FTA is defined as fully operational once its transition period for removing tariffs is over. Partial scores are derived assuming a linear rate of tariff reductions from the date of entry into force of the agreement to the end of the transition period.

block. The bottom rows in Table 2 also reveal that the great traders with the euro block were indeed on average closer in distance to it, and more integrated with it in terms of trade agreements.

5. Business Cycles

The less correlated the business cycle is among the partners, the lesser the need to resort to exchange rate adjustments, and the greater the exchange rate variation is hypothesized to be. According to the endogenous OCA theory business cycles tend to get more correlated if enough intra-industry trade develops between the partners. On the other hand, inter-industry trade tends to make business cycles less correlated (De Grauwe and Aksoy, 1999; and Frankel and Rose). Thus, it is hypothesized that TRADE could be respectively either negatively or positively associated with business cycle correlation. Since intra-industry trade is mostly driven by economies of scale it is likelier among rich countries than between rich and poor countries.

Table 3: Determinants of business cycle correlation

	CYCLE	INCOME GAP	TRADE
Algeria	1.50	13,737	26.36
Belarus	4.86	11,994	5.06
Bulgaria	5.65	12,278	32.71
Cyprus	4.48	3,798	23.97
Czech Republic	1.34	5,621	45.71
Denmark	1.07	5,092	24.28
Egypt	0.94	14,798	8.14
Estonia	2.08	10,905	55.52
Hungary	0.95	9,697	45.54
Israel	1.17	2,699	17.30
Jordan	1.29	14,775	16.04
Latvia	2.30	12,238	28.62
Lebanon	1.47	13,741	20.65
Libya	2.34	12,082	29.22
Lithuania	2.02	11,809	30.31

Malta	2.26	5,352	90.84
Morocco	3.97	14,827	21.94
Poland	1.63	11,132	24.42
Romania	2.93	13,991	23.41
Russia	4.92	10,836	10.02
Slovakia	1.31	8,773	39.85
Slovenia	1.97	5,702	65.69
Sweden	1.03	2,111	24.52
Syria	1.51	14,657	20.34
Tunisia	1.54	12,793	51.70
Turkey	2.97	12,148	13.78
Ukraine	8.98	12,921	5.06
United Kingdom	1.26	1,123	21.31
High income	1.96	6,761	37.09
Low income	3.02	13,356	21.65
High trade	1.99	9,588	42.22
Low trade	2.99	10,529	16.52

Table 3 reports the relevant 1992-98 data for the sample countries that are not members of the euro block. The proxy for business cycle correlation between each pair of countries - CYCLE - is calculated as the standard deviation of the difference in annual PPP GDP growth rates during the sample period in the two countries (Bayoumi and Eichengreen, 1997). Thus, CYCLE is expressed in percent of growth rate. The higher CYCLE is the less correlated the business cycle is among the partners. Surprisingly, the most macro-economically correlated country with the euro block was Egypt (CYCLE value of 0.94), and the least correlated was the Ukraine (CYCLE value of 8.98). INCOMEGAP is the absolute difference in INCOME between the euro block and each country. High INCOMEGAP values indicate rich country-poor country dyads.

The bottom rows in Table 3 show that the 14 richer economies among the 28 non-euro ones had an average income gap of 6,761 dollars per capita, and an average CYCLE value of 1.96 percent. The 14 poorer economies had an average income gap of 13,356 dollars per capita, and an average CYCLE value of 3.02 percent.

Thus, as expected rich-poor dyads are associated with less business cycle correlation.

In addition, the 14 economies with the highest TRADE values (42.22 percent on average) had an average CYCLE value of 1.99 percent. The 14 economies with the lowest TRADE values (16.52 percent on average) had an average CYCLE value of 2.99 percent. Thus, as expected greater trade is associated with more correlated business cycles.

6. Inflation

The higher the inflation gap between the partners the greater the exchange rate variation is hypothesized to be. Inflation is associated with independent central banks (Cukierman, Webb and Neyapti, 1992), but the transition shock among the sample's ex-Communist countries should be controlled for. The process of decontrol of domestic prices produced sizeable non-monetary jumps in the rate of inflation for many transition economies as prices of domestic goods were allowed to adjust towards market values (Cukierman, Miller and Neyapti, 2002). Thus, transition countries are expected to feature higher levels of inflation for a given level of central bank independence.

Table 4 reports the relevant 1992-98 data for the sample countries. CPI is the period average of the average annual rate of consumer price inflation for each country. The most inflationary country in the sample was Belarus with an average annual inflation rate of 426.3 percent, and the lowest inflation persisted in Finland - 1.4. CBI is an index of the independence granted by law to the central bank, such that a value of zero corresponds to complete control of the bank by the government, and a value of one represents total independence of the bank from the government.¹⁵ Index values for each country and each year are calculated based on analysis of the

¹⁵ Generally, a central bank receives a high index value when its CEO and monetary policy making are independent from the government, when price stability is its overriding policy goal, and when it is prohibited from extending credit to the government.

legal text that applied. CBI is the period average for each country. The most independent central bank was unsurprisingly the German Bundesbank with a CBI score of 0.89, and the least independent bank was Syria's, with zero independence.¹⁶

However, central bank laws affect policy only to the extent that the rule of law is respected. Thus, LAW is an index of the rule of law in general in each country, based on Freedom House's index of civil liberties.¹⁷ A score of 7 indicates complete lack of rule of law and a score of 1 indicates the highest level of rule of law. The rule of law was prominent during 1992-98 in seven of the 14 EU member states as of 1995 (hence forth EU14), Cyprus and Malta, but was least respected in Libya and Syria.

Table 4: Determinants of inflation

	CPI	CBI	LAW
Algeria	19.6	0.36	6
Austria	2.4	0.75	1
Belarus	426.3	0.54	5
Belgium	2.0	0.63	1
Bulgaria	129.8	0.60	2
Cyprus	3.9	0.53	1
Czech Republic	9.4	0.73	2
Denmark	1.9	0.64	1
Egypt	9.3	0.49	6
Estonia	32.1	0.65	2
Finland	1.4	0.55	1
France	1.7	0.71	2
Germany	2.6	0.83	2
Greece	9.7	0.72	3
Hungary	21.2	0.67	2
Ireland	2.1	0.68	1

¹⁶ Syria's central bank's law was unobtainable, but this figure is assumed to be fairly reasonable in light of Syria's regime set-up.

¹⁷ The rule of law criterion forms only part of the civil liberties index, but is unavailable separately. The index is available at:
<http://www.freedomhouse.org/research/freeworld/2003/countries.htm>.

Israel	10.1	0.39	3
Italy	3.8	0.54	2
Jordan	3.7	0.25	4
Latvia	48.9	0.42	2
Lebanon	24.0	0.40	5
Libya	5.6	0.29	7
Lithuania	61.1	0.45	3
Malta	3.1	0.50	1
Morocco	4.1	0.19	5
Netherlands	2.4	0.65	1
Poland	26.7	0.52	2
Portugal	4.7	0.66	1
Romania	112.4	0.31	3
Russia	120.8	0.33	4
Slovakia	10.6	0.62	4
Slovenia	29.0	0.63	2
Spain	3.9	0.75	2
Sweden	1.8	0.49	1
Syria	8.0	0.00	7
Tunisia	4.5	0.35	5
Turkey	82.6	0.46	5
Ukraine	240.3	0.42	4
United Kingdom	2.9	0.54	2
Transition	97.6	0.53	2.8
Non-transition	8.5	0.51	2.9
Transition and low CBI	148.1	0.43	3.2
Transition and high CBI	38.7	0.65	2.3
Non-Transition and low CBI	13.9	0.36	4.3
Non-Transition and high CBI	3.2	0.67	1.6

The bottom rows in Table 4 show that transition economies, with roughly the same average CBI and rule of law scores as non-transition sample countries, had much higher rates of inflation

(97.6 percent compared with 8.5 percent). The next rows split the transition economies and the non-transition economies, each into two groups of low and high CBI countries separated by the median CBI score. Low CBI transition economies and High CBI transition economies had respectively on average an annual inflation rate of 148.1 and 38.7 percent and a CBI score of 0.43 and 0.65. Low CBI non-transition economies and High CBI non-transition economies had respectively on average an annual inflation rate of 13.9 and 3.2 percent and a CBI score of 0.36 and 0.67. This supports the hypothesis that independent central banks make for lower inflation. Similarly greater rule of law (reflected in lower LAW values) is shown to be associated with lower rates of inflation.

7. Exchange Rate Variation

Two more variables that affect exchange rate variation are added to the analysis in this section – autocracy and regime maturity. The sample features great heterogeneity in political regimes. While the Western and Central European countries are democratic, Eastern European and Southern Mediterranean countries have a greater tendency towards autocracy. Democracy exposes policy makers to pressures from interest groups and engages them in redistributive policies (Alesina and Drazen, 1991; and Haggard and Kaufman, 1992). On the other hand autocratic rulers are better insulated from distributive demands of the citizenry (Leblang, 1999). Thus, it is hypothesized that democratic countries are associated with greater exchange rate variation than autocracies.

The sample is similarly heterogeneous in the maturity of its regimes. While the transition countries in the sample are mostly young democracies a few years old, regimes in Western Europe and the Southern Mediterranean are decades old. Regimes, both democratic and autocratic, take time to institutionalize. Young democracies lack institutionalized parties, which enjoy greater discipline among their representatives in parliament, and the support of a large core of loyal voters. Autocracies also take time to tighten their control of power bases in the economy and society. Thus, rapid turnover and short office terms are expected to characterize governments in young political regimes.

Short office terms are simultaneous with corruption. Young political regimes (as well as regimes that are about to collapse) also tend to be more corrupt than mature regimes, because office tenure is expected to be short. In highly autocratic regimes corruption may not affect the stability of the regime, but in democratic as well as mildly autocratic regimes corrupt members of cabinet are at some point forced to step down, and thus corruption reinforces the instability of the regime.

Unstable regimes are less likely to fix exchange rates, because sustaining a fixed exchange rate may require politically difficult adjustments (Frieden, Ghezzi and Stein, 2001) and is incompatible with redistribution policies as explained above. Decision-makers with short horizons in office would be more opportunistic and less inclined to follow policies that are painful or unpopular in the short-term. Finally, the political uncertainty that unstable governments in young regimes project is reflected in risky financial markets and currency speculation. A long list of studies supports this argument for industrial as well as developing countries, and over a variety of sample periods.¹⁸ Thus, it is hypothesized that young regimes are associated with high exchange rate volatility.

Table 5: Determinants of exchange rate variation

	SDE	OPENNESS	TRADE	CYCLE	CPI	POLITY	DURABLE
Slovakia	1.46	129.4	39.85	1.31	10.6	6.9	2.45
Czech Rep.	1.64	111.9	45.71	1.34	9.4	10.0	5.14
Estonia	1.72	151.1	55.52	2.08	32.1	6.0	4.00
Tunisia	1.96	42.7	51.70	1.54	4.5	-3.3	8.00
Cyprus	2.09	99.2	23.97	4.48	3.9	10.0	21.00

¹⁸ Bernhard and Leblang, 2002; Edwards, 1996; Freeman, Hays and Stix, 2000; Keefer and Stasavage, 2002; Klein and Marion, 1997; Leblang and Bernhard, 2000; and Simmons, 1994.

Morocco	2.89	23.6	21.94	3.97	4.1	-6.9	30.00
Malta	3.29	192.2	90.84	2.26	3.1	10.0	21.00
Denmark	4.01	66.4	24.28	1.07	1.9	10.0	49.00
Sweden	5.67	71.1	24.52	1.03	1.8	10.0	78.00
Jordan	7.23	49.1	16.04	1.29	3.7	-2.0	6.00
Egypt	7.81	22.2	8.14	0.94	9.3	-3.0	43.00
Lithuania	7.93	113.3	30.31	2.02	61.1	10.0	4.00
Syria	8.23	30.4	20.34	1.51	8.0	-9.0	32.00
Libya	8.40	27.1	29.22	2.34	5.6	-7.0	44.00
Israel	8.63	31.2	17.30	1.17	10.1	9.0	47.00
UK	9.08	54.5	21.31	1.26	2.9	10.0	115.00
Latvia	9.41	114.2	28.62	2.30	48.9	8.0	4.00
Lebanon	11.99	34.6	20.65	1.47	24.0	-9.0	32.00
Slovenia	15.91	114.8	65.69	1.97	29.0	10.0	4.00
Poland	24.04	48.5	24.42	1.63	26.7	8.6	4.00
Belarus	28.97	59.0	5.06	4.86	426.3	0.0	1.29
Hungary	29.04	67.8	45.54	0.95	21.2	10.0	5.00
Algeria	30.03	25.6	26.36	1.50	19.6	-4.7	1.29
Russia	35.60	33.6	10.02	4.92	120.8	4.3	2.14
Ukraine	36.62	37.2	5.06	8.98	240.3	6.4	4.00
Romania	76.09	59.8	23.41	2.93	112.4	6.3	2.43
Turkey	87.05	20.0	13.78	2.97	82.6	7.9	12.00
Bulgaria	107.77	99.6	32.71	5.65	129.8	8.0	5.00
Low SDE	4.60	80.7	34.46	1.9	11.4	3.0	24.83
High SDE	36.44	57.2	24.28	3.0	92.5	5.3	17.08

Table 5 reports 1992-98 data for the sample countries regarding exchange rate variation and its determinants. SDE is the standard deviation of annual exchange rates over the sample period between each country and a synthetic basket of the euro block countries as of 2001, divided by its average for the sample period. Thus, SDE is expressed for each country in terms of percent deviation from its sample period's average exchange rate. The most stable currency against the synthetic euro block in 1992-98 was the Slovak currency with an SDE value of 1.46, and the least stable currency was the Bulgarian currency - 107.77.

POLITY is an index of institutionalized democracy, ranging from 10 for completely democratic regimes to -10 for completely authoritarian regimes.¹⁹ Cyprus, the Czech Republic, Denmark, Hungary, Lithuania, Malta and Slovenia, Sweden and the United Kingdom scored 10 during the entire sample period. Syria was the most autocratic sample country with a score of -9. DURATION is each country's period average of the number of years since the most recent regime change.²⁰ The oldest regime was the UK (115 years in 1995), and the youngest were Algeria and Belarus (1.3 years), which underwent two regime changes each during the sample period.

The two bottom rows in Table 5 divide the 28 non-euro sample countries into the 14 with the lowest SDE values and the 14 with the highest SDE values. As hypothesized these rows show that higher exchange rate variation is associated with reduced openness, lower bilateral trade, lower business cycle correlation, higher inflation, greater democracy, and younger regimes.

8. Conclusions

Most MNMCs are either relatively large (such as Egypt and Turkey) or have some social and political tendency for economic isolation, such as the Arab countries. In spite of being more than three times smaller than the average sample country, Arab economies were in the 1990s significantly more isolated. Thus, potential for openness in the region, which Section 3 shows to

¹⁹ Based on the POLITY variable in the Polity IV Project database, run by the Center for International Development and Conflict Management, University of Maryland. The POLITY value for each country in each year is based on coded data reflecting the degrees of openness and competitiveness of political participation and executive recruitment, and the extent of constraints on the exercise of power by the executive. This study calculates for each country an average of the POLITY score for the 1992-1998 period. Polity IV data is unavailable for Lebanon and Malta, which were therefore assumed to have identical scores to respectively, Syria and Cyprus. The Polity IV Project database is available at: <http://www.cidcm.umd.edu/inscr/polity/index.htm>.

²⁰ Based on the DURABLE variable in the Polity IV Project database. Regime change is defined as a change of at least three points in the POLITY score over a period of three years or less.

depend to a great degree on size is low. The exceptions are the small economies of Cyprus and Malta.

Compared with European countries, MNMCs also have a relatively low potential for trade with the euro block. To begin with, they are relatively poor. While average per capita GDP in 1992-98 among pre-2004 EU Member States and transition economies was respectively 19,052 and 7,850 US dollars, average per capita GDP among MNMCs and, more specifically, among Arab countries was respectively 7,173 and 4,531 US dollars. In addition, MNMCs are distant from the EU's economic hubs. While transition economies are on average 1,426 kilometers away from Brussels, MNMCs are 2,493 kilometers away. Low income and long distances are powerful idiosyncrasies that inhibit trade as is shown in Section 4.

The low potential for trade between MNMCs and the euro block translates into a potential for weak business cycle correlation, as was shown in Section 5. This tendency is enhanced by a potential for inter-industry trade rather than intra-industry trade between the poor MNMCs and the rich euro block. Inter-industry trade increases the probability of asymmetric shocks occurring between the trade partners. Cyprus, Israel and Malta were outliers among MNMCs in 1992-98 in terms of their potential for both trade and business cycle correlation with the euro block, because their per capita GDP levels were within the 13,000-16,000 US dollars range. However, Israel is among the most distant sample countries, 3,300 kilometers from Brussels.

As Section 6 shows, once the hyperinflation among transition economies is controlled for it is clear that Central Bank Independence (CBI) and a strong rule of law help reduce inflation. It is found that MNMCs have a potential for relatively high inflation due to the low degree of independence granted by law to their central banks, and to their weak state of rule of law. The average Central Bank Independence (CBI) index, ranging from 0 for no independence to 1 for full independence, was in 1992-98 0.35 among MNMCs, compared with 0.53 for transition economies and 0.68 for member states of the euro block. The average rule of law index, ranging from 7 for no rule of law to 1 for complete rule

of law, was in 1992-98 4.53 among MNMCs, compared with 2.80 for transition economies and 1.59 for member states of the euro block. Again, Cyprus and Malta stand out as exceptions, with CBI index levels of respectively 0.53 and 0.50, and rule of law index levels of 1.

Section 7 supports the hypotheses that that higher exchange rate variation is associated with reduced openness, lower bilateral trade, lower business cycle correlation, higher inflation, greater democracy, and younger regimes. Thus, the weak performance of MNMCs in the idiosyncratic variables analyzed above spells a high potential for exchange rate variation. This in turn means that any attempt to peg to the euro block would be very costly to society in these countries.

In a naive sense the findings in Section 7 suggest that MNMCs do have two factors reducing the potential for exchange rate variation - autocracy and maturity. MNMCs scored on average -0.7 on the POLITY scale in 1992-98, and had an average regime maturity of 24.8 years, compared with 6.3 and 19.0 respectively for the other countries. However, advocating autocracy for the sake of a currency link is morally problematic. Similarly, promoting political conservatism and avoiding changes in regimes merely to achieve a lower potential for exchange rate variation is for most people an unacceptable set of priorities.

Rather, the main lesson to be learned from these findings, which is also well documented in the case of Latin American countries, is that any process of democratization in MNMCs is likely to enhance exchange rate variation. The reason for this is that in the wake of democratization governments would be hard-pressed to use the exchange rate as a redistributive instrument for the benefit of previously disenfranchised sectors. Democratization produces young regimes with unstable governments and policies in their early years. In addition, foreign exchange market agents would enjoy greater freedom to act on their expectations. Thus, any progress in the process of democratization in MNMCs, on which the EU is so keen, would further complicate anchoring these countries to the euro block.

Can anything be done to improve the MNMCs potential for anchoring to the euro block? Improving the rule of law, making central banks legally independent, concluding and swiftly implementing free trade agreements with the EU, and adopting the internal market's legislation could greatly improve the compatibility of MNMCs with the euro block.

Arguably, an analysis of costs has only partial predictive power regarding the sustainability of a currency peg. The fact that countries such as Estonia, Bulgaria and Lithuania maintain currency boards in spite of their not insignificant potential for exchange rate variation shows that they are willing to bear the burden of the peg. However, the monetary and exchange policy of these countries was based on the expectation of EU membership. The lack of such a prospect for MNMCs can be expected to further weaken their resolve to sustain a peg to the euro block.

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BANKING SECRECY AND FIGHTING MONEY LAUNDERING AROUND THE MEDITERRANEAN SEA: THE CASE OF LEBANON

HILDA BAIRAMIAN

How to Fight Money Laundering in a Country that has Enjoyed Banking Secrecy: The Case of Lebanon

On the Mediterranean Sea a country enjoys an exceptional location with natural beauties and a highly hospitable population whose ancestors were the first to travel around the oceans in order to spread the alphabet and to earn the reputation of successful traders ... the name of the country is Lebanon.

For a very long time Lebanon was not only a preferred tourist destination but also it was attracting the interest of investors and had earned the reputation of being the “Switzerland of the Middle East”. This reputation was mainly built on its free market economy system and the professionalism of its banking sector that gave the country an undisputable competitive advantage in the region.

Switzerland enjoys banking secrecy and Lebanon enjoys banking secrecy, but Switzerland is in Europe and Lebanon is in the Middle East, in a highly unstable and turbulent area. This is an area where the political, economic and recently the military concerns of the world’s biggest nations are directly or indirectly involved.

One of the drawbacks of the above-mentioned advantages is the accusation that the Banking secrecy situation of Lebanon might facilitate or even encourage money laundering practices in the region.

The purpose of this paper is to explain how it is possible to find a balance or a strategic equilibrium between “Banking Secrecy” and the fight against money laundering. The research will cover some legal and banking aspects and will present in a sequential and chronological order the “processes”, laws and regulations that Lebanon adopted in order to successfully remove its name from the

list of “Non-cooperative countries and Territories” (NCCT) in the domain of fighting money laundering (also known as the Black list). After a brief explanation of how money laundering operations are conducted, and whether the banking secrecy system provide a cover for money laundering or not, the following points will be presented:

- What has changed in banking operations following the law against money laundering?
- What is the fate of banking secrecy in Lebanon?
- What are the means to preserve Lebanon’s achievements and keep it away from suspicions and increase its immunity against pressures?

What is Money Laundering : Origin and Interpretations

Money Laundering apparently derives from the ownership of Organized Crime Gangs (MAFIA) in the United States of clothing and laundry factories. These gangs used to generate huge amounts of money from racketing ,prostitution , illegal gambling and illegal trade of alcoholic drinks. The MAFIA was able to merge its illegal profits with its legal ones and money laundering became a worldwide phenomenon with the following characteristics:

- flexibility and ability to adapt
- use of the most advanced technological means
- high qualifications of people performing the operations
- huge resources put at their disposal

Estimates suggest that worldwide money laundering operations involve gigantic amounts that may reach 11.5% of world GDP. This is a consequence of the liberalization of money flows and of the integration of capital markets worldwide, in addition to the advance of computer and telecommunications technologies.

The United States as a consequence of the large size of illegal capital, Canada which represents the “back office” of US based organized crime, Europe , particularly major financial centers such as London, Zurich, Geneva and Paris, tax havens such as

Luxembourg and Liechtenstein, former communist Soviet Block countries such as Ukraine, Georgia etc are all major worldwide money laundering centers.

How is Money Laundering Defined or Interpreted by the Law?

Money laundering is an operation through which the appearance of legality is given to large amounts of money whose source is illegal, resulting from activities such as drug trafficking, terrorist activities or other dangerous crimes.

Article 1 of European Union Directive dated March 1990 defines money laundering as “The concealment or disguise of the true nature of specific funds , their true provenance , their place of residence , their transportation or transfers , their ownership or the rights that are relative to them, while these funds are the result of grave crimes”.

The crime of money laundering is also defined as an act through which the bank’s client seeks to disguise the real source of the funds that have been illegally obtained, either directly or indirectly, whether from criminal acts or other illicit activities and to provide a legal cover for these funds, that become thus difficult to track¹.

The fight against money laundering has steadily expanded to include combating “terrorist financing” especially with the issuance of Security Council Resolution 1373/2001.

Abdel Aziz Nader in “Money Laundering” (El-Halabi Publications, Beirut 2000) presents in a table the three main phases of money laundering. According to the author, these phases may take place either consecutively in a short period of time or separately extending over a larger period; as can be noticed from phase three of the table the detection of the “concealment act”² become very

¹ Banking secrecy in Lebanon. BBAC. (Bank of Beirut and the Arab Countries s.a.l.) Abbas El-Habbi and Paul Morcos.

² Attempts by the client to hide the original crime from which funds have resulted.

difficult since the funds would have been subjected to several levels of circulation.

Phases of money laundering

Money Laundering Phases	Phase ONE	Phase TWO	Phase THREE
	Placement	Layering (Laundering)	Integration or recycling
Objective	Inject dirty funds into the financial cycle	Conceal funds to be laundered by dissociating them from their suspicious origin and giving them a legal cover	Allow the convenient and easy use of funds
Plan	Dispose of large amounts of cash through the financial cycle	Prevent the possibility of discovering the source of the deposits	Give a legal aspect to illicit funds
Mechanisms	Convert the large amounts of cash into fictitious revenues, profits and bank deposits	Intensify the series of complicated financial operations, most of the times among different countries	Invest in various economic activities and blend laundered money with legal funds

Can the Accusation made against Lebanon of Providing a Cover for Money Laundering and Terrorist Financing be Justified?

The banking secrecy system was established in Lebanon by virtue of the law of September 3, 1956. This law is indisputably attracting

deposits from abroad. If this law were to disappear, then the amount of capital deposited at Lebanese Banks would be severely affected.

It is important to mention that this system aimed (and still does) at attracting legal funds and at no time was it intended either to protect dirty funds, nor to transform Lebanon into a haven for criminals. The crime of money laundering, committed by recourse to banking operations, has not been common in 1956 when Lebanon adopted the banking secrecy system. Switzerland itself, which is one of the trusted pillars in Western civilization, was also adopting a strict banking secrecy system at the time.

Abbas El Halaby and Paul Morcos argue rightly that the strict banking secrecy in Lebanon, which could have hypothetically granted money launderers cover, has not been the only obstacle to fighting money laundering. There are at least two major indicators showing that banking secrecy does not necessarily create a reason for laundering to take place.

- The countries that rank first as to the volume of money laundering operations taking place on their territories have not been adopting a strict banking secrecy; rather they may not adopt a banking secrecy system at all, a fact that refutes the existence of a definitive link between banking secrecy and money laundering. This becomes more evident when one makes a quick comparison between the huge amount of laundered funds in the U.S.A. and the moderate amount of such funds in Switzerland which unlike the United States, adopts a relatively strict banking secrecy system.
- Money laundering operations around the world, take place outside the Banking system and without the need of recourse to Banking operations. Accordingly money laundering operations are not inherent to banking operations³.

³ Banking secrecy in Lebanon. Abbas El Halabi and Paul Morcos

Lebanese banks can argue that they derive no benefit from injecting dirty funds into the financial cycle. Needless to say, the origin of the suspected funds that may pass within the Lebanese Banks is external. So, the critical question is: isn't it more appropriate to reinforce efforts in fighting the original crime from which these funds result in the place where the crime was committed?

The Lebanese law No. 318/01 of April 2001 considers illegitimate the funds generated from the following illicit activities:

- Growth of drug related cultures, their manufacturing and marketing.
- Crimes committed by organized gangs defined in Articles 335,336 of the criminal code, internationally recognized as “organized crime”.
- Acts of terrorism defined in Articles 314, 315 and 316 of criminal code.
- Illegal trade of weapons and arms.
- Theft or embezzlement of public or private funds, or illegal acquisition thereof, through fraudulent means, and that are defined as “crimes” by Lebanese Law.
- The counterfeiting of currency or of official documents.
- The financing or the contribution to the financing of terrorism.

Here are in chronological order the steps through which Lebanon fought money laundering.

- In 1995, Lebanon ratified the United Nations’ Convention of 1988 on “Fighting Illegal Trade of Narcotics and Psychotropic Drugs” (Known as the Vienna Convention). However it had reservations on a number of its provisions out of precaution of violating banking secrecy.
- At the end of 1996, the Lebanese Banks took the initiative of signing the “Due Diligence Convention on the commitment to fight the laundering of illegal drug trade funds”. This was an agreement concluded between the Association of Banks in Lebanon and member banks.

- In March 1998, the Lebanese Parliament approved the law on “Narcotics, Psychotropic Drugs and their Raw Material”, in implementation of the Vienna Convention. The law perceived severe sanctions on those who violate its provisions. However this law was also confined to money laundering operations resulting essentially from drug trafficking.

In 2000, the Governor of the Central Bank of Lebanon issued a decision requesting “all” Banks operating in Lebanon to comply with the provisions of the Due Diligence Convention.

Why fight Money Laundering?

Taking into consideration the legal framework for money laundering, the next concern is to understand how suspicion of money laundering arises? And how is it traced? And in the case of Lebanon what is the importance of money laundering?

Lebanon is very serious about fighting money laundering because it needs to:

- Maintain the strong reputation of the local financial regulatory system
- Inspire trust in the international capital markets and investors
- Maintain the confidence of the regulatory authorities
- Assess the presence of funds that are of doubtful origin
- Avoid potential dangers on the stability of the banking sector
- Eliminate corruption of the competition within the banking sector
- Evade artificial maintenance of tasks of certain weak institutions
- Prevent the danger of criminal organizations taking partial or full control of the banking sector

Money laundering is characterized by the fact that it is organized on an international level and concealed, and it does not allow the identification of the ultimate beneficiary of the operation or of the rightful economic owner and the “logic” of laundering dictates that the largest possible amount of taxes ought to be paid in order to project an image of legality of funds.

Some indicators:

- Checking the client’s identity.
- A written statement about the identity of the “economic right’s owner”.

Doubts arise in the following instances:

- When a power of attorney is given to a non-professional person and it becomes clear as it appears that there is no relationship to the client and does not justify the proxy operation, or when the business relationship is conducted through nominees or numbered accounts or through umbrella institutions.
- When the financial status of the client intending to conduct the operation is disproportionate to the operation’s value.

It is interesting to mention that in return for the responsibilities laid on their back, the “law” has granted Bank employees an immunity that prevents their being sued.

Needless to say that lack of vigilance, in this context, leads to damage to the name of the Banking institution and to its reputation in financial quarters.

The establishment of the “Special Investigation Commission” (SIC) was the principal characteristic of the law against money laundering. Its work was fruitful. It is now an official reference that has not been previously available; it is entitled to review complaints, incoming particularly by from abroad, about money laundering cases in Lebanon. Neither of the Lebanese Ministries of Foreign affaires nor Justice, nor even the judicial authorities were

able to discredit such international claims as banking secrecy hindered the investigation. As a matter of fact, some international requests reached Lebanon through the Lebanese Ministry of Foreign Affairs, requesting an investigation the accounts of suspected individuals. The requests came either directly from the accusing countries or via Interpol, but they were rejected due to the existence of Banking secrecy⁴.

But since 2000 the SIC has been actively operating, and in fulfilling its duties it is not subject to the authority of the Central Bank of Lebanon, although its chairman is the Central Bank's Governor. The SIC has a special body of auditors to control the implementation of the Bank's obligations. Banking secrecy cannot be a pretext in the face of SIC auditors.

As an example, the SIC's second annual report for 2002 declared that: "Banking secrecy has been lifted from 79 cases out of the 103 investigated cases. 24 other cases have been referred to the relevant judicial authorities, whereas 35 cases remained under investigation"⁵.

The value of the operations classified as "open to suspicion" in Lebanon for 2002 reached around USD 18.8 million. As an indication, in Luxembourg, the value of "suspicious" operations in 2002 exceeded USD 3.5 Billion; in Switzerland three financial institutions were closed in 2002 and 215 sanctions against money laundering were applied according to the first report that the Swiss SIC published in Switzerland in 2003⁶.

The judicious question that comes to mind, at this stage is: what will be the fate of Banking secrecy in Lebanon?

⁴ "Banking secrecy in Lebanon" Abbas Al-Halabi - Paul Morcos.

⁵ "Excerpts from the SIC's annual report were published on March 2003 in Lebanese local newspapers in Arabic and French languages.

⁶ Fighting money laundering and "terrorist financing", Abbal El-Halabi - Paul Morcos.

The SIC has the exclusive right to lift Banking secrecy from a bank account suspected of hiding money laundering, after investigating the information and deciding on the seriousness of the evidence in raising presumptions of the commission of money laundering. This is done for the benefit of two parties: the specialized judicial authorities and the Higher Banking Commission.

There is no effective violation of Banking secrecy, starting from the client's identity and all the information related to his person, to the transactions of the account, except in case of serious suspicion that he is committing money laundering. The law on money laundering succeeded in harmonizing the requirements of fighting money laundering and the considerations of Banking secrecy effective in Lebanon for almost half a century - with Banking still constituting the principal pillar of an economy that is struggling with the heavy burdens of a post-war situation and the overall dismal economic environment of the region.

All economic and financial analysts agree that Lebanon needs the large amounts of money deposited in its Banking sector whether by local or foreign investors and that Lebanon through its legal authorities and relevant institutions has reached the equilibrium state where Banking secrecy constitutes a "comparative" advantage of its economy while totally complying with the rules and standards of international authorities that are trying to control world-wide crimes: "money laundering" and "terrorist financing". The slogan of "combating terrorism" has taken a new dimension manifested in the international efforts in general and American efforts in particular to target the sources financing organizations classified as "terrorist".

Resolution 1373 issued by the International Security council⁷, aims at least apparently at prohibiting "terrorism" from using the

⁷ The Resolution was issued on Sept. 28th 2001, at the end of the night session number 4385. It assures the council's determination to "criminalize the willful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used or in the knowledge that they are to be used in order to carry out terrorist acts".

techniques and tools of the financial system. The Resolution that falls under Chapter 7 of the Charter of the United Nations makes it immediately obligatory on all 187 members of the international organization and it imposes on them the obligation of bringing their internal law into line with its texts.

What is required of Lebanon? The Resolution dealt with requirements that are closely related to Lebanon's action to fight money laundering. Examples of requirements:

- Extending local legislation to cover "terrorist acts": The Lebanese law appropriates special provision pertaining to "terrorism" in Article 314 and the following articles of the penal code, in addition to Articles 316 bis that was added pursuant to the previously mentioned new amendment of the penal code⁸.
- International cooperation in the domain of combating "terrorism" - Lebanon has ratified several related treaties.
- Guaranteeing that refugees would not perform "terrorist acts". The matter that the Lebanese have not been able to resolve for a relatively long time remains without promise of a solution: the issue of the Palestinian refugees in Lebanon.

Last but not least, many of the BASEL committee recommendations are listed in the law on fighting money laundering in Lebanon and it is now fulfilling the requirements of the BASEL Committee in this regard. The BASEL Committee was established at the end of 1974 by the central bank Governors of the Group of Ten countries amongst which are the U.S.A and European Countries. It formulates broad supervisory standards and guidelines and recommends statements of best practice in the expectation that individual authorities will take steps to implement them through detailed arrangements. The BASEL Committee focused heavily on

⁸ "Fighting money laundering and terrorist Financing" Abbal El-Halabi, Paul Morcos.

the principle of Know your customer (KYC); it has issued guidance to banks on Customer Due Diligence (CDD) processes and on account-opening and Customer Identification.

In conclusion, we can add that due to the above-mentioned information Lebanon has succeeded in having its name removed from the list of Non-Cooperative Countries and Territories (NCCT) in the domain of fighting money laundering (also known as the Black List) issued by the Financial Action Task Force (FATF) on money laundering (Lebanon's name was included in the list in June, 2000 and removed in June 2002).

In legislation as well as in practice, it is argued, Lebanon's readiness to fight money laundering has been demonstrated, especially if we take into consideration two factors:

- Lebanon's ratification of the international treaties relating to the principal crimes that could form a source of money laundering.
- Lebanon's persistent efforts to adapt its legislation to these international regulations.

However, the removal of its name from the "Black List" does not mean that Lebanon can be complacent, for:

- Lebanon remains within a sphere of general political turbulence.
- Lebanon still enjoys a "stringent" banking secrecy system despite the new exception introduced in order to fight money laundering.
- Until recently, the striking headline was "fighting laundering operations". Today it has become combating "terrorism" and stifling its sources of financing - Tomorrow who knows what the headlines might become? Fighting against corruption or any other headline.

The means to preserve Lebanon's achievements, keep it above suspicions and increase its immunity against pressures are filtered

through the special equilibrium between Banking secrecy and the rules and regulations for effectively fighting money laundering.

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HOW TO INTERPRET SUSTAINABILITY IN THE MEDITERRANEAN

RANA IZCI

Introduction

The Mediterranean has always been a centre of attention for its rich and diverse historical and cultural heritage and its natural heritage, hence one of the leading tourist destinations in the world. Besides it has been a major trading place since ancient times. Consequently, intense human impact on the ecological systems is very discernible in the Mediterranean basin. Despite old recorded hot spots in the region, ecological footprints first hit the international agenda by the marine pollution in the 1970s which bring the Mediterranean environment into the limelight in a different way.

Since the 1970s, there is an increasing concern to protect the Mediterranean environment¹. Initial efforts to protect the marine environment in the region highlighted the ecological integrity of marine and land resources and the impact of environmental degradation on social and economic activities. With regard to the social, cultural and biological diversity and richness of the Mediterranean, sustainability with its all dimensions is therefore a particular concern for the region.

This article hence aims to contribute to the contemporary attempts to reflect on the Euro-Mediterranean Partnership process and

¹ To illustrate: the Mediterranean Action Plan (MAP) which was accepted as the cornerstone of cooperation on environmental protection in the region was founded in 1975 under the auspices of UNEP to protect the Mediterranean environment and prevent pollution. The Barcelona Convention, as its legal framework was established in 1975 including five protocols and came into force in 1978 and it was amended in 1995 (Kütting, 2000, 62-63). Amended version of the Convention brought a new policy approach which changed “pollutant-centred policy” into “integrative strategy” (Conrads et al 2003:6). Through this change, MAP targets a comprehensive and cross-sectoral integration of numerous socio-economic factors. To that end, for instance integrated coastal area management became one of the focal areas of MAP (Conrads et al 2003:6).

ecological sustainability with a view to enhancing the social and economic sustainability in the region.

The reason for such an inquiry is twofold. The first is the fact that while the Euro-Mediterranean Partnership process right from the start defined the areas of cooperation in the Mediterranean region, it focuses for the most part on trade liberalization with the target of gradual establishment of a free trade area by 2010². Environment and sustainable development are priority areas within the financial and economic chapter which mainly aims at enhancing sustainable economic and social development for the region. The wealth of research on free trade and the environment exhibits both positive and negative impacts of trade liberalisation on environment. So far, such studies reveal that sustainable development is still in most part linked to sustainable economic growth in spite of the growing concern for ecological sustainability and the efforts to integrate the environmental objectives into other key areas of social and economic development. Indeed, it is yet far from certain with regard to environmental concerns and objectives whether assumptions on welfare and environmental protection (that increased prosperity and welfare will lead to environmental protection) always works in all conditions or whether such a responsive relationship provides the necessary conditions to halt the environmental degradation in time; in other words how the time dimension is integrated into this assumed relationship constitutes a very important question.

² For a brief remark Euro-Mediterranean Partnership has three objectives which are: 1. The creation of an area of peace and stability based on the principles of human rights and democracy. 2. The creation of an area of shared prosperity through the progressive establishment of free trade between the EU and its Mediterranean partners and amongst the partners themselves accompanied by substantial EU financial support for economic transition and for helping the partners to confront the social and economic challenges created by this transition. 3. The improvement of mutual understanding among the peoples of the region and the development of a free and flourishing civil society by means of exchange, development of human resources, and the support of civil societies and social development (see European Commission, 2000:7, Conrads *et al* 2003; 7-9).

As to the second point, controversies on the concept and practice of development and sustainable development draw attention to the main themes around the long-term “sustainability” indicators in the region, as is predominantly the case in the rest of the world. Apparently, it is not always easy to assess overall sustainability although the principle of sustainability has a worldwide recognition. Sustainability is a multifaceted concept which includes a broad range of considerations in practice. Indeed social sustainability and ecological sustainability are the essential components of sustainable development along with economic sustainability. Sustainable development is evidently an ambitious and highly contested concept. Some even argue that “sustainable development” is itself a self-contradiction. Nevertheless sustainable development, at least in theory and for intellectual exercise “opens up the possibility of a restructuring of contemporary economic, social and environmental relations” (Connelly and Smith 2003:5). Yet its principal assumptions are generally oversimplified to favour win-win conditions and cost-benefit analysis which overemphasize the economic considerations. Such an interpretation, however, poses new challenges for sustainability in the Mediterranean region and elsewhere.

The Euro-Mediterranean Partnership and the Environment

Since 1973, the European Commission has been producing multi-annual environmental action programmes to set the objectives and guidelines for environmental policy at the European level. To date each environmental action programme has highlighted different environmental considerations; however, all clearly pointed out a shift from a sectoral to an integrated approach in environmental policy-making. Accompanied by the worldwide recognition of sustainable development, the principle of environmental policy integration has also gained a new momentum at the European Level. Consequently the Fifth Environmental Action Programme (EAP) entitled *Towards Sustainability* (1992-1999) set long-term objectives for reaching sustainability and put greater emphasis on the European Union’s global approach. The Sixth Environmental Action Programme entitled *Environment 2010: Our Future Our Choice* (2001-2010), based on the assessments of the Fifth EAP,

has set four priority areas which are the integral part of European Union Strategy for Sustainable Development as well. These priorities are; climate change, nature and biodiversity, environment, health and quality of life and natural resources and waste.

When the European Union launched its strategy for sustainable development in 2001, it vigorously underlined six priority areas³. These priority areas also correspond to the main- present and potential- challenges to sustainable development. The European Union strategy for sustainable development has also an external dimension, as zealously stressed by the European Commission. Moreover in the Sixth EAP it was stated that cooperation with neighbouring states such as Mediterranean states was a prerequisite for promoting the initiatives and actions to protect environment at the global level. In another document, *Towards a Global Partnership for Sustainable Development*, the European Commission affirmed the contribution of the European Union to sustainable development at the global level (COM, 2002:3)⁴.

³ European Commission published a proposal for sustainable development in May 2001 which was endorsed by the Gothenburg European Council in June 2001. See for further information A Sustainable Europe for A Better World: A European Union Strategy for Sustainable Development COM (2001) 264. Six priority areas for sustainable development strategy of European Union are:

- climate change and clean energy
- public health
- management of natural resources
- poverty and social exclusion
- ageing and demography
- mobility, land use and territorial development (European Commission, 2002)

⁴ “The European Union is well placed to assume a leading role in the pursuit of global sustainable development. It is the world’s largest donor of development aid, the world’s biggest trading partner, and a major source of direct private investments. It has developed and promoted a great number of clean technologies. Throughout its own evolution, the European model of integration has been based on pursuing mutually supportive strategies for stable economic growth, social development and environmental protection. Investing in a shared future with its closest neighbours is fundamental to the European Union’s own long-term stability. More especially, European Union enlargement is based on a programme of assistance which aims at political stability, sound economic

Within this document, there is a firm recognition that poverty as well as consumption patterns in the rich parts of the society in the world is one of the major causes of environmental degradation which sets primary obstacles on the way to sustainable development (COM, 2002:10).

Besides, with reference to Doha Development Agenda and Millennium Development Goals, priority objectives for sustainable development were set forth and trade for sustainable development was presented to maximize the benefits of globalisation⁵. The European Union, herewith, asserted that regional trade agreements should support sustainable development and that it was in favour of such trade agreements to address regulatory issues ranging from environment to competition (COM 2002:8).

In that sense, the Euro-Mediterranean partnership is a suitable platform to accomplish its sustainable development strategy in the region. Indeed the environment was one of the six priority areas for regional economic integration in the Euro-Mediterranean Partnership which was launched at the 1995 Barcelona Conference. The Short and Medium-term Priority Environmental Action Programme (SMAP) was also adopted at the Euro-Mediterranean Ministerial Conference on the Environment, which was held in Helsinki on 28 November 1997. In brief SMAP is a framework programme of action for the protection of the Mediterranean

conditions, social cohesion, and environmental sustainability. This will provide valuable experience for tackling the same challenges at the global level (COM, 2002:6)".

⁵ Millennium Development Goals are "1. Eradicating extreme poverty and hunger, 2. Achieving universal primary education 3. Promoting gender equality and empowering women 4. Reducing child mortality 5. Improving maternal health 6. Combating HIV/AIDS, malaria and other diseases, 7. Ensuring environmental sustainability 8. Developing a global partnership for development (OECD, 2003; 128-129)". The Doha Development Agenda was launched at the fourth WTO Ministerial Conference in Doha in November 2001 through which trade capacity building became the focal point of trade negotiations (OECD, 2003:142).

environment within the context of the Euro-Mediterranean Partnership.

The MEDA programme, which is the chief financial instrument for the implementation of the Euro-Med Partnership, provides technical and financial support for the economic and social reforms. To that end, the 2005-2006 Regional Indicative Programme of MEDA considers the environment and sustainable development within the internal market approximation programme “Programme on regulatory approximation in the fields of the neighbourhood policy and completion of the Euro-Mediterranean free trade area” while in the 2002-2006 Regional Strategy Paper environmental protection and sustainable development were listed among policy objectives to be supported to tackle common regional challenges affecting sustainability in the Mediterranean⁶.

In the recent regional indicative programme of Euro-Mediterranean Partnership there are also two fervent references to sustainable development (MEDA, 2004). The first one is about the ever-increasing interdependence between its neighbours and the EU with regard to stability, security and sustainable development and the second one is about the EU’s global commitment to sustainable development⁷.

⁶ Furthermore in the 2002-2004 Regional Indicative Programme “promoting the sustainability of the Euro-Mediterranean Integration” was one of the five priority areas (MEDA, 2004:3) .

⁷ “...the communication on “Wider Europe and the New Framework for Relations with our Eastern and Southern Neighbours” sets out a new framework for relations over the coming decade with the Southern Mediterranean. The Communication notes the growing interdependence between the EU and its neighbouring partners in terms of stability, security and sustainable development (MEDA, 2004:5)”. “A global commitment to the cause of sustainable development was restated at the Johannesburg Summit, through an ambitious action-oriented programme with clear and measurable objectives, demonstrating the increasing importance of environmental issues in achieving the Millennium Development Goal. The key areas for EU action are water and energy. In Johannesburg, the EU launched two partnerships, on water and sanitation and on energy for the poor (MEDA, 2004:6)”.

Sustainable Development and Trade

Sustainability is not a new concept although combining “sustainable” and “development” only goes back to the early 1970s (Dryzek, 1997:124). On the surface, sustainable development challenges the well-established assumption that environmental protection and economic growth and development could not be reached at the same time or in other words challenge the view that the two are totally incompatible⁸. The radical switch - from the traditional view of zero-sum situation (either environment or economy) to win-win situations (environment and economy/development) challenges the deep greens perception of radical change in the society. Despite the radical shift that took place in the economy-environment axis, sustainable development, in appearance, offers a smooth transition with regard to the integration of green values into the policy-making structures. Therefore the prevalent free trade and environment debate also has its roots in this particular interpretation of the environment and economy relationship.

There are two dominant views on the liberalisation of trade and environment; On the one hand are those who argue that trade liberalisation and subsequent economic growth gradually lead to the environmental protection and increased environmental quality; on the other hand are those who argue that environment degradation is likely to increase due to unsustainable economic growth and particularly recent that multilateral trade agreements do

⁸ At its core, sustainable development, regardless of the different interpretations, has the following elements:

“1.Environment-economy integration: ensuring that economic development and environmental protection are integrated in planning and implementation 2. Futurity: an explicit concern about the impact of current activity on future generations. 3. Environmental protection: a commitment to reducing pollution and environmental degradation and to the more efficient use of resources. 4. Equity: a commitment to meeting at least the basic needs of the poor of the present generation (as well as equity between generations). 5. Quality of life: a recognition that human well-being is constituted by more than just income growth. 6. Participation: the recognition that sustainable development requires the political involvement of all groups or ‘stakeholders’ in society (Jacobs, 1999; 26-27)”.

not produce desired environmental quality but rather end up with inequality which will in turn end up with more pressure on the environment (McCarthy, 2004:328). Within the context of the Euro-Mediterranean Partnership, the impact of free trade on the environment is of a critical concern as well. The Mediterranean Commission for Sustainable Development, Mediterranean Environmental Technical Assistance Programme, and Blue Plan made studies on the both negative and positive impacts of free trade and environment. Nevertheless it is not easy to reach a concrete conclusion since levels of economic development and state of the environment vary across the region.

Besides these two mainstream perspectives on trade and environment there is another perspective which sees the trade agreements as tools to improve environmental governance while recognizing the negative impacts of increasing free trade (McCarthy, 2004:328). This view is often associated with the ecological modernisation debate.

In practical terms, ecological modernisation has recently gained wide-spread recognition from all the actors in the society. At first sight ecological modernisation offers more precise programmes and plans (and tools to implement them) for reaching sustainability when compared to contentious sustainable development. Therefore it would not be inaccurate to argue that ecological modernisation is a kind of response to the uncertainty surrounding contemporary societies due to the unprecedented environmental challenges and consequences of long-ignored environmental problems and at the same time a new reading of risk-society. In that sense, environmental problems are generally regarded as management problems and markets become sensitive to the costs of environmental degradation since environment is not a free good at all (Connelly and Smith, 2003:67). Ecological modernisation, thus, economises the ecology while trying to reach the desired “sustainability”. However it also aims to ecologise the economy or in other words “with ecological modernisation contemporary societies have found themselves a highly suitable strategy for organising the peaceful transition to a politics of nature... (Blühorn, 2000:209)”.

The emergence of ecological modernisation coincided with the time when the neo-liberal economic approaches and political modernisation were on the rise. It also represents a shift from command and control approach to market-based instruments. Ecological modernisation as a discourse or a policy paradigm is therefore usually regarded as a technical subject and only for industry. However the transformation or reconfiguration on which it focuses is about the entire society. Nevertheless, when the weak form of ecological modernisation is adopted, the result would be technical solutions to environmental problems rather than dealing with the real causes of environmental degradation (Dryzek, 1997). This position, however, raises a critical question; whether eco-economy means only cleaner production and products or also reflects a worldwide change in consumption and living styles⁹.

Sustainability and the Mediterranean

According to the 1999 European Environment Agency research, the situation of open seas in the Mediterranean is generally good while there is increasing pollution and environmental degradation in the coastal areas (EEA, 1999). The problem in the area is more often the hot spot pollution in the region (EEA, 1999).

The Mediterranean environment includes a semi-enclosed sea with rich but also fragile marine and land ecosystems. Mediterranean coastal zones are also precious for their historical and cultural richness. Nevertheless social, cultural and ecological diversity and richness provide both challenges and opportunities for the region. It is the leading tourist destination area due to its landscape and

⁹ "Socio-economic development is an open-ended historical process, which depends , at least in part, on human imagination, projects and decisions subject to the constraints of the natural environment and the burden of the living past (history). Our species is the only one capable of inventing its future and of transforming its environment...Thus, development may be understood as an intentional, self-guided process of transformation and management of socio-economic structures, directed at guaranteeing all people an opportunity to lead a full and rewarding life by providing them with decent livelihoods and by continuously improving their well-being, whatever the concrete content given to these goals by different societies in different periods of time (Sachs, 1999:29)".

history. Tourism revenues account for the largest share in most of the Mediterranean states. Tourism however engenders some negative effects on the environment. For example, the construction of hotels, vacation houses, roads and so on for the development of tourism produce negative impact on the coastal and marine ecosystems in the Mediterranean region.

Fresh water is a very critical resource in the Mediterranean and regardless of differences in the rainfall and hydrological cycle is under strong pressure in various parts of the Mediterranean (IUCN, 2003). Nevertheless, the ever-growing tourism sector demands more fresh water for leisure and consumption especially in the season when the rainfall is very low. Therefore tourism has a remarkable impact on freshwater resources in the region. Over-exploitation of ground water resources, pollution of surface and ground water, and degradation of sensitive wetlands are some of the damaging effects that intensive tourism and tourism related activities caused on the coastal Mediterranean. Supply and quality of fresh water resources in the near future certainly depend on the current consumption patterns in the region (IUCN, 2003). Moreover in view of destabilizing effects of climate change on the hydrological cycle, contemporary consumption levels and patterns of fresh water resources put a significant burden on fresh water resources in the region.

Besides the negative impacts of tourism, the Mediterranean environment is also prone to degradation due to intensive agriculture, urban growth and sprawl, high maritime traffic, concentration of population and economic activities on coastal areas, and high population growth¹⁰. The Agriculture and processing industry are certainly of major significance for most Mediterranean countries. These two sectors, in spite of their contribution to the welfare and socio-economic structure, have also negative effects on environment. There are, however, some socio-economic changes in the region, such as rapid urbanisation which

¹⁰ According to the forecasts the population of the 21 Mediterranean countries could reach 524 million by the year 2025 (UNEP *et al*, 2003:25).

engenders environmental degradation, have also negative effects on agriculture. Rapid urbanisation in Mediterranean countries causes irreversible destruction of fragile ecosystems and farming potential (UNEP *et al* 2003:29). Concentration of population and economic activities in coastal areas (coastalisation or littoralisation) together with construction and urbanisation related to tourism and associated activities bring about the artificialisation in the region as well¹¹. There are numerous reasons behind the artificialisation in the coastal areas; destructuring of traditional inland economies and societies, the development of economic activities near urban areas and coastlines, rapid development of national and international tourism are the primary ones, among others (UNEP *et al*, 2003:25). In turn, artificialisation mainly causes flooding risk and landslides as well as degradation of urban life styles and ever-growing costs of urban infrastructures along with its negative impacts on the environment.

Nevertheless, urban growth and sprawl are not only related to tourism and economic activities in the coastal areas. Changes in life styles and the demand for more spacious living environments also trigger and accelerate the artificialisation in the coastal areas while threatening the Mediterranean landscapes and wetlands (UNEP, *et al* 2003:26). Development of transport infrastructures and the increasing numbers of private cars facilities this trend especially in the Northern Mediterranean countries (UNEP, *et al*, 2003:26).

All in all, these social and economic changes create a kind of vicious circle. Negative human impact on land nevertheless depends on the nature of the land used for urbanisation. Certainly, human impact or ecological footprints would not be the same for a land with high farming potential or a desert (UNEP, *et al* 2003: 29). However human impact on environment can go beyond the thresholds of ecological integrity regardless of ecosystem classifications, and challenge the entire environment.

¹¹ "Country to city migration and littoralisation are now becoming especially important in Turkey and certain other countries of the Southern and eastern Mediterranean (UNEP *et al*, 2003:25)".

Concluding Remarks

The Mediterranean has always been at the centre stage of politics, with dynamic and fragile features. Now it has an ever-growing population accompanied with trends which are likely to jeopardize social, economic and ecological sustainability in the region. The European Union, as part of its sustainable development strategy, has wider sustainability considerations well beyond its borders. Political stability also has close connections with better allocation of resources, increased welfare and economic development in the region. The Euro-Mediterranean Partnership, within this context, offers insightful perspectives and opportunities for environmental protection. Nevertheless, the Euro-Mediterranean Partnership mainly focuses on the establishment of a free trade area for increasing prosperity and enhancing the peace in the region. Sustainable development is, certainly, an integral part of the Partnership though the structure of Partnership offers a limited initiative. Environment, energy, water and industrial cooperation are, hence, among the main priority areas of the partnership in order to accelerate the harmonisation of regulatory policies. In other words, since nature and natural resources are key elements of socio-economic development, the environment and other related areas such as energy took their place under the economic and financial partnership for creating the area of shared prosperity. In line with this argument, the Euro-Mediterranean Partnership can also be regarded as development cooperation and a proximity policy (MEDA, 2004:7).

In other local and global initiatives of the European Union, such as in the European Commission Communication *Wider Europe-Our Eastern and Southern Neighbours*, the environment is, however, generally regarded with a negative value such as environmental hazards and pollution, in other words there is an explicit association of the environment with security considerations¹².

¹² "...threats to mutual security, whether from the transborder dimension of environmental and nuclear hazards, communicable diseases, illegal immigration, trafficking, organisational crime.... Will require joint approaches in order to be

Only under one heading; *A new vision and new offer*, is sustainable development emphasized¹³. The following statement from the European Commission Communication on *Towards a Global Partnership for Sustainable Development* also demonstrates how the environment is usually associated with security considerations:

“While these problems are of a global scope and need to be tackled at that level, regional and sub-regional action is also needed both to prevent environmental degradation and to combat its effects. For example, in some regions, lack of water resources and land degradation are at the source of local conflicts, which if exacerbated, could become security threats. The European Union should attach particular priority to promoting regional and sub-regional responses to environment and security challenges within Europe and the Mediterranean” (COM 2002:13).

Apparently, the Mediterranean is usually considered as a region where cultural and historical dynamics set the confines of sustainability and where scarce resources are the centre stage of politics paving the way for political instability and non-cooperative attitudes (Redclift, 1999). Along the lines of such interpretations there are also some other proposals for enhancing the “green front” of the Euro-Mediterranean partnership (Conrads, *et al*, 2003). For instance one of those proposals is to search the options for co-operation between the Mediterranean Action Plan and the Euro-Mediterranean Partnership. The basis of this proposal is the assumption that these initiatives have a common element, which is sustainable development.

The way forward seems to be clear: both Mediterranean initiatives, albeit coming from different backgrounds, external relations and security on the one hand, environmental protection on the other,

addressed comprehensively (COM, 2003:6)” “...to tackle transboundary threats-from terrorism to air borne pollution (COM, 2003:3)”.

¹³ “Sustainable development requires a common understanding that the adoption of a broader range of policies, including environmental protection will support more rapid economic growth (COM, 2003:9).”

endorse the same corner post for the future of the Mediterranean region: sustainable development (Conrads *et al*, 2003:17).

Yet there are various ways to interpret sustainability and sustainable development itself in the region and within the Euro-Mediterranean Partnership. The Euro-Mediterranean Partnership aims at sustainable economic and social sustainable development supporting North-South cooperation and South-South integration through economic liberalisation for reaching region-wide sustainability. Restructuring and strengthening the economy and society, increasing welfare and prosperity would be a very important step to that end, but not the final phase for achieving sustainable development. The vicious circle on the life styles and urban sprawl is a good indicator in this context. Damaged environment and degraded life quality due to intensive urbanisation force people to move beyond the borders of cities for a better living environment while damaging the pristine natural areas through constructing wider roads and more spacious houses. Therefore the changes in the socio-economic development are at the heart of the politics of the environment.

To date, environmental protection in the Mediterranean has experienced a gradual change from a sectoral to an integrated environmental policy approach which can be considered as a success story for regional environmental cooperation. Prevention and mitigation of negative environmental outcomes, however, need further exploration of the interpretation of socio-economic development in the region. Moreover, environmental challenges which are closely linked with economic growth and affluence defy intragenerational equity in the overall region. To illustrate, those who will benefit from mass tourism and from increased life standards might not be the same persons who possibly could suffer from a degraded environment due to construction-related tourism or over-consumption of water resources. Certainly the welfare and prosperity would be shared by the whole society but the immediate effects could be detrimental to the environment and deplorable in their impact on certain socio-economic groups.

On the whole, the Euro-Mediterranean Partnership can be considered as a scheme for sustainability in the region. However, particularly the ecological dimension of this scheme seems far from sufficient to reach overall sustainability in the region. Although the European Commission reinvigorated the Barcelona Process in 2000, neither the environment nor sustainable development has yet a separate chapter or has a special and stronger emphasis especially under the third pillar of the partnership; but instead both are still dealt with within the economic and financial development chapter as one of the priorities for regional economic integration. However, strengthening the bottom-up approach on environment and sustainability would result in better outcomes since regulatory policies can only partially stimulate the change the sustainability highlights. Thus, the European Union might have missed a big opportunity to enhance its sustainable development strategy and facilitate environmental protection in the Mediterranean by not putting greater emphasis on the environment and sustainable development in the Euro-Mediterranean Partnership with a different perspective other than its traditional focus maintains.

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Abstract

European Union strategy for sustainable development certainly touches upon the very essence of the future challenges of the European Project. This strategy also has an external dimension through which the European Union tries to diffuse its principles worldwide and particularly in the neighbouring regions. The Mediterranean region is of a greater significance for the European Union not only because it has new Mediterranean Member States but also because cooperation on environment in the Mediterranean reflects the presumed assumptions on development and environment and North-South debate.

Furthermore, taking into account the challenges of the fifth enlargement, the Euro-Mediterranean Partnership should be examined with a view to assessing its contribution to the sustainability in the region. The vicious circle of free-trade versus environmental concerns and projections on globalisation, urbanisation, development, civil-society/state relations and many other related issues need to be included in the further inquiries.

This study, therefore, does not aim at underlining a North-South confrontation; on the contrary it aims at creating better incentives for dialogue and for mutual understanding of the environmental concerns in order to strengthen and to foster cooperation in the region and at the EU level.

THE POLITICS OF SUSTAINABLE DEVELOPMENT: SUSTAINABILITY PLANNING IN THE UK AND TURKEY*

SEMRA CERIT MAZLUM**

1. Introduction

With its rise to political prominence, sustainable development has become a legitimate goal for environmental policy. However, as a complex and multifaceted political issue, sustainable development has posed a great challenge to the policy-makers as to how to translate this ambiguous political ideal into circles of policy-making. Over nearly two decades, governments and international organizations have taken various initiatives aimed at realizing the idea. Recently, national strategies or policy plans for sustainable development have drawn more attention from academic and political circles.

This paper aims to explore sustainable development policies in the UK and Turkey within a comparative perspective. In its attempt to provide a comparative analysis of changes in sustainability policies of the two countries, the paper utilizes the insights provided by the political theories of policy change and learning. The scope of the examination is limited to policies formulated and implemented through national sustainability planning initiatives, but takes into account the overall outlook of sustainability politics.

The reason for choosing the two countries for comparison is twofold. First, the two countries are OECD members while being at different levels of economic development. Most comparative

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studies involved OECD countries by singling out the most industrialized ones; therefore, the study may contribute to widening the scope of the emerging field. Moreover, it may provide a new perspective for addressing the question of whether patterns of sustainability policies are influenced by the country's economic development levels. The EU framework is the other ground for such a comparative attempt. The study may help to identify the EU's impact on the paths adopted by countries, be they members of the Union or candidate countries.

2. Strategies for Achieving Sustainability

Since the promotion of sustainable development as the overarching goal for environmental policy, countries have responded to the emerging idea by adopting diverse approaches. There have been continuing institutional innovations and experimentations with new instruments in order to integrate environmental and socioeconomic factors in policy-making and implementation processes. Countries followed different pathways to achieve sustainability depending on various factors, including their interpretation of the concept, political structures, and political priorities. Bührs and Aplin (1999), on the basis of their empirical study, proposed three distinct pathways pursued by governments in their engagement with sustainable development. The pathways identified by Bührs and Aplin (1999) are: institutional reform, green planning and social mobilization. We might add a fourth way that some countries show propensity for; governmental "disengagement" (Lafferty, Meadowcroft, 2000: 412) marked by the tendency to "leave it to the market" (Dryzek, 1997: 102). This approach is well concretized in the remarks made by an EPA administrator: "If set correctly, they [market forces] can achieve or surpass environmental objectives at least costs and with less opposition than traditional regulatory approaches" (quoted in Dryzek, 1997: 103).

In implementing sustainable development, many governments found it more conclusive to deal with the issue through institutional arrangements. To this end, some have chosen to reorient existing institutions to bring about integrated policies and implementation. Most have established new institutions to facilitate joined-up

policy-making. The most innovative result of these institutional reform efforts was the establishment of national commissions or committees for coordinating or overseeing sustainability policies.

Acknowledgment of the role played by societal actors has led some governments to create ways to involve as wide a spectrum of society as possible in the policy formulation and implementation processes. They have drawn up programs or launched campaigns to mobilize sections of society towards more sustainable practices. In some countries, involving target groups in policy-formulation processes was used as another way of social mobilization. In this regard, environmental citizenship initiatives and Local Agenda 21 programs proved capable of reinvigorating public involvement in sustainability policies.

Recognizing the need for a more structured policy framework for tackling complex issues, many countries have embarked on initiatives based on drawing up national plans or strategies. Despite their differences in terms of their policy orientation, structure, and processes by which they are developed, plans devised as vehicles of sustainability politics share some common elements. They are the documents aimed at formulating policies, setting goals, identifying instruments for achieving defined objectives. These initiatives were initially called the green planning approach because earlier plans were essentially concerned with environmental issues. However, with the introduction of sustainable development as the underlying policy goal and framing idea, the planning initiatives have taken new forms and structures. The plans have become more comprehensive in content, incorporating socioeconomic issues as well as environmental policies. Moreover, planning modalities have changed; a strict public policy planning approach has been replaced by a strategic view. More countries are undertaking national planning initiatives with diverse stimulations under diverse labels.

Such strategies or planning experiments are encouraged and promoted by international organizations. For example, Agenda 21 called on governments to prepare national sustainable development strategies harmonizing economic, social and environmental policies

and plans. This call was reiterated by UNGASS in 1997, setting a target date of 2002 for formulation and implementation of strategies. The more recent call for introducing national sustainable development strategies by 2005 was made by the Johannesburg Plan of Implementation. In addition, other international organizations, like OECD and WB have been supporting national planning efforts.

The changing character of such plans and strategies, which in turn brought changes to the formulation and implementation of sustainability policies, can be explored by applying political theories of policy learning. The applicability of the policy learning approach to sustainability planning is also supported by the nature of such initiatives. As suggested by Jänicke and Jörgens (2000: 614), sustainability planning can be viewed as “a permanent process of learning”. The strategic approach adopted by most planning initiatives itself implies an ongoing process of learning because it involves setting objectives, identifying means of achieving them, and monitoring progress. It is suggested that, by being revised periodically to take into account feedback and lessons from review following implementation, these strategies and programs would become genuine, cyclical, ‘learning by doing’ processes (Dala-Clayton and Bass, 2002: 37). In this sense, this study explores the applicability of policy learning approach to the evolution of such plans and strategies in order to understand and explain changes in sustainable development policies.

3. Policy Learning and Sustainable Development

How policies change in a given field has always been a long-standing question for the students of political science. Different theories and approaches have been developed to understand and explain policy changes. Political theories of policy change and learning are offered to complement the more conventional approaches to policy change that are based on political conflict (Fiorino, 2001). Policy learning literature suggests that learning takes place in policy processes, generating changes in many aspects of policies. Despite this common assumption, they differ in their focus on factors in explaining the patterns of change. They provide

different explanations as to who learns, what is learned, what is changed. But, drawing on the literature, it is possible to suggest that learning takes place on the level of underlying ideas, instruments employed, and between agents engaged. Policy-oriented learning would provide a useful analytical tool in examining sustainable development policy, and help to identify changes in policy processes.

Of the theories of policy oriented learning, Sabatier's advocacy coalition framework and Hall's social learning approach are seen as major contributions to the literature. For Sabatier, "policy-oriented learning is a major determinant of policy innovation and change" (Howlett and Ramesh, 1993: 14). He suggests that policy-oriented learning occurs primarily because policy networks understand how better to realize their core beliefs based on their past experiences. In this case of advocacy coalition framework, learning is not about core values informing policies but about techniques and processes of implementing policies (Howlett and Ramesh, 1993: 14).

In contrast, for Hall, in addition to instruments or techniques, learning can occur in terms of underlying values as well. Defining social learning as "a deliberate attempt to adjust the goals or techniques of policy in response to past experience and new information," Hall suggests that "learning is indicated when policy changes as a result of such a process" (Hall, 1993, 278). He distinguishes three forms of learning depending on the kinds of change in policy: The first is the change in the levels (settings) of the instruments, which he calls first order change. Second order change is related to the means of implementation; that is the change in the techniques or policy instruments employed to attain declared policy goals. And then, if what is changed are the overarching goals underlying policy, this is called third order change. Indicating a radical shift in policy, third order change is rare and comprises changes in the first and second levels. Ascribing a central role to ideas in effecting policy changes, Hall calls the frameworks of ideas specifying goals and instruments and the nature of the problem as a policy paradigm (Hall, 1993: 279). First and second order changes attempt to adjust policy without challenging overall terms of a given policy paradigm and can be seen as normal

policymaking. By contrast, third order change implies radical shift in the overarching terms of policy discourse. This paradigmatic change results from an array of factors including failures of past experiences, emergence of new ideas, experimentation with new policies, and shift in the locus of authority (Hall, 1993).

The learning process can also be investigated by looking at where and when learning happens. Relevant to our study, Howlett and Ramesh (1993: 17) identify three realms where learning can take place. The first is the inter-temporal dimension; it points to the cumulative character of policy learning. The second is the inter-sectoral dimension, which means that learning can occur across sectors. Thirdly, the learning process has a cross-national dimension in that it can occur across space. In examining the patterns of policy learning, the pace of change is another important dimension. It is suggested that changes in policies, either normal or paradigmatic, need not be sudden; they may be gradual or rapid. In other words, paradigmatic change may be gradual or rapid; the same applies to incremental change (Howlett and Ramesh, 1998: 472).

By applying the approach to the evolution of environmental policies in industrialized countries, Glasbergen (1996) discussed an alternative conceptualization of policy learning. He proposed four kinds of learning. Technical learning refers to experimentation with new instruments in search of improving the capacity of environmental management. Conceptual learning involves the shift of terms in understanding and framing the problems and redefining policy processes with the emergence of new concepts, such as sustainable development and ecological modernization. Cognitive learning takes place when new knowledge is acquired and external factors come into play. Accordingly, cognitive learning is about accumulation of knowledge and its better use in policy formulation and implementation. The fourth phase in the process is social learning which emphasizes the interaction and communication between actors. Glasbergen's model, though implicitly hierarchical, is particularly pertinent to our discussion here.

As a new but dynamic field of public policy, sustainable development offers a unique case for examination by applying policy learning approach. The Policy learning approach is especially relevant for examining sustainable development policy in that it is an issue area which is characterized by its complexity and associated uncertainties requiring new knowledge and understanding of problems. It is also a political issue that involves many actors with conflicting interests and diverse perceptions. Moreover, sustainable development is best understood as a process of change; it is an iterative process requiring policies to be improved both as a result of new knowledge and lessons drawn from experience. As Meadowcroft (1997a: 449) suggested, “engaging with sustainable development is not about implementing a particular program, nor about achieving a specific policy outcome. Instead, it is best thought of as a long-term social meta-objective, and as an idealistic benchmark by which to assess current practices”. So, the learning approach is particularly helpful for both implementing sustainable development policy and analyzing the changes in policies put into place.

Within its comparative framework, the paper attempts to apply the policy learning approach to sustainable development policies pursued in the UK and Turkey with special focus on national sustainable development planning processes. Drawing on discussions outlined above, I have adopted a rather narrow conceptualization of policy learning for comparison. The analysis is predicated on two categories of learning: conceptual learning and instrumental (technical) learning. So, the scope of the paper is limited to identifying changes in sustainability politics on conceptual and instrumental levels. In other words, it aims to investigate how sustainable development is conceptualized, how goals and objectives are defined, and which instruments are used within national sustainable development plans or strategies.

4. Politics of Sustainable Development in the UK

Since the promulgation of the concept into national and international environmental and development policy discourses, the UK has come a long way in dealing with the challenge of

sustainable development. Although it had a rather “cautiously supportive” stance towards the new notion in the beginning (Lafferty and Meadowcroft, 2000: 412), over time it has become one of the enthusiasts that support and encourage sustainability and related policies nationally and at the international level. Its move from hesitation to advocacy with regard to sustainability has resulted from the interplay of various factors both national and international. But, contributed mostly by the European Union environmental policy, the development of its institutional capacity to cope with environmental issues has played an important role in this process. So, the UK has made considerable progress in terms of institutionalizing sustainable development in its policy-making structures.

Referring back to the pathways pursued by countries in engaging with sustainable development, the UK’s pathway can be characterized as a combination of approaches. Although sustainable development policy has revolved around planning, it has been complemented by institutional reform and to some extent by programs aimed at social mobilization. While it is difficult to distinguish between the strategies and the various agencies by which those strategies are enacted, strategies have served as the focal point and principal driver of policy. So far, the UK has put three national strategies in place; and, the last one is under revision. Whereas two previous strategies have been criticized because of their failure to serve as policy guiding documents, the last strategy is seen as promising because of its elaborate pattern in policy formulation, goal definition and target setting. For instance, a recent cross-country comparison on national sustainable development strategies recognizes the innovative capacity of the UK’s strategy (Swanson et al., 2004).

Despite early engagement with the idea, sustainable development has not permeated easily into the UK’s policy-making structures. This was mainly because of the nature of British environmental policy style and difficulties inherent in sustainable development as a policy issue. As a new policy objective, sustainable development was first added on to the existing policies and proceeded within established practices, so it took time for the concept to be

embedded into policy processes. The long-established environmental policy structure and style were not prepared for injection of a new notion. Environmental policy-making in the UK has long been characterized as piecemeal, incremental, fragmented and reactive (Carter and Lowe, 1998; Lowe and Ward, 1998: 7-9; Jordan et al., 2003). It is argued that this pattern resulted from the fact that Britain's environmental laws and institutions have developed on an ad hoc basis as a reaction to environmental problems as they arose. In addition, a sector-based, informal and consensus-oriented style of environmental policy (Jordan et al., 2003) further complicated the situation. In this outlook, where the policy coordination problem prevails, introduction of sustainable development with its main postulate, namely integration of economic, social and environmental decisions, posed a great challenge to British environmental policy-making. But, despite these earlier difficulties, Britain has sought to adjust policy-making processes and institutions to better meet the needs of sustainability politics.

As noted earlier, the UK has undertaken the task of implementing sustainable development principally by drawing up strategies and introducing new institutional mechanisms to ensure their implementation. The first initiative was a White Paper, *This Common Inheritance: Britain's Environmental Strategy*, published in 1990. The White Paper set out the country's environmental strategy within a 20 year vision (Voisey and O'Riordan, 1998: 158). It was criticized for its lack of clear objectives and firm targets. The strategy was seen essentially as a policy summarizing document compiling measures and commitments that have already been taken or declared (Young, 2000; Voisey and O'Riordan, 1998; Carter and Lowe, 1998: 32; Weale, 1997: 103-104). Although the White Paper adopted sustainable development as a principle, it was essentially an environmental strategy in its orientation. Nevertheless, taking a strategic approach towards environmental issues, it represented a small change from prevailing policy structure.

The Rio Summit gave a new impetus to the political engagement with sustainable development. In 1994, government issued the

second strategy, *Sustainable Development: the UK's Strategy*, partly as a response to the UNCED process. Seen as another missed opportunity, the 1994 Strategy received similar criticisms. Voisey and O'Riordan (1998:16) described the document as "just a continuation of the white paper exercise" because of its inability to "drive policy". However, although it did not meet expectations because of the absence of elaborate measures for policy coordination and quantitative targets, the 1994 Strategy with its institutional outputs can be seen as another step in unfolding sustainable development into policy processes.

In 1999, the third strategy document, *A Better Quality of Life: A Strategy for Sustainable Development for the UK* replaced the previous one. It can be seen as the culmination of earlier attempts. Although the 1999 Strategy was built on the previous strategy, its different approach is manifest in many respects. With its much more comprehensive approach to the notion of sustainable development, the strategy embodied more structured goal formulation, clear targets, and actions. This strategy is currently under revision and will be replaced by 2005.

On the basis of this background information, we can now turn to examine the trajectory of sustainable development in policy processes and try to ascertain policy changes. Because strategies as governmental policy statements are the main drivers of sustainability policies, they provide the basis for such an evaluation and give ample evidence. At first sight, titles of the documents may indicate a shift in the way the issue is framed. From 1990 to 1999, in titles, the UK has moved from an environmentally-focused interpretation of sustainable development to the more elaborated definition. The title, "Better Quality of Life" shows the understanding on which the UK is inclined to handle sustainable development in policy-making.

The first category of evaluation is based on the conceptualization of sustainable development. *This Common Inheritance* was hesitant to wholly endorse the policy requirements of the notion. Although it was intended to support sustainable development, it confined the concept to a few sentences without elaborating on its policy

implications, and paid little attention to the need of integrating environment into other policy areas. Also it gave rise to a terminological confusion, sometimes referring to sustainable growth. According to Vosiey and O’Riordan (1998:17), its continued emphasis on economic growth indicated a very weak understanding of the concept. Precedence of economic growth over other components of sustainable development was apparent throughout the document. With respect to reconciliation of environmental concerns and economic priorities, the document lacked specific measures. In addition, the White Paper looked only to institutional arrangements for policy coordination and integration of environment into other policy areas.

However, despite its weakness in integrating the three elements of sustainable development into policy formulation, the White Paper was seen as a sign of change in environmental policy-making because it introduced a strategic approach into policy structures. The White Paper established inter-ministerial committees to ensure policy coordination. Weale (1997:107) has argued that this mechanism did not function as intended “because inter-departmental committees have only met infrequently”. With regard to annual reports to track progress against targets, Weale (1997: 103) argued that it was not certain in annual reports whether targets were being met. But, overall, these changes in the “machinery of government” introduced by the document laid the ground for further institutional reforms on which basis sustainable development policy proceeded.

The 1994 Strategy appeared to have been formulated in a more comprehensive manner compared to the White Paper, whereas it did not meet expectations. The strategy did not provide an operational definition of sustainable development, and instead made reference to the Brundtland definition, stating that it was difficult to define. Although it purported to be a strategy for sustainable development, it was not precise about to what the priority would be given when the trade-offs between economic development and environmental concerns were needed. It was structured in a way that emphasized economic growth over environmental protection. Despite its claim that sustainability was

taken as a policy guiding principle, the strategy stated that “sustainable development does not mean having less economic development; on the contrary a healthy economy is better able to generate resources to meet people’s needs... Nor does it mean that every aspect of the present environment should be preserved at all costs” (DoE, 1994:7). So, the document represented a rather mixed interpretation of the concept, and did not instigate new thinking about how sustainability can be better realized.

The document’s focus was on the environmental dimension, and social issues were still missing in its policy framework. For measures to integrate environment into other policy areas, the strategy depended mainly on institutional arrangements. In its inclination to coordinate policies through institutional reform, the strategy established three new bodies outside the departments: *the Government Panel on Sustainable Development*, *The UK Round Table on Sustainable Development* and, as a distinct initiative, the *Going for Green Programme*.

However, the strategy was different from the previous one in that it introduced some policy principles to guide policies. It expressed support for the ‘precautionary principle’, the ‘polluter pays principle’ and ‘best scientific information’. In addition, the Strategy supported the use of economic policy instruments for environmental purposes. Though it contained no specific proposal for economic instruments; during its implementation a few initiatives arose, including landfill tax. In terms of monitoring implementation, during its operational period, three annual reports were published in 1995, 1996 and 1997 to assess progress towards promised policy goals. And, in 1996, a set of indicators was set up to monitor progress against the targets. These indicators partly resulted from the advice coming from advisory bodies.

1999 may be seen as bringing a step change in the UK with regard to its political engagement with sustainable development. The new strategy, *A Better Quality of Life*, indicates a new stage in terms of mainstreaming sustainable development into policy-making processes. The new strategy reflects the new knowledge acquired throughout the period and lessons learned from earlier experiments.

The most obvious change was the way the Strategy conceptualized sustainable development as a policy objective. The Strategy endorsed a more comprehensive interpretation of the concept by trying to balance economic, social and environmental policy implications. The strategy also tried to accord national concerns with international obligations. It reformulated sustainable development policy by defining it as “a better quality of life for everyone, now and for generations to come” (DETR, 1999:8). Based on this underlying policy goal, the strategy set out four policy objectives: social progress which recognized the needs of everyone; effective protection of the environment, prudent use of natural resources; and maintenance of high and stable levels of economic growth and employment. The setting of objectives embodying social, economic and environmental concerns demonstrates a wider approach to the idea.

The document set out ten principles and approaches to guide the policy; and set targets for some issue areas and supported them by relevant indicators. For policy integration, although institutional mechanisms were the main source of coordination during the operational period, the strategy encompassing all three components can be seen as an advance. Moreover, to better embed the Strategy’s policy objectives into overall policy processes, additional measures were introduced. For example, policy targets are taken into account in Spending Reviews, departments are encouraged to prepare their departmental sustainable development reports for their bits, departmental Public Service Agreements considered the Strategy’s policy targets, Integrated Policy Assessment (IPA) was piloted in some departments, and a Regulatory Impact Assessment is applied to proposals for policies and programs.

The government promised to report annually on progress against policy targets and corresponding indicators to be accountable for its actions or inactions. The last annual report released in 2003 was the review of the whole process, as well. In addition, monitoring activity was supplemented by external assessment. The government established the *Sustainable Development Commission* superceding

the Panel and the Round Table. The Commission advises the prime minister directly on sustainable development policies and strategy.

Overall evaluation of the process from 1990 shows that Britain has adopted a politics of sustainable development by which the idea has gradually unfolded into policy-making processes. According to Young (2000:264) this change in the pattern of political engagement with the idea can be seen as a move from “political containment to integrated thinking”. He suggested that in the 1990s a substantial shift took place with respect to sustainable development politics “from simply trying to contain the environmental issue, to the emergence of some serious cross-sectoral thinking within a stronger framework” (Young, 2000: 264).

The above examination allows us to argue that Britain’s sustainable development policy has undergone an important change with respect to conceptualization of the issue, use of instruments devised to attain policy objectives, and institutional structure to deliver declared policy goals. Learning has played an inevitable role in this change. Political structures have been gradually aligned with the new knowledge emanating from various sources, including international fora and especially from the EU. Additionally, in the process, each strategy contributed valuable experience to policy-makers on which they would draw for new initiatives.

It is possible to identify two kinds of learning in the UK’s sustainable development policy. First of all, conceptual learning occurred, indicating a change in underlying policy goals. Sustainable development has become the framing idea rather than rhetoric, as was the case in the 1990 Strategy. On the level of instruments, increasing use of economic policy instruments can be explained as a process of technical learning. Moreover, other instruments introduced to integrate the environment into other policy areas contributed to the instrumental base of policies. In terms of social learning, the situation is somewhat vague. The first strategy emerged out of inter-departmental consultation; the 1994 Strategy tried to ensure as broad consultation as possible; and in the preparation of *Better Quality of Life*, a wider audience has been

included. Taking this participation-deficit into account, the UK government is trying to ensure a much broader consultation in the revision process of the 1999 Strategy. However, it is not possible to assess to what extent the consultation programs resulted in social learning.

To conclude, a preliminary evaluation suggests that in the UK sustainability politics produced more outputs than outcomes. As a recent report (SDC, 2004a) shows, many of the targets that were set up in the Strategy have not been met. It is too early to judge the process in terms of outcomes that it is supposed to bring about. However, it has made progress in improving institutional capacity to tackle this complex policy issue. The institutional arrangements that have been put into place may enable the country to proceed from outputs to outcomes. But, the country is learning by doing more. This pattern corresponds to what is said in the Sustainable Development Commission's latest review on the Strategy: "Shows promise; but must try harder" (SDC, 2004b).

5. Sustainability Politics in Turkey

Turkey's sustainable development policy has always been ambiguous; and this political stance was reflected in the way by which the concept is translated into policy making-processes. Political attention to the idea has been sporadic, gaining momentum from international conferences. This intermittent political interest has resulted in piecemeal, fragmented policies marked by incoherency and lack of long-term vision.

The ambiguity of the sustainable development policy is also an outcome of the problematic approach to the development-environment relationship. Throughout 1970s, the "growth versus environment impasse" (Meadowcroft, 1997b:169) shaped the discussion. It was thought that measures for environmental protection might hinder economic growth and could divert Turkey's determined path towards development. *The Third Five-Year Development Plan (FYDP)* (1973-1977) echoed this understanding by stating that "no international commitment which would prevent Turkey from industrial development would be

made” (SPO, 1972: 970). It seems that the language used in the plan shares parallels with the concerns raised by developing countries during the Stockholm Conference. However, the publication of the Brundtland report and the subsequent Rio Summit promoting the concept of sustainable development offered a way out of this environment-development dilemma. From the early 1990s, there emerged a new political understanding which recognized the need to reconcile economic priorities and environmental protection in development policies.

The environment emerged as a policy issue in the 1970s but gained salience for policy-making processes in the 1980s. In fact, institutionalization of environmental policy and the rise of sustainable development as a political issue occurred in the same period. Actually, this concurrence would have been an opportunity for Turkey to create political and administrative structures compatible with the demands of sustainable development from the outset. However, a sector-based, fragmented and compartmental structure of policy-making precluded the emergence of joined-up engagement with sustainability politics. Environmental policy has arisen incrementally as a sectoral policy on a piecemeal basis. Environmental policies and institutions have developed on an ad hoc basis in reaction to emerging problems. In terms of policy integration and coordination, it might be fair to argue that the environment remained an “add-on” to policy-making processes rather than embedded into other policy areas within a comprehensive approach. What is apparent is that despite the political commitment to sustainable development, measures taken to integrate environment into overall policy processes are far from sufficient.

On the basis of the above framework, we now can turn to exploring the pattern of policy planning for sustainable development in Turkey. Turkey does not have a comprehensive, multi-dimensional sustainable development strategy - unlike the UK. Instead, it chose to ensure delivering sustainability by a mechanism already in place, that is national development planning. Policies for sustainable development are formulated primarily in five-year development plans. But this process is supplemented by a national environmental

action plan (NEAP), which laid down the country's long-term environmental strategy. Additionally, stimulated by UNCED process and Agenda 21, a national *Agenda 21* was produced but it has not yet been put into operation.

From 1963 onwards, Turkey has operated a national development planning policy. The first plan containing a section for the environment was the third FYDP. And all subsequent plans included a section devoted to the environment. The motive behind this practice was the presumption that incorporating environment in the development plans might help integrate environment into other policy areas. By the *sixth FYDP* (1990-1994), sustainable development became the informing principle for environmental policies set out the plans. The sixth plan, which was influenced mostly by the Brundtland report's discussions, endorsed the notion to guide environmental policies. But the plan used a slightly different terminology in translating the concept into policy objectives. This conceptual imprecision actually implied a rather cautious approach to the emerging idea. Additionally, while the plan adopted sustainability as policy goal, it did not elaborate on political measures and instruments to attain it. The later, seventh, plan represented a much broader understanding of the concept; set up clear targets; and proposed actions for institutional reform. The current *eighth FYDP* (2001-2005) declares the failure of policies implemented so far to achieve sustainability but makes no attempt to reformulate policy objectives other than ascribing the role to the NEAP.

What appears from the evaluation of development plans is that, despite the intentions, practice has failed to mainstream sustainable development into the planning process. It seems that plans have little real effect in terms of integrating environmental considerations with other policy areas, and even less with regard to achieving environmental sustainability. The containment of the sustainability ideal in the environment sector has precluded cross-sectoral policy coordination. Environmental issues were addressed on a sectoral basis in isolation from social and economic policies; and this pattern sometimes led to contradictory objectives within the same plan. And environmental objectives remained

disentangled from macro policy objectives. This general outlook shows that the development planning process has not brought about a change in sustainable development policy. Notwithstanding their inability to fundamentally reorient development policies, the plans have nevertheless helped to convey the idea through policy-making processes.

The *NEAP* released in 1998 represents an important attempt in dealing with sustainable development with a strategic approach. Stimulated by the objective set up in the seventh FYDP to draw up a national environmental strategy, the NEAP initiative was undertaken by the State Planning Organization (SPO). The preparation of the plan was coordinated by SPO with technical assistance from the Ministry of Environment and the financial support of the World Bank. The legal basis of the NEAP is somewhat confusing; it was enacted in 1998 by a protocol signed by SPO and MoE. By contrast to development plans, the NEAP was presented as a sectoral development plan. This means that its implementation depends mostly on political will. The NEAP set a long-term vision with a time frame of 20 years for the implementation of actions that it contains. The actions proposed by the plan are carried out by relevant institutions; and MoE (now Ministry of Environment and Forestry) is responsible for overall coordination of the implementation.

As its name indicates, the NEAP is not a strategy for sustainable development, but an environmental strategy using sustainable development as the conceptual framework. Therefore, it does not attempt to define sustainable development, but does include sustainable development among its policy objectives. Framing objectives of the plan are: Improving the quality of life, improving environmental management, raising environmental awareness and, ensuring sustainable economic, social and cultural development (SPO, 1998). Departing from the conviction that ineffective institutional setting and lack of coordination are the real obstacles on the way to environmental sustainability, the plan is aimed at addressing inconsistencies on the institutional level. So, exclusively concerned with the institutional matters, NEAP paid little attention to setting environmental quality targets. Rather, it emerged as a

document proposing measures and actions aimed at increasing institutional capacity. With this structure, the plan seems to fall far short of meeting the need for a comprehensive strategy.

The review and monitoring mechanisms set out in the plan are very weak. It envisioned short and medium-term performance reviews to be carried out by MoE. So far, MoE has conducted a short-term review based on two-year implementation to assess progress against targets and communicated the report to relevant departments; but it is not available to the wider public. Also, the Plan laid down the terms of its revision after a five-year implementation period. In accordance with this provision, the eighth FYDP proposed the process to revise and update the NEAP on a legal basis. So far no action has been taken for such a revision. How far the NEAP process has been able to deliver its objectives is far from apparent. Due to its legal status, the plan lacks a clear mandate for its implementation. The only mechanism set in place is the integration of NEAP actions into annual programs prepared by SPO. The guidance on annual public investment programs prepared by SPO encourages public bodies to take into account the NEAP in their project proposals.

Evaluated from the policy-learning perspective, it is not easy to identify clear-cut changes in policies aimed at sustainable development in Turkey. Obviously, some new institutional and instrumental arrangements have been introduced into policy-making processes, but it is too early to suggest that they created fundamental changes in policy structures. Change on the conceptual level is limited to the endorsement of sustainability as policy framing idea. However, it does not seem to indicate a paradigmatic shift in policy processes, because any such shift was not accompanied by an effort to further elaborate on the political implications of the concept. It can be suggested that sustainability is added on to existing policies and programs without changing underlying values and policy goals. This is obvious from the way sustainable development is translated into development plans and the NEAP. So far, no operational definition has been provided in the development plans and even in the NEAP. The plans set a policy objective “to ensure economic and social development by

protecting human health and ecological balance” (SPO, 2001) implying sustainability as ‘an’ underlying policy goal. This understanding reveals the persistent focus on economic development without fully integrating the three pillars of sustainability within the planning processes.

Additionally, both the development plans and the NEAP deal with sustainability in terms of the environmental component of the concept. So, all efforts made so far have not produced a comprehensive policy approach. Containment of the issue in environment sector has reinforced the tendency pervasive in the policy-making process to tackle problems on a sectoral basis. This pattern, lacking policy-coordinating instruments, has given rise to inconsistencies in environmental policies and policies across other sectors. All the policy documents have articulated the lack of coordination as a real impediment to the pursuit of sustainable development and proposed measures to ensure institutional and political coordination. The unaltered pattern indicates that no policy learning resulting in change in institutional structure has taken place hitherto. However, recently, stimulated by the Johannesburg Plan of Implementation, an interdepartmental body, *Sustainable Development Commission* was established. The Commission, comprising representatives from SPO, the Ministry of Environment and Forestry, the Ministry of Interior and the Ministry of Foreign Affairs, is aimed at providing a channel for policy coordination.

It is possible to conclude that, in Turkey, there is an ongoing effort to adjust established policy patterns to meet the demands of sustainable development. Turkey has undertaken the task of promoting sustainability using different instruments; it has adjusted existing mechanisms and tried out new complementary ones. However, all these attempts remain disjointed because they are not concerted on the basis of a comprehensive policy strategy. All the three mechanisms, development planning, the NEAP and National Agenda 21 are developed and dealt with in isolation and no effective linkage was established between the goals and objectives. As a result of the recognition that these initiatives have failed to achieve desired objectives, an additional initiative is underway.

Supported by the EU, the new project aims to address the issue of integrating environment into other policy areas. All these piecemeal and fragmented initiatives reinforced the incremental pattern of policy-making preventing institutionalization of sustainability into policy-making structures.

Policy-learning requires lessons drawn from previous experience and new knowledge emerging from the national and international level to be translated into the policy-making process, so that existing policies are improved or changed. The above examination suggests that the policy-learning approach is not directly applicable to Turkey's sustainable development policy-making. Rather, the evidence implies a pattern of policy-making adjusting itself gradually to the problems encountered during the implementation process. Changes occur in policies not because underlying assumptions and values shift, but because proposed measures and instruments to tackle defined problems prove insufficient. Instead of applying lessons gained from earlier experiments to new initiatives, Turkey tends to try out new mechanisms. This disjointed pattern of political engagement with sustainability, relying on mechanisms which lack clear linkages, indicates that Turkey is "still muddling, not yet through" (Lindblom, 1979).

6. Conclusion

Sustainable development is an overarching goal that requires sustained and concerted effort by all sectors of society. As a knowledge-intensive and experimental field of policy, it is best realized by acting on the new knowledge and lessons drawn from previous experience. Therefore, learning is of great importance to this iterative process. Sustainability planning may serve as a catalyst for political learning. Moreover, as a dynamic and evolving field of policy, sustainable development further needs policy-learning to take place not just within countries, but also between countries. In this sense, innovative experiments with sustainability planning can provide lessons for other countries to draw upon in their own initiatives.

The experiences of the two countries examined here suggest that lesson-drawing would be one of the potential sources of learning for sustainable development policies. As one of the early initiatives, the evolution of the British national sustainable development planning system would be a case for inspiration for Turkey. Especially, the institutional arrangements and instruments aimed at cross-sectoral policy coordination and integration, some of which are innovative, can be adapted to sustainable development policy making in Turkey. But, as seen above, the major problem of sustainability politics in Turkey is the mode of political engagement with the concept. Characterized by the occasional periods of heightened activity motivated mostly by external dynamics, this mode prevents Turkey from establishing sustainable development firmly on the political agenda and implementing policies formulated through various plans. Additionally, the plans guiding policies aimed at sustainability lack instruments to assess progress against objectives. The UK's planning approach, with its annual review process, has been functional in both keeping sustainability on the agenda and assessing the progress against objectives set in the strategy. This allows us to suggest that the British approach presents a valuable experience in reorienting national planning efforts for sustainable development in Turkey.

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LES ENJEUX DES ÉCHANGES AGRICOLES EURO-MÉDITERRANÉENS

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Introduction

En novembre 1995, la Conférence de Barcelone a signé un accord pour la création d'une Zone de Libre Echange Euro-Méditerranéenne prévue pour 2010. Dans ce cadre global, l'UE a passé plusieurs Accords d'Association avec les Pays Partenaires Méditerranéens (PPM). Le libre échange s'étendrait seulement aux produits industriels, étant donné que le commerce agricole est régi par des concessions spécifiques qui ont été établies pour chaque pays en fonction des Accords d'Association bilatéraux conclus. Ces Accords d'Association stipulaient que des négociations seraient engagées afin de libéraliser les échanges agricoles avec les PPM, requérant un plus grand accès au marché européen pour leurs productions d'exportation dites méditerranéennes (fruits et légumes notamment). En ce qui concerne la Turquie, son cas est un peu différent, vu que ce pays est détenteur d'une Union Douanière avec l'UE où ses produits agricoles sont exclus, mais la Turquie est en train de négocier des conditions plus favorables pour ses exportations agricoles vers l'UE.

La question de la libéralisation des échanges agricoles en Méditerranée est un sujet délicat. Les intérêts des deux rives diffèrent, et parmi les Etats Membres de l'UE il existe aussi des positions divergentes. Les PPM demandent la libéralisation des échanges des produits pour lesquels ils possèdent des avantages comparatifs - tels que les fruits et les légumes, le poisson, les fleurs et l'huile d'olive, entre autres, mais ils refusent de libéraliser les marchés agricoles où ils ne sont pas compétitifs et qui parfois génèrent des déficits alimentaires structurels importants. Ceux-ci sont principalement des produits laitiers, viande et céréales.

Du côté européen, l'agriculture continentale européenne - céréales, viande, produits laitiers et sucre - est la plus intéressée à fournir les marchés des PPM avec ses produits, qui sont soutenus d'une façon plus généreuse que les produits méditerranéens grâce à la Politique Agricole Commune (PAC). Les marchés des PPM représentent à peu près 10% des exportations agricoles de l'UE, une proportion substantielle même si la structure des échanges agricoles UE-PPM est très asymétrique; pour les PPM les marchés européens représentent environ 50% de leurs exportations agricoles, et 40% de leurs importations agricoles, en fonction de l'année prise en considération. D'un autre côté, le secteur agricole méditerranéen européen tente de minimiser la concurrence des PPM sur son propre marché, et presse les gouvernements européens de ne pas les ouvrir, argumentant qu'il n'est pas juste qu'ils soient les seuls à supporter les coûts de la Politique Méditerranéenne Européenne .

Au niveau national des Etats Membres, les gouvernements se débattent entre les priorités de la politique extérieure et les exigences des secteurs affectés, qui ont une grande capacité de mobilisation, en les faisant des acteurs politiques importants. Par exemple, l'ouverture des marchés européens aux exportations agricoles des PPM représente un dilemme très clair pour les pays européens de la Méditerranée. D'un côté, et dû à des raisons géopolitiques, ce sont les plus solides promoteurs quant aux relations Euro-Méditerranéennes et ils sont très engagés à niveau politique avec le développement économique des PPM. D'un autre côté, et notamment en Espagne, ils perçoivent d'une façon généralisée que les coûts de cette ouverture seront significatifs et que les productions européennes de la Méditerranée en subiront les conséquences.

Il semble que la divergence des intérêts aurait besoin d'un Pacte Agricole Méditerranéen à contenu économique et politique entre tous les acteurs et les pays affectés. C'est-à-dire un accord à deux niveaux entre l'UE et les PPM, mais aussi en ce qui concerne les Etats Membres entre l'UE Méditerranéenne et non-Méditerranéenne. Voilà le constat auquel nous sommes parvenus après plusieurs années consacrées à l'étude de cette question (Escribano et Lorca, 1999; Lorca, Vicens, de Arce et G. Escribano, 2000; De Arce et

Escribano, 2001) et qui a été retenu par le réseau FEMISE lors de son rapport sur la libéralisation de l'agriculture de 2003 (FEMISE, 2003).

D'une perspective de politique extérieure, la libéralisation agricole pourrait être politiquement justifiée si elle arrivait à déclencher le développement économique et social de la rive sud de la Méditerranée grâce à l'augmentation des exportations agricoles et une plus grande efficacité dans les secteurs agricoles traditionnels qui sont en train de substituer des importations grâce à une protection tarifaire et non tarifaire élevée. En même temps, cela générerait un cercle vertueux qui bénéficierait l'emploi et le revenu dans le secteur agricole exportateur, et qui serait transmis à l'économie dans son ensemble.

Une question encore plus polémique est celle qui concerne la libéralisation des marchés agricoles dans les PPM. Ces derniers subissent une structure agricole duelle très polarisée, avec des lourdeurs structurelles caractéristiques d'une agriculture traditionnelle et qui se traduit par des niveaux de productivité très bas. Il est pratiquement clair que le secteur agricole moderne des PPM, orienté vers l'exportation sera capable de concourir sur un marché Euro-Méditerranéen, par contre, il existe de sérieux doutes quant à la capacité de survie du secteur traditionnel des PPM face aux exportations de l'agriculture continentale européenne.

Les résultats d'une recherche précédente montrent que l'impact de l'ouverture des marchés agricoles méditerranéens de l'UE serait significatif, notamment en termes d'exportations et d'emploi, même si pour certains PPM analysés les effets ne seraient pas autant substantiels en ce qui concerne le PIB (Lorca, Vicens, de Arce et G. Escribano, 2000). Les résultats montraient également que les nouvelles exportations des PPM signifieraient une partie importante des échanges intra-communautaires sur ces produits, entraînant ainsi une plus grande concurrence pour les agriculteurs méditerranéens européens.

Pour les PPM, la libéralisation agricole bilatérale vis-à-vis de l'UE pourrait mettre leur secteur agricole traditionnel sous pression, et

les coûts d'ajustement pourraient être très élevés en termes d'emploi et entraîneraient une augmentation importante de leurs déficits alimentaires. Même si la libéralisation agricole est accompagnée du démantèlement des mesures les plus critiquées de la PAC dans les organisations internationales, la variation des prix agricoles dans les PPM pourrait ne pas être si dramatique, après tout. Sur ce scénario, la réforme de la PAC selon les propositions de l'UE et des Etats-Unis dans le cadre multilatéral de l'OMC pourrait se traduire par des prix plus élevés des exportations européennes, compensant ainsi partiellement la réduction des prix domestiques aux PPM occasionnée par la libéralisation commerciale.

Certes, l'impact de la libéralisation agricole est trop complexe pour n'être abordée qu'avec la réalisation des simulations. L'UE défend l'activité agricole comme étant multi-fonctionnelle (Paarlberg *et al.*, 2002), ce qui s'applique aussi, et même d'avantage, aux PPM qu'à l'UE. L'agriculture continue d'être l'activité économique la plus importante pour beaucoup des PPM en termes d'emploi, et c'est sans doute la principale activité, si ce n'est la seule, dans les milieux ruraux des PPM. L'activité agricole retient la population à la campagne, d'une part, loin des grandes villes sud-méditerranéennes pleines de problèmes socio-économiques et d'autre part, loin de l'émigration vers l'UE, qui est souvent la seule issue pour les populations rurales. En fait, cette dimension de la stabilité sociale peut seulement être aproximée par l'effet sur l'emploi que des réformes sur les politiques agricoles peuvent entraîner.

Une partie importante de l'activité agricole dans les PPM est difficile à capturer par des statistiques: Les activités d'auto-subsistance et la production non commercialisée où les services informels à l'agriculture sont normalement négligés dans l'analyse. Pour les PPM, la préservation du secteur traditionnel agricole n'est pas une question bucolique, mais une nécessité réelle. Ce qui veut dire que le développement rural dans les PPM a besoin d'une plus grande attention de la part des gouvernements du Sud, mais aussi de la part de l'UE, indépendamment des options politiques qui

peuvent être adoptées en ce qui concerne la question de la libéralisation agricole en Méditerranée.

Même si le but de cette étude est précisément d'essayer d'obtenir des résultats indicatifs sur les effets conjoints d'une libéralisation commerciale agricole de la part des PPM face à l'UE accompagné du démantèlement de la PAC selon les compromis annoncés face aux négociations agricoles multilatérales, nous sommes bien conscients de cette dimension 'non marchande' de l'agriculture en Méditerranée. La politique des échanges agricoles Euro-Méditerranéens inclut des questions propres de la 'haute politique', telles que les migrations, la stabilité politique, les équilibres ville-campagne et les problèmes régionaux. La plupart des pauvres des PPM vivent à la campagne, ce qui implique que le développement d'une économie rurale capable de répondre à des incitations économiques est une question cruciale pour le développement des PPM.

Si on regarde les expériences récentes de modernisation agricole, comme celle de l'Espagne, l'ajustement semble inévitable à moyen-long terme. Cet ajustement peut venir d'une libéralisation multilatérale entreprise par l'OMC ou par des accords bilatéraux avec l'UE, ou même avec les Etats-Unis (comme celui qui vient d'être négocié avec le Maroc). L'approche multilatérale, comme celle des Etats-Unis, a une logique différente à celle de l'UE. Le multi-latéralisme est un pur jeu commercial : il ne conçoit pas de financement, de compensations ou de dialogue d'ordre politique. Mais il marque le contexte global des échanges Euro-Méditerranéens (Akder, 2000). C'est pour cette raison que nous nous occuperons de cette dimension dans la section suivante.

Le Contexte International du Commerce Agricole Euro-Méditerranéen: Les Négociations Agricoles Multilatérales

Jusqu'à la Ronde d'Uruguay (RU), le commerce agricole était exclu des négociations commerciales multilatérales dans le cadre du GATT, ce qui impliquait que le commerce agricole Euro-Méditerranéen était régi par des accords préférentiels conclus à niveau bilatéral entre l'UE et les PPM. Un des points justement les

plus conflictuels à l'heure de clôturer la Ronde d'Uruguay était celui qui concerne les compromis en matière d'ouverture des marchés agricoles, dont l'application postérieure a présenté pas mal de problèmes, et a reçu de nombreuses critiques pour le peu d'enthousiasme de certains gouvernements à respecter l'esprit des négociations. Malgré de telles critiques, dans certaines occasions, l'Accord d'Agriculture (AA) a quand même réussi à soumettre le commerce agricole à la normative du GATT-OMC, ce qui suppose un premier pas important pour la réforme du commerce agricole international (Beierle, 2002).

Tableau 1: Objectifs de la Ronde d'Uruguay

	Pays Développés 6 ans: 1995-2000	Pays en Développement 10 ans: 1995-2004
Tarifs douaniers		
Réduction moyenne pour tous les produits agricoles	36%	24%
Réduction minimale par produit	15%	10%
Réduction du Soutien Domestique (AMS)	20%	13%
Exportations		
Valeur des subventions	36%	24%
Quantités subventionnées	21%	14%

Source: GATT-OMC

L'AA envisageait un programme précis de réformes pour les politiques agricoles résumé dans le tableau.1, même si dans l'AA figurent seulement les compromis en matière de subventions à l'exportation. Le reste des réductions sont des objectifs employés pour calculer les compromis consolidés de chaque pays. L'AA prévoit deux calendriers selon le type de pays, étant plus graduel et moins exigeant pour les pays en développement et quant aux pays moins développés, ils ne devaient pas réduire leurs tarifs douaniers

ni leurs subventions. De cette manière, et pour la première fois, pratiquement tous les produits agricoles restent sous le contrôle de l'OMC: consolidation des tarifs douaniers, compromis de réduction des subventions à l'exportation et baisse du soutien domestique le plus distorsionnant des marchés.

La RU avait également décidé d'approfondir les réformes d'après l'article 20 de l'AA, article qui obligeait les membres de l'OMC à continuer les négociations à la fin de 1999 ou début de l'année 2000. Ces dernières ont assez progressé, notamment après la Déclaration Ministérielle de Doha (novembre 2001), avec l'objectif de continuer la réduction des tarifs, le soutien domestique et les subventions à l'exportation, les 'trois piliers' des réformes, tels qu'on les appelle en terminologie OMC (OCDE, 2002). Mais pour certaines parties, les négociations actuelles devraient aussi étendre la normative OMC à l'ensemble de l'agriculture dans les mêmes conditions que pour le reste des biens.

Bien au contraire, d'autres parties, telle que l'UE, mais aussi quelques PPM (Jordanie), rejettent cette logique pour plusieurs raisons, notamment pour ce qui concerne les aspects non-commerciaux de l'agriculture. Parmi ceux-ci, certains pays défendent la multi-fonctionnalité de l'agriculture (UE, Japon, Suisse, Norvège, Corée, entre autres), tandis que les Pays en développement soulignent la nécessité de bénéficier d'un traitement différentiel (Matthews, 2002; Ingco, 2003). Mais ces différences n'affectent pas, en principe, les négociations concernant les 'trois piliers' (tarifs, subventions et soutien domestique), sur lesquels se centre cette étude. A ce propos, les négociateurs ne sont pas parvenus à fixer des objectifs numériques, des formules de réduction et d'autres modalités avant la date limite qui était celle du 30 Mars 2003.

Plus récemment, l'échec de la réunion de Cancun (Septembre 2003), bien qu'il ne soit pas dû à des questions agricoles mais plutôt à un désaccord quant à ce que nous appelons les «thèmes de Singapour», a supposé l'interruption temporaire des négociations. Le dossier agricole des négociations avait pas mal avancé même si les différences entre les membres étaient considérables. Les

négociations prétendent trouver un point d'accord entre une plus grande libéralisation du commerce agricole et le désir de certains gouvernements, parmi eux l'UE et certains PPM membres de l'OMC de maintenir des objectifs déterminés en matière de politique agricole. Ces objectifs comprennent des aspects commerciaux et économiques mais plus spécialement dans le cas de l'UE, ils englobent également des buts moins tangibles réunis sous l'expression de multi-fonctionnalité de l'agriculture (Massot, 2003; Burell, 2003; Vatn, 2002).

Le 22 Mars 2004 les négociations agricoles ont été reprises, malgré le collapsus de la réunion ministérielle de Cancun, avec pour objectif de résoudre les questions les plus contentieuses en ce qui concerne les 'trois piliers'. Le nouveau président des négociations agricoles, Tim Gossler, a insisté sur la nécessité de dépasser la phase de positionnement afin de pouvoir procéder à la 'phase de résolution des problèmes'. Avec 52 propositions négociatrices, 32 background papers du secrétariat, 99 papiers non-officiels (non-papers) et quelques framework drafts ayant déjà été présentés, des progrès importantes ont été faits du côté technique et il semble que le reste des négociations se centrera sur le déblocage des dossiers les plus difficiles. La date finale pour la conclusion des négociations est fixée au 1er Janvier 2005.

Les principaux résultats de l'Accord Agricole de la Ronde Uruguay pour notre étude se réfèrent de manière basique aux trois 'piliers' déjà mentionnés: soutien domestique, tarifs douaniers (en ajoutant les contingents des tarifs douaniers) et les subventions à l'exportation. Les positions actuelles négociatrices de la Commission Européenne en ce qui concerne le thème sont publiques et forment le scénario de base de notre étude. Les paragraphes qui suivent exposent succinctement le contenu des 'trois piliers' des négociations comme fondement des pages qui vont suivre.

Le soutien domestique, c'est-à-dire, les subventions à la production intérieure ou 'caisses' selon la terminologie de l'OMC, sont classées en fonction des compromis atteints lors des négociations multilatérales. Les caisses sont de différentes couleurs et indiquent,

tel qu'un feu rouge, si le soutien est permis ("caisse verte"), doit être réduit ("caisse ambre") ou alors est directement interdit ("caisse rouge"). Cependant, en matière d'agriculture, les choses sont normalement beaucoup plus complexes, de sorte que l'Accord d'Agriculture n'a pas de caisse rouge bien que tout soutien domestique qui excède ce qui a été accordé dans les compromis de réduction de la caisse ambre est interdit (WTO, 2004).

La "caisse ambre" est composée principalement, d'une part de mesures de soutien qui dénaturent clairement la production et le commerce international et d'autre part de soutien aux prix, pour lesquels sont fixés des calendriers de réduction. C'est sur ces mesures que cette étude va centrer sa recherche, du côté du soutien domestique. Actuellement, et dans la région Méditerranéenne, l'UE, Chypre, Israël, la Jordanie, le Maroc et la Tunisie peuvent utiliser la caisse ambre.

En plus, il est envisagé la figure d'une caisse bleue pour ces subventions liées aux programmes qui limitent la production. La "caisse verte" inclut des subventions financées par les budgets de l'état et non pas par les consommateurs et comprend de forme basique le soutien aux revenus qui est complètement dégagé des niveaux de production ou de prix. Il faut supposer que les mesures de la "caisse verte" ne dénaturent pas le commerce agricole étant donné qu'elles n'influencent pas, en principe, sur les deux variables (Sumner, 2000).

Les résultats de l'Accord Agricole en matière de soutien domestique présentent plusieurs arêtes, comme les périodes de référence sur lesquelles mesurer les compromis de réduction, le transfert de mesures de la "caisse ambre" à la "caisse bleue" et à la "caisse verte", ou l'existence même de la "clause de paix" appliquée à la PAC. Mais le simple fait d'introduire le secteur agricole dans les négociations et de le soumettre à la logique OMC a facilité les négociations postérieures. Les questions les plus polémiques qui se posent à ce propos sont d'une part s'il faut éliminer la caisse AMBRE ou s'il suffit de la réduire de façon substantielle; et d'autre part si les compromis en matière de réduction doivent se poser en termes d'une limite totale dans

l'AMS (*Aggregate Measure of Support*) ou des limites par produit spécifique. Initialement, des calendriers proposaient une réduction de l'AMS de 60% sur 5 ans (40% sur 10 ans par pays en développement).

En Décembre 2002, l'UE a proposé une réduction de 55% dans l'AMS depuis les niveaux des compromis adoptés lors de la RU, mais avec la condition que les définitions actuelles de soutien domestique et la formule de réduction de la RU soient respectées. C'est précisément sur ce scénario que se fonde cette étude, en dépit des modifications définitives qui peuvent être introduites à l'avenir. Les dernières déclarations de M. Fischler lors de la reprise des négociations agricoles en Mars 2004 sur ce sujet sont prometteuses (WTD, 2004). Bruxelles serait prête à adopter des compromis ambitieux pour la réduction des mesures de la 'caisse AMBRE', et une exemption au soutien 'de minimis' réduite. L'introduction de limites sur les paiements directs dans la 'caisse bleue' pourrait aussi être acceptée, mais dans des proportions modérées. IL semble donc que le scénario de Décembre 2002 n'aurait pas trop changé et que la proposition de base de notre étude serait réaliste.

Le G-20 (quelques pays en développement) et le Groupe de Cairns vont vraisemblablement insister sur des compromis de réduction spécifiques par produit pour les paiements de la 'caisse bleue'. Des aides 'intouchables' pour l'UE et les Etats-Unis, comme celles de la 'caisse verte', sont fortement remises en question par le Groupe de Cairns et le G-20, qui veulent aussi des compromis précis pour discipliner ces mesures. Un résultat dans ces négociations pourrait altérer sensiblement le scénario adopté, mais les demandes de ces pays ne paraissent pas suffisamment fortes comme pour modifier le consensus UE-Etats-Unis dans ces domaines.

Le cadre de l'*accès au marché* présente également des implications importantes pour notre étude. En matière d'agriculture, l'objectif fondamental de la Ronde Uruguay consistait à soumettre le commerce agricole à la discipline GATT. Le vecteur essentiel pour atteindre cet objectif consistait à tarifier toutes les barrières non tarifaires, comme les restrictions quantitatives, les systèmes de tarif douanier variables, etc. Une fois le tarif douanier équivalent établi,

on appliquait à celui-ci le calendrier de réduction, 6% annuel sur six ans.

La tarification a été mise en place en appliquant une formule de conversion de ces barrières aux tarifs douaniers. Cet exercice a révélé jusqu'à quel point l'agriculture était protégée dans les parties contractantes du GATT: les tarifs douaniers qui résultent de la 'tarification sont extraordinairement élevés, jusqu'à atteindre dans de nombreux cas, des niveaux prohibitifs (OCDE, 2002). Pour pallier le problème des tarifs douaniers interdits générés par le processus de tarification, les parties contractantes ont arrêté des compromis en matière d'accès minimum au marché, de manière à ce que les flux traditionnels soient respectés et que la tarification entraîne un accès mineur à celui déjà existant sous des régimes en principe plus restrictifs. (WTO, 2004).

La manière d'affronter ce problème était double: maintenir les tarifs douaniers appliqués en dessous du niveau consolidé et quand ce dernier ne suffirait pas pour garantir l'accès minimum au marché, appliquer des *contingents tarifaires*, un instrument de la politique commerciale insultante pour les spécialistes à cause de ses effets pervers (Herrmann et al., 2001), mais qui a atteint une grande popularité dans l'agriculture pour garantir l'accès minimum et pour pallier l'érosion des préférences octroyées à des pays tiers qui impliquait la baisse des niveaux NMF de protection douanière. Actuellement, autant l'UE que certains PPM membres de l'OMC ont déclaré l'existence de contingents douaniers: l'UE en a déclaré 87, Israël 12, le Maroc 16 et la Tunisie 13. Etant donné leur importance pour le commerce agricole, l'encadré 1 développe le traitement des contingents tarifaires.

Le traitement GATT des contingents tarifaires est très important pour notre étude. De ce fait, les contingents tarifaires préférentiels en vigueur dans l'UE *par rapport aux* PPM surgissent pour garantir leur accès au marché agricole communautaire après l'entrée de l'Espagne et du Portugal dans la CEE et la création postérieure du Marché Unique. Le GATT-OMC considère les contingents tarifaires comme des tarifs douaniers, ne pas considérant leur composant de restriction quantitative. Un des problèmes pour

évaluer le degré de protection de l'agriculture résidait précisément dans la difficulté de quantifier l'impact des contingents tarifaires. L'encadré 1 résume les résultats principaux et théoriques de l'analyse des contingents tarifaires.

Les négociations en cours sur la réduction des tarifs douaniers dans le secteur agricole sont parmi les plus complexes. En premier lieu, il n'existe pas d'accord sur les 'formules' à appliquer: une formule de réduction linéale, dite 'formule RU' pour avoir été retenue lors de la RU (6% par an); ou bien une formule dite 'Suisse' pour avoir été proposée par ce pays lors de la Ronde de Tokyo pour les manufactures, qui prime la convergence dans les niveaux des tarifs et prévient l'échelle tarifaire et les pics tarifaires. Il paraît qu'une approche mixte, avec des groupes de produits différents suivant des formules aussi différentes, est en train de s'imposer, avec les produits agricoles les plus protégés ayant un rythme de réduction plus forte dans les pays développés (60% pour des produits avec des tarifs supérieurs à 90% ; 40% pour des produits avec des tarifs entre 0 et 15%) et des réductions plus petites sur des calendriers plus longs.

Les dernières déclarations de M. Fischler (WTD, 2004) lors de la reprise des négociations agricoles en Mars 2004, concernant l'accès au marché, se réfèrent à ce que l'UE pourrait accepter une formule mixte de réduction tarifaire comme celle que nous venons d'exposer. Mais il a également demandé l'introduction de nouveaux composants, tels que des provisions spécifiques sur des contingents tarifaires élargis et la diminution de l'échelle tarifaire. La proposition est complétée avec un traitement différencié 'fort' en faveur des pays en développement. D'autres points d'intérêt sont l'introduction des limites pour les tarifs les plus élevés, les problèmes des pays importateurs nets d'aliments, le traitement différencié des pays en développement en ce qui concerne les demandes de flexibilité pour des 'produits spéciaux', l'aide alimentaire et les compagnies publiques de commercialisation.

En ce qui concerne les *subventions à l'exportation*, celles-ci sont seulement autorisées pour les 25 membres de l'OMC qui se sont engagés à les réduire pour le secteur agricole. Dans la région Euro-

Méditerranéenne, l'UE a des compromis sur 20 produits, Israël sur 6, et la Turquie sur 44 (WTO, 2004). L'AA, dans l'article 9.4, inclut des exemptions temporaires pour les pays en développement, qui peuvent subventionner la commercialisation et le transport. Les négociations actuelles sont parvenues à classer les produits agricoles en deux groupes en ce qui concerne les subventions à l'exportation.

D'un côté, il y a les produits dits «d'intérêt particulier pour les pays en développement», produits pour lesquels les subventions doivent être éliminées, mais il reste encore à préciser de quels produits il s'agit et établir un calendrier d'élimination. D'un autre côté se trouvent les produits qui restent, pour lesquels il existe deux positions: la réduction des subventions, qui est défendue par l'UE, les Etats-Unis et la Norvège, et d'une façon plus énergique par les pays ACP; et l'élimination des subventions qui est demandée par le G-20. Actuellement, l'UE veut assurer un traitement équitable des différentes mesures de soutien à l'exportation parmi les principaux acteurs, notamment en ce qui concerne le crédit à l'exportation utilisé par les Etats-Unis.

On se retrouve alors avec des enjeux Euro-Méditerranéens qui s'inscrivent dans un cadre global. Mais la nécessité de considérer les aspects multilatéraux ne peut pas faire oublier les éléments déterminants des enjeux propres de la région Euro-Méditerranéenne. Voilà pourquoi la section suivante présente une perspective géo-économique de l'agriculture méditerranéenne.

Géo-Economie de l'Agriculture Méditerranéenne

Malgré une climatologie sereine et certaines conditions géographiques favorables, l'Agriculture Méditerranéenne (AM) affronte de nombreux obstacles pour mener à bien un bon développement. Bien que la Méditerranée apparaisse aux yeux du touriste comme un paradis, pour l'agriculteur méditerranéen, exercer son activité dans ce paradis est une lutte acharnée et continue contre la nature. En premier lieu, il faut lutter pour l'eau, étant donné que la bassin est déficitaire en ressources hydriques, l'eau étant plus rare au printemps et en été, justement quand c'est à

ces époques-là qu'elle est le plus indispensable. Par contre, dans d'autres saisons de l'année, l'eau est très abondante et cause des inondations et de grands désastres dans l'agriculture. C'est grâce à un travail continu et acharné que la main de l'homme a créé l'agriculture méditerranéenne.

Géographiquement parlant, le bassin de la Méditerranée est une olla. Une mer profonde d'eaux salines et entourée de montagnes étant très près de la côte et qui laissent à peine une frange littorale de pays plat entre 20 et 40 km. de largeur. C'est sur ces rives méditerranéennes que s'entassent la population et les activités agricoles, qui sont en concurrence autant pour le territoire que les ressources avec d'autres activités comme le tourisme et l'industrie. Ces montagnes qui entourent la Méditerranée d'Est à l'Ouest s'arrêtent à la dépression du Sahara (Libye et Egypte), apportant au Mashrek des conditions géographiques différentes plus influencées par la proximité de grandes zones désertiques.

En été, les eaux salines absorbent la chaleur qui postérieurement se diffuse avec lenteur pendant l'hiver, créant ainsi un climat hivernal doux et avec peu de gelées. En hiver et en été, la dépression du Sahara agit comme une tempête qui lance de l'air chaud qui, aidé par les montagnes est diffusé dans toute la Méditerranée et forme une circulation tout au long de ses rives. Mais les montagnes empêchent aussi l'entrée de l'humidité de l'Atlantique poussée par les hautes pressions. L'eau et l'humidité n'arrivent pas à la Méditerranée et se transforment en neige sur la face nord-est des montagnes, ce qui bénéficie la côte atlantique de l'Europe en maintenant, autant en hiver qu'en été, les rivières européennes atlantique avec un débit suffisant pour leur navigabilité.

Le climat Méditerranéen est sec et aride. Etant donné que la distance de la montagne à la côte est courte, il n'existe pas d'espace pour former des rivières de grand débit, et le Nil est pratiquement le seul fleuve navigable. C'est malheureusement dans les barrages et les torrents qu'il est le plus difficile de contenir l'eau et de pouvoir la garder pour les mois les plus secs. La conséquence des pluies en Méditerranée entraîne de grandes inondations. La Méditerranée possède de l'eau de pluie quand l'agriculture n'en a

pas l'utilité et c'est quand elle en a le plus besoin, qu'il lui en manque. Mais tout n'est pas négatif, vu que ce climat a quand même rendu possible une de ses grandes richesses actuelles, qui est le tourisme.

La lutte quotidienne de l'agriculteur méditerranéen a lieu contre toutes ces circonstances de la nature. Il a su distribuer l'eau, la gérer et l'utiliser avec efficacité. Il a cherché et développé des techniques de culture ayant besoin de peu d'eau, et il a su créer des marchés nationaux et internationaux pour ses produits. La Méditerranée a le même climat et le même sol, mais en plus, les techniques de culture se diffusent avec rapidité dans un espace habitué à dialoguer et dans lequel ses habitants se sont toujours consacrés au commerce. Ce qui signifie que les produits agricoles dans les différents pays riverains du bassin méditerranéen sont les mêmes et en plus ils sont vendus sur les mêmes marchés où ils sont en concurrence avec des réglementations administratives.

Ce qui veut dire que tous les agriculteurs méditerranéens cultivent et produisent pratiquement la même gamme de produits: céréales, huile d'olive, vignobles, fruits et légumes. En concentrant notre attention sur ces derniers, il faut souligner qu'il s'agit de denrées périssables qui voyagent mal. Ils se vendent donc sur des marchés nationaux et sur des marchés extérieurs en conséquence proches et avec un grand pouvoir d'absorption. Les marchés qui réunissent ces conditions pour l'AM sont les marchés européens. Une compétence forte naît ainsi entre les producteurs des différentes agricultures méditerranéennes. Mêmes climats, mêmes sols et mêmes produits qu'ils doivent vendre sur les mêmes marchés. Bien que l'agriculteur méditerranéen ait su contrôler la nature, il a été vaincu par le protectionnisme agricole européen (Lorca, 2001).

Pour compliquer encore plus la situation, la zone nord du bassin méditerranéen est membre de l'UE et le bassin méridional est formé par les Pays Partenaires Méditerranée, PPM dans le nouvel argot de Bruxelles. Cette dichotomie engendre un commerce asymétrique entre les deux rives du bassin. Les grands producteurs sont membres de l'UE, la France, l'Italie, l'Espagne et, en quantité plus petite, le Portugal et la Grèce; mais ce sont également de grands

consommateurs, ce qui entraîne que leurs productions sont en grande partie consacrées à la consommation intérieure. Ce sont les pays ayant des excédents de production qui entrent en compétition sur le marché européen. Les pays qui sont le mieux implantés actuellement sur les marchés européens sont l'Espagne, le Maroc et Israël. La Tunisie occupe une place importante dans la production d'huile d'olive, alors que d'autres pays, comme la Grèce, la Jordanie et l'Egypte en exportent en petites quantités. L'Espagne est plus grande exportatrice, le seul pays grand producteur avec des excédents pour l'exportation; ce sera donc ce pays qui à son tour affrontera la concurrence avec les PPM exportateurs sur les marchés européens.

Quand les pays excédentaires essaient d'entrer sur les marchés européens, ils doivent se mesurer avec les producteurs européens qui contrôlent les marchés nationaux, ce qui implique que l'agriculture Méditerranéenne Exportatrice (AME), rivalisent avec les producteurs nationaux des États Membres (EM). Les producteurs de la rive sud méditerranée subissent en plus la concurrence avec les pays exportateurs européens. Le Maroc rivalise avec la France et l'Espagne et, naturellement, avec les barrières que les intérêts des EM imposent aux importations qui proviennent de la Méditerranée. Ces barrières sont très variées et leur incidence dans la régulation des flux agricoles est très importante. En plus des barrières douanières et du soutien domestique explicites à travers des subventions, il existe une vaste gamme de barrières non douanières, qui sont simplement des normes de toutes sortes, qui cache parfois une protection démesurée de l'U envers ses agriculteurs.

Bruxelles a toujours essayé de dialoguer avec la Méditerranée en créant même des politiques spécifiques pour une meilleure régulation de son commerce. Une bonne partie de ses membres comme la France, l'Italie ou l'Espagne possède des intérêts économiques et politiques de l'autre côté de la rive méditerranéenne et ils se sont compromis quant à son développement économique et politique. Cependant, cette ouverture vers le sud et pour le sud méditerranéen n'est pas reflétée dans le domaine de l'agriculture. Le dernier document signé pour tous les pays riverains méditerranéens et connu comme le

Processus de Barcelone ou Association Euro-Méditerranéenne a créé une Zone de Libre Commerce dans la Méditerranée (ALCEM). Nonobstant, dans son article 31.3 il écarte de l'ALCEM le commerce des produits agricoles. En 2003, le thème a été remis sur la table mais sans résultats positifs. D'après l'évolution des conversations, la possibilité qu'il existe que les marchés européens s'ouvrent aux produits méditerranéens est très réduite. Les ministres d l'agriculture de l'UE, lors de la réunion de Venise du 28 novembre 2003 n'ont même pas voulu aborder le thème de la libéralisation de l'agriculture méditerranéenne. Pourquoi?.

La raison fondamentale, selon notre manière de voir les choses, est une raison politique et pas économique. La plupart des pays membres de l'UE ont une base électorale qui favorise la représentation démocratique des zones rurales dans les Parlements. Leurs démarcations électorales sont faites de telle manière qu dans les zones rurales, avec peu de votes, ils peuvent obtenir un représentant au Parlement alors qu'en revanche, dans les zones urbaines ils ont besoin de beaucoup plus de votes. La politique arithmétique et électorale implique donc que les partis politique soient plus attentifs aux pétitions de leurs zones rurales qui coïncident obligatoirement avec les agricoles. Ce mécanisme fait que la représentation de l'agriculture aux Parlements est au-dessus de la population active et de sa contribution au PIB. Par conséquent, et en dernière instance, une réforme des règles qui contrôlent le commerce agricole et l'ensemble de l'agriculture européenne devrait commencer par une réforme des lois électorales européennes. Et cette réforme rencontrera n'ayant rien à voir avec la politique agraire. Il faut donc supposer que le status quo se maintiendra et qu'il sera défendu par les associations agricoles européennes qui fonctionnent avec efficacité en défense de leurs intérêts, sans aucun doute légitimes.

En ce qui concerne la production agricole, nous avons déjà commenté que nous avons fondamentalement trois pays excédentaires, et qui sont donc en concurrence entre eux et avec les producteurs nationaux sur les marchés européens ; l'Espagne, pays membre de l'UE, le Maroc et Israël. Avec Israël, l'UE a un accord euro-méditerranéen d'Association, en vertu duquel les produits

manufacturés israéliens entrent dans l'UE libres de tarif douanier en accord avec le Processus de Barcelone, mais il faut rappeler que l'agriculture en est exclue. Le Maroc est plongé dans un processus semblable d'ouverture commerciale, la majorité de ses manufactures jouissant d'un libre accès sur les marchés européens et faisant les premiers pas en matière de libéralisation commerciale pour atteindre les objectifs fixés dans son Accord d'Association. L'Espagne étant un EM de l'UE, ses produits entrent sans aucun type de difficultés dans l'UE, bien que nous ne devions pas oublier que c'est seulement après être passé par une longue période transitoire. En réalité, seulement depuis 1996. Avec la Turquie, l'UE a établi une Union Douanière, mais là aussi, les produits agricoles en sont exclus, même s'il faut tenir compte du fait que la Turquie est un pays candidat et que son entrée de plein droit est calculé pour le 20 octobre 2012.

Les Limites de L'agriculture Méditerranéenne

Dans cet état de choses, la question qui se pose du côté de la production est s'il est possible de développer celle-ci et quelles en sont ses limites. Au début, on pouvait penser qu'il y avait deux limites naturelles à l'expansion de l'AM: le sol et l'eau. Si nous nous concentrons sur cette dernière, il faut reconnaître qu'il existe un déficit hydrique dans le bassin de la Méditerranée. Cependant, certains facteurs relativisent l'importance de cette limite. Un d'entre eux est la technologie qui, avec le développement des cultures sous plastique et les techniques de culture avec peu d'eau font que celle-ci est utilisée avec une plus grande efficacité.

D'un autre côté, les économistes nous disent qu'il n'existe pas un marché efficace pour l'eau destinée à l'agriculture, et que l'eau utilisée dans l'activité agricole est fortement subventionnée. Cette absence de formation du prix de l'eau dans le marché implique un prix subventionné dont le niveau se situe en dessous du coût d'opportunité. Cela provoque un gaspillage et une utilisation inefficace, pose des problèmes avec son utilisation alternative, comme l'est l'utilisation pour l'usage urbain, industriels et, plus spécifiquement, le tourisme. En conséquence, l'économie libérale défend la création d'un marché basé sur ses prix réels, pour

atteindre une jouissance de l'eau plus rationnelle et éviter le gaspillage qui se produit fréquemment et entraîne des critiques bien motivées du point de vue économique, (Lorca, Vicens, d'Érable et Notaire, 2000).

On pourrait penser, en conséquence, que l'eau est ou bien sera un facteur limitatif pour la production de l'agriculture méditerranéenne. Mais les choses ne sont pas ainsi nécessairement, même si on considère une réforme dans le mécanisme de fixation de prix des ressources hydriques. La raison est que les possibilités d'utilisation de l'eau augmentent chaque fois plus, des barrages et des canaux étant construits et qui avec les sols adéquats, peuvent contribuer substantiellement à augmenter la capacité d'irrigation dans les deux pays.

Si nous faisons attention aux grands exportateurs de l'AM nous observons comment l'Espagne a dessiné un plan hydrologique avec lequel elle créera un réseau de canaux connectés avec des bassins de fleuves éloignés, ce qui permet une distribution plus équilibrée sur tout le territoire et augmente les possibilités de cultures irrigables dans des zones considérées antérieurement en friche. Sur la rive sud, le Maroc a une bonne quantité d'eaux souterraines dont l'utilisation va s'intensifier dans un futur proche. En outre, il compte sur une bonne quantité de barrages pour le dépôt d'eau, qui font que pour ces raisons-là, l'eau n'est pas une limitation pour le moment. Pour ce qui est de la consommation, l'emploi des techniques qui optimisent l'emploi de l'eau peuvent contribuer à augmenter substantiellement la capacité d'irrigation dans les deux pays.

Deux autres pays qui ne sont pas importants sur les marchés européens ont actuellement de grands projets d'irrigation. L'Égypte commence un projet qui créera un canal parallèle au Nil par sa rive gauche et qui partira du barrage d'Assuan, ce qui permettra d'irriguer de vastes étendues importantes de terres, actuellement stériles pour l'AM le. Il est vrai qu'en ce moment, la production couvre pratiquement la demande nationale, mais dans l'avenir, il pourrait y avoir des excédents dont la sortie serait l'exportation. L'Égypte regarde les marchés arabes de la Péninsule Arabique et rivalise avec la Jordanie, mais celle-ci est dans une situation limite

en ce qui concerne l'utilisation de l'eau étant donné qu'elle utilise pratiquement 100% de ses ressources possibles. L'Egypte sait comment utiliser l'eau, et les nouvelles irrigations pourront être mises en fonctionnement rapidement. Cependant, elle devra attendre quelque temps et investir un assez grand capital dans la création de chaînes de distribution dans les marchés européens, bien qu'elle puisse utiliser également ceux déjà existants dans les mains d'opérateurs européens.

Israël est dans la même situation que la Jordanie, étant donné qu'il utilise ses ressources hydrauliques à 100%. Le problème de l'eau en Israël est que quelques spécialistes pensent que 30% de l'eau qu'ils utilisent est dans des territoires où ils n'ont pas de souveraineté. Israël est, avec la Jordanie, le pays qui a le plus de problèmes avec ses ressources hydriques. Le problème qui est exposé est comment réduire l'eau destinée à l'agriculture et en consacrer plus aux zones urbaines dont la demande augmente rapidement, et investir du capital en technique ayant besoin de peu d'eau. Il se peut que ce soient Israël et la Jordanie qui devront affronter la plus grande restriction dans l'expansion de l'AM.

La Turquie est un autre pays qui possède un grand potentiel hydrique. C'est le seul pays dans la Méditerranée qui a un surplus considérable grâce aux sources de l'Euphrate et le Tigre qui forment un impressionnant « château d'eau » qui pourrait fournir de l'eau à tout le Moyen Orient qui en est très déficitaire. Les Turcs ont déjà proposé la création d'un canal qui passerait par la Syrie, Jordanie et l'Arabie Saoudite, un projet dénommé le Canal de la Paix. Cependant, le projet n'a pas été reçu avec enthousiasme par les gouvernements arabes du Moyen Orient qu'ils n'ont pas confiance dans les Turcs, qui étaient sous leur emprise jusqu'en 1923 et qui maintiennent de bonnes relations avec Israël.

L'eau est un produit trop vital et stratégique comme pour dépendre d'un autre état, plus encore quand des réticences déterminées et de caractère politique élèvent le coût de cette dépendance. L'Etat turc a investi dans les années 70 près de 20% de son budget d'investissements dans le projet GAP qui consiste dans la création de 21 barrages sur le Tigre et l'Euphrate, certains d'entre eux de

très grandes dimensions. C'est le cas du Barrage Ataturk dont il a fallu plus de deux ans pour le remplir et a provoqué de graves discussions avec le gouvernement syrien, car pendant quelques mois le flux d'eau de l'Euphrate s'en est trouvé réduit et a provoqué des problèmes d'approvisionnement et de pollution d'eau chez les Syriens.

Le projet GAP met en production une grande étendue de terres irrigables, ce qui signifiera une forte croissance de la production de l'AM Turque. Il faut rappeler que la Turquie est candidat à l'entrée dans l'UE et qu'en cas d'adhésion, la régulation des flux agricoles admettrait uniquement des restrictions transitoires. Néanmoins, l'agriculteur turc de la zone des travaux n'est pas habitué à utiliser l'eau de manière efficace, ce qui entraîne des défis considérables pour les activités de production agricole. En plus, une partie de la zone est en territoire Kurde, ce qui les aiderait à augmenter leurs revenus et à résoudre en partie leurs différends, si le gouvernement d'Ankara décidait d'être généreux dans la distribution des terres irrigables. Mais l'apprentissage de l'utilisation de l'eau pourrait durer au moins 10 ans.

Ce que nous observons donc est un investissement de capital provenant des budgets nationaux des PPM, spécialement le Maroc, l'Egypte et la Turquie, qui sans l'ombre d'un doute développera la production agricole dans l'avenir et augmentera la concurrence sur les marchés européens. Cette stratégie d'investissement est très discutée, car depuis la perspective économique cela signifie exporter de l'eau sur les marchés européens, étant donné que la production de produits méditerranéens a besoin de beaucoup d'eau. Cette dernière est un bien insuffisant dans la Méditerranée et s'il existe la possibilité de l'utiliser à des fins agricoles, c'est dû à un grand investissement et de grands sacrifices dans le budget des états.

Il reste à se demander si ces capitaux ne pourraient pas être utilisés à d'autres fins comme la santé et l'éducation qui sont peut-être plus nécessaires pour la croissance économique et le développement humain. Mais la décision des gouvernements a été de faciliter l'emploi de l'eau, étant donné que l'investissement en agriculture

signifie créer une offre importante dans les zones rurales qui peut permettre de maintenir ou même d'attirer cette population sur place. On essaie d'éviter ainsi le déséquilibre de population que suppose l'émigration rurale qui cause à moyen et long terme des problèmes politiques incontrôlables du point de vue social et d'ordre public dans les villes. En conséquence, il est prévisible que le sud de la Méditerranée continue d'améliorer sa production agricole méditerranéenne et «en exportant de l'eau subventionnée vers l'UE».

Contrairement à l'investissement en eau qui reste essentiellement financé par les budgets de l'Etat nationaux et dans certaines mesure par les organismes internationaux, il existe un autre type d'investissements qui est mené à terme avec le financement du capital privé étranger (IDE). Cet investissement qui est fait normalement en technologie et en chaînes de distribution est souvent freiné par la législation et la bureaucratie des PPM. Le risque-pays sur la rive sud méditerranéenne est grand, et trouver des associés entrepreneurs ayant un comportement européen est difficile, ce qui fait que pour le moment, son volume n'est pas important. Mais il possède un grand potentiel qui se développera en parallèle avec le processus de Barcelone et la création de l'ALCEM qui produira une modernisation de la bureaucratie et une homologation avec les normes communautaires. Les réformes institutionnelles dans les PPM sont un élément clé d'attraction pour ce type d'investissements agricoles.

Pour résumer ce qui a été dit jusqu'à maintenant, il semble prévisible, que dans l'avenir l'augmentation de l'offre de produits de l'AM se fera rapidement parmi les PPM. Il est clair qu'une bonne partie de cette augmentation de la production servira à couvrir une demande domestique de ces produits chaque fois plus importante et provoquée par l'augmentation de la population et du revenu, étant donné qu'il s'agit de produits d'une élasticité-revenu élevée. Néanmoins, il est probable que les investissements mentionnés engendrent des excédents substantiels, et que ces derniers vont faire pression sur les marchés européens. Actuellement, ces excédents ne peuvent pas entrer sur les marchés européens, car la protection de Bruxelles le leur interdit. Ce que nous devons nous demander c'est

jusqu'à quand peut-on étendre ce protectionnisme en vertu de la pression d'organismes internationaux comme l'OMC et les PPM dans le cadre du processus de Barcelone ou d'autres circonstances comme la pression migratoire?

Dans l'avenir, nous pouvons donc prévoir une croissance significative de la production agricole méditerranéenne. Cette croissance sera le résultat de l'augmentation de l'irrigation, spécialement dans les PPM, le Maroc, l'Egypte et la Turquie. Cette concurrence fera sans doute pression sur l'agriculture des pays communautaires méditerranéens, comme la France, l'Italie et l'Espagne. Le conflit agricole qui confronte les pays riverains s'aggraverait, et c'est précisément pour cette raison qu'il est nécessaire de trouver une solution. Le protectionnisme utilisé jusqu'à maintenant par l'UE n'est pas une solution à moyen-long terme: tôt ou tard la libéralisation des marchés agricoles méditerranéens sera une réalité et la Méditerranée devra trouver une solution, pas seulement pour ses conflits internes, mais aussi pour être en mesure de concurrencer la production latino-américaine comme celle du Brésil ou la production asiatique qui chercheront à pénétrer dans les marchés européens lors des prochains accords de l'OMC.

Les Options Politiques pour L'UE

Une des solutions possibles est le protectionnisme, une solution apportée par l'UE pour l'agriculture de l'Europe continentale, basée sur la production de céréales et de produits laitiers et de viande. Cependant, l'accord de Marrakech qui a clôturé la Ronde Uruguay exige la réduction des tarifs douaniers et du soutien domestique à l'agriculture. L'échec de la dernière réunion de l'OMC est dû en partie à la réticence de quelques pays en développement à continuer la libéralisation commerciale multilatérale sans progrès significatifs dans la libéralisation agricole des marchés de l'UE, des USA et du Japon. On peut affirmer que la tendance actuelle des organismes internationaux, mais aussi celle des experts, est de réduire les tarifs douaniers et la libéralisation du commerce des produits agricoles.

L'AGREEM a déjà réalisé pour FEMISE une étude dans laquelle sont analysés les résultats d'une ouverture des marchés agricoles de produits méditerranéens sensibles de l'UE face aux exportations agricoles des PPM,(Lorca, Vicens, De Arce et Escribano, 2000). Le résultat global des simulations effectuées souligne l'importance de la protection douanière communautaire comme une mesure très efficace pour contrôler les exportations agricoles des PPM sur les marchés de produits méditerranéens sensibles de l'UE, (des produits essentiellement de culture fruitière et maraîchère, mais également des produits de la mer). L'augmentation nette des exportations agricoles des PPM représenterait plus de 11% du volume du marché communautaire.

La concurrence serait donc relativement forte avec des pays comme la France, l'Italie, l'Espagne, la Grèce ou le Portugal. Cependant, il ne semble pas que l'UE puisse maintenir indéfiniment une politique protectionniste en matière agricole qui va à l'encontre de l'opinion des experts. En outre, les pays européens consommateurs de ces produits ne l'accepteraient pas facilement, face à l'alternative d'une réduction substantielle des prix des produits agricoles méditerranéens provoquée par une concurrence plus dure sur les marchés. Le protectionnisme agricole ne semble donc pas une réponse ni adéquate, ni soutenable à moyen-long terme, (De Arce et Escribano, 2001).

Une possibilité déjà pratiquée par la Hollande est l'introduction de technique de cultures intensives en I+D. Cela impliquerait un changement dans la production agricole, dans deux aspects: "l'agriculture devrait s'industrialiser et se consacrer à l'exploitation de grandes unités et étendues d'un même produit; d'autre part, l'agriculture "technologique" se consacrerait à la recherche et au développement de nouvelles graines et techniques de développement de production sous plastique et efficaces pour l'emploi de l'eau. Cela supposerait un changement important des structures de production qui ont déjà été en partie réalisées dans les EM méditerranéens. Le défi consiste à transformer l'agriculture méditerranéenne des pays euro-méditerranéens en un système de production intensive en capital et technologie, comme a déjà fait Hollande et plusieurs régions de la Méditerranée européenne.

Par conséquent, on pourrait se retrouver face à un phénomène de re-localisation agricole semblable à celui qui s'est opéré dans l'industrie. Ce phénomène se caractérise par la translation de la production, des postes de travail et des techniques de culture aux PPM, étant donné que ces derniers possèdent des avantages comparatifs en termes d'abondance de main-d'œuvre et de climat ensoleillé. "Le modèle Almeria" de culture sous plastique pourrait se déplacer vers le sud, et en Europe méditerranéenne, il apparaîtrait des cultures comparativement plus intensives en capital et technologie. Cette idée n'a pas été suffisamment analysée dans la littérature économique. D'une façon surprenante, les économistes ont été "étonnés" de l'efficacité des ajustements du marché. En d'autres mots, le marché est capable de résoudre les problèmes, si on lui en donne "l'opportunité."

Un bon exemple de cette réussite est la transformation de "l'agriculture industrialisée et technologique hollandaise" dont nous parlions auparavant. À la fin des années 80, l'agriculture hollandaise s'est vue soumise aux compétences de l'agriculture espagnole qui entrainait avec 10 ans de transition - postérieurement réduit à 7 ans. La solution hollandaise a été de se mettre à la tête de la recherche et de la technologie dans certains aspects de l'agriculture méditerranéenne sous plastique. Le résultat en a été le changement de produits d'exportation: des tomates aux graines de tomate. La graine de tomate est un produit ayant une plus grande incorporation de technologie, de plus grande valeur par poids, avec un pouvoir oligo-polystique sur les marchés et, donc, avec la possibilité de fixation de prix plus élevés et des bénéfices plus importants par hectare. C'est sans nul doute le chemin que doit suivre l'Espagne: au lieu de faire de grands investissements en infrastructure elle devrait investir plus dans la recherche et le développement afin de créer une agriculture industrielle et technique.

Jusqu'à maintenant, l'UE a utilisé le protectionnisme pour protéger les produits agricoles méditerranéens en les excluant de la zone de libre commerce convenue lors de la Déclaration de Barcelone. Cette position n'est pas surprenante, vu l'expérience de la PAC. En 2003, il était prévu de reconsidérer la position

protectionniste, mais comme il fallait s'y attendre, les ministres de l'agriculture, dans leur réunion du 29 novembre 2003, n'ont même pas voulu pas mentionner la libéralisation du commerce agricole méditerranéen, malgré la pression qui émane de différentes instances, OMC, USA, PPM, pays en développement, etc..

Nous avons déjà vu comment depuis l'OMC, les pays en développement, et plus spécialement le groupe des 20 et celui de Cairns insistent de plus en plus pour que soit libéralisé le commerce agricole, une mesure qui les aideraient à développer plus amplement leurs économies. Dans cette même lignée, les PPM faisant partie de l'Association Euro-méditerranéenne, insistent de plus en plus sur le fait que la libéralisation agricole est l'unique voie qui leur permettra de compenser l'augmentation de leurs importations de produits manufacturés européens due à la libéralisation commerciale face à l'UE, et qui impliquent les obligations contractées dans les Accords d'Association. Cette pression méditerranéenne augmentera quand les investissements en irrigation auront mûri et les excédents disponibles pour l'exportation depuis les PPM se seront accrus.

Au sein même de l'UE, des pressions sont exercées quant à la libéralisation en général, bien qu'en ce qui concerne l'aspect agricole, il ne semble pas que celle-ci puisse être mise en pratique aussi facilement. Même si l'agriculture européenne est divisée en deux fonctions de production très différentes, celle de l'Europe humide (céréales, viandes, produits laitiers,...) et celle de l'Europe méditerranéenne (fruits et légumes), les deux sont protégées par des tarifs douaniers élevés, bien que l'agriculture continentale reçoive un plus grand soutien domestique de la PAC, ce qui rend difficile la confrontation d'intérêts entre les deux Europes.

Le consommateur de l'Europe humide profiterait de la libéralisation du commerce des produits agricoles méditerranéens à travers la diminution de prix dans les produits de culture fruitière et maraîchère. Cependant, son argumentation aurait peu d'effet dans une situation où ses produits agricoles sont aussi fortement protégés, ce qui implique que l'Europe méditerranéenne devra supporter des prix élevés dans des produits comme la viande, les

produits laitiers et les céréales. Par conséquent, il ne semble pas qu'au moment d'orchestrer un mécanisme de trade-off dans la prise de décisions à Bruxelles cet argument soit très soutenable.

L'argument libéralisateur pourrait avoir une plus grande force si de nouvelles opportunités d'investissement apparaissaient dans l'agriculture des PPM. Jusqu'à maintenant, ces opportunités elles ont été limitées par une série de circonstances. Les PPM ont limité et même interdit la propriété de la terre aux étrangers; cette mesure, basée sur son expérience colonisatrice et qui avait pour but d'éviter que la propriété tombe à nouveau dans les mains des anciennes métropoles, est en train d'être revue sous la protection de nouveaux codes d'investissements étrangers.

La législation des droits de propriété est également en pleine réforme afin de la rendre plus transparente et inciter l'activité privée. En plus, la mise en pratique de la Zone de Libre Commerce Euro-Méditerranéen est en train d'introduire également dans quelques pays une bonne partie de l'acquis communautaire par la voie de la réforme de la législation, les normes et les standards des PPM dans une tentative de les homologuer à ceux de l'UE et ainsi réduire le coût de transaction des relations économiques Euro-Méditerranéennes. Tout cela suppose une réforme profonde du cadre juridique législatif dans ces pays qui est, en bonne partie, une des barrières pour l'attraction de l'IDE.

Ces changements dans l'infrastructure du commerce agricole Euro-Méditerranéen, l'augmentation d'une part de la production dans les PPM et d'autre part de la demande dans l'UE provoquée par l'élargissement à l'Est et l'augmentation du revenu communautaire peuvent créer des circonstances favorables pour le développement d'investissements agricoles européens dans les PPM. Ces pays n'ont ni le capital, ni la technologie, ni la capacité de transports, ni les chaînes de distribution nécessaires pour pénétrer dans les marchés européens, ce qui impliquera, que le développement sera en bonne mesure capitalisé par des acteurs communautaires. C'est un fait qui créerait des pressions internes à l'intérieur de l'UE pour la libéralisation du commerce agricole méditerranéen, parce qu'il

supposerait l'apparition de bénéfices potentiels et substantiels pour certains agents du secteur agricole de l'UE.

Mais un résultat aussi plausible serait d'essayer d'appliquer la logique libre-échangiste jusqu'à ses dernières conséquences. La libéralisation des échanges agricoles de la part de l'UE aurait comme contrepartie l'ouverture des marchés des PPM aux exportations agricoles européennes. Voilà l'objet de cette étude: quantifier l'impact de cette ouverture pour les pays des rives Sud de la Méditerranée en terme de PIB et d'emploi, et ainsi atteindre une unité d'évaluation précise du bonus de soutenabilité d'une telle politique.

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LA SITUATION ALIMENTAIRE DANS LES PAYS SUD MÉDITERRANÉENS ET LES PERSPECTIVES DU PARTENARIAT EURO-MÉDITERRANÉEN

NEILA AKRIMI

Introduction

Mer des paradoxes, c'est ainsi que la méditerranée est toujours conçue essentiellement pour les différences de développements socio-économiques de ses deux rives. La Méditerranée paraît de la sorte plus dissocier que réunir ces deux régions. Cette dissociation du fait que les deux rives contribuent à des dynamiques distinctes trouve une grande application en matière alimentaire. Les pays du Sud méditerranéen (PSM) demeurent, malgré une grande variété de situations, marqués par un climat, une faible disponibilité en terres par travailleur et un niveau de développement relativement faible. Ces limitations en ressources naturelles expliquent, pour une part, la faiblesse des résultats de l'agriculture et la dépendance alimentaire de la rive Nord qui n'a cessé d'augmenter au cours des dernières années.

Cependant, la comparaison des résultats obtenus par des pays méditerranéens voisins et similaires permet de penser qu'il n'y a pas de fatalité écologique et que le rôle des facteurs socio-économiques, politiques et géopolitiques est tout aussi important. Dans le contexte d'insuffisance de l'offre agricole de beaucoup de pays et d'instabilité des marchés mondiaux, l'on est en droit de s'interroger si ces pays étaient en mesure de nourrir leurs populations? Quelles politiques agricoles et alimentaires faut-il mettre en place compte tenu des nombreuses contraintes techniques, économiques et surtout humaines? Quelles en seraient les interactions avec les politiques européennes dans le contexte du processus de Barcelone, lancé en 1995 et mettant en place une nouvelle phase des relations entre les deux rives de la méditerranée? A cet égard il serait inévitable de mettre en exergue la nature de la relation des deux rives de la méditerranée en matière alimentaire. Oscillante entre dépendance et complémentarité, il serait opportun de voir d'abord les niveaux de la dépendance pour

ensuite s'attarder sur la politique de l'Union Européenne (UE) en matière d'aide alimentaire vers ses partenaires de la rive sud de la méditerranée, une approche s'inscrivant plutôt dans la complémentarité entre les deux rives.

L'analyse de la situation alimentaire dans le bassin méditerranéen semble primordiale afin de mieux saisir ses interactions.

En fait la recherche d'une meilleure autosuffisance alimentaire en Méditerranée dépendra des efforts développés en vue d'améliorer les capacités de production et des politiques des Etats qui orienteront le développement agroalimentaire dans ses modalités et dans le choix des productions. Cependant et comme on l'a précisé ci dessus cet effort n'est point à l'abri de l'interaction avec les partenaires de la rive Nord ni avec la mouvance qui caractérise la scène internationale. De ce fait on va consacrer une partie au perspective du PEM en matière alimentaire et ce en analysant d'abord la question de la dépendance et des complémentarités entre le Nord et le Sud de la Méditerranée. Pour ensuite voir la politique de l'UE en matière d'aide alimentaire et ce en décrivant l'action des différentes institutions communautaires en matière de sécurité alimentaire et l'institution la plus dynamique à cet égard demeure la Commission européenne.

A. Structure de la consommation dans les PSM

Selon la classification de zone de consommation homogène dans le bassin méditerranéen, la séparation d'habitudes de consommation est évidente entre:

- pays méditerranéens communautaires, excepté la France qui forme un groupe indépendant ;
- pays méditerranéens orientaux (exceptée la Syrie) et pays insulaires de la Méditerranée.
- pays méditerranéens arabes et européens de l'Est.¹

¹ Allaya, M. et al. 'Alimentation et agriculture en Méditerranée'. (1984), Paris, CIHEAM/IAMWPublisud.

Les deux derniers sous groupes appartiennent à l'entité des Pays Sud Méditerranéens (PMS). Cette entité présente une certaine unicité au niveau de la consommation alimentaire. Jusqu'au début des années 60, la consommation alimentaire de ces pays s'appuyait avant tout sur une production nationale.

L'orientation de la consommation alimentaire vers des produits typiques des modèles de consommation des pays occidentaux tend à se généraliser. Elle se traduit par la consommation croissante de produits animaux (principalement la viande, mais aussi les œufs et produits laitiers) au détriment des céréales alimentaires, notamment vivrières, et des farineux comme les tubercules et légumineuses sèches dont la consommation plafonne ou diminue.

Dans les PSM, la consommation alimentaire représente assez généralement une transition entre le modèle traditionnel à forte base céréalière, pauvre en protéines animales et juste suffisant énergétiquement et le modèle « occidental » couvrant largement les besoins énergétiques et riches en protéines animales. Toujours se manifeste la caractérisation méditerranéenne du modèle constitué par la forte présence de fruits et légumes. Les PSM se sont en général rapproché dans un degré moindre de la moyenne des pays développés, et ceci s'est produit moyennant une diminution de la consommation de produits traditionnels. En revanche, les Pays Nord Méditerranéens (PNM) ont augmenté leur consommation de produits différents de la structure productive traditionnelle, mais ils ont maintenu à un certain niveau la consommation de leurs produits classiques.

Dans tous les cas, le processus de rapprochement tendant à l'uniformisation entre les modes de consommation du bassin méditerranéen et des pays développés semble avoir été bidirectionnel. C'est à dire, non seulement il a été dû à un effet d'imitation de la part des pays méditerranéens, mais encore le rapprochement a été aidé par une tendance générale à la consommation de produits inclus dans ce que nous appelons l'alimentation méditerranéenne suite aux dernières

recommandations d'organismes internationaux qui considèrent ces produits avantageux pour la santé de la population.²

B. Les contraintes en matière alimentaire dans les PSM

Problème d'approvisionnement

Le secteur agricole dans les PSM malgré l'amélioration de ses productions a été souvent dans l'incapacité de faire face à la croissance et aux mutations de la demande liées aux changements des habitudes de consommation et à l'élévation des niveaux de vie. Les limitations structurelles, la faiblesse des investissements, les systèmes de prix, le faible niveau d'organisation professionnelle, sont autant d'éléments de blocage des productions qui ont conduit ces pays à recourir au marché international pour combler leurs déficits.

L'ouverture sur les marchés internationaux et les subventions accordées à la consommation des produits de première nécessité ont incité les agriculteurs à s'orienter vers des productions de rente au détriment des cultures vivrières accroissant ainsi leur dépendance en produits de base. La comparaison des taux de croissance sur longue période (1961-65 à 1986-95) des productions locales et des importations pour les produits de base (céréales, viandes, lait, huiles, sucre) montrent l'insuffisance des productions locales et le rôle croissant des importations des produits de base.

Par ailleurs, le modèle agricole méditerranéen est caractérisé par la production et l'exportation des fruits et légumes et l'importation des céréales, des oléagineux, des produits de l'élevage et du sucre, se retrouve presque partout autour de la Méditerranée; le développement des systèmes arboricoles et maraîchers a une explication écologique et historique car, d'une part, de nombreuses espèces comme l'olivier, la vigne ou les agrumes sont adaptées aux conditions naturelles de la région, d'autre part, la densité de population agricole, le caractère familial des exploitations et leurs

² FAO (1973a et 1993a). *Anuario de la producción*. Rome : FAO.

petites dimensions conduisent à une intensification de la production. Les fruits et légumes permettent d'obtenir des produits bruts par hectare plus élevés que les céréales ou l'élevage, ils assurent un meilleur emploi et une valorisation de la capacité de travail. Cette orientation de l'agriculture peut cependant aboutir à des situations de dépendance car les céréales, les produits de l'élevage, le sucre et les oléagineux ont un rôle stratégique dans le développement agro-alimentaire que n'ont pas les fruits et légumes.³

Problème au niveau de la production agro-alimentaire

La recherche d'une meilleure autosuffisance alimentaire en Méditerranée dépendra des efforts développés en vue d'améliorer les capacités de production et des politiques des Etats qui orienteront le développement agro-alimentaire dans ses modalités et dans le choix des productions. En fait, l'accroissement de la production agricole, qui est à la base de cette politique, peut être obtenu par l'augmentation des superficies en culture, par l'intensification de la production et le plus souvent par la combinaison de ces deux voies. Il ne faut pas s'attendre à une augmentation des superficies en culture dans les PSEM pour les prochaines années, le taux d'exploitation des terres potentiellement cultivables étant déjà très élevé (97%).

De plus, la mise en culture de nouveaux territoires agricoles se heurte souvent à de nombreuses difficultés: la capacité d'adaptation des structures agraires, l'organisation des circuits commerciaux et d'une agro-industrie capable de répondre aux exigences des marchés intérieurs et extérieurs.⁴

³ Mahmoud Allaya, 'La situation alimentaire des pays du Sud et de l'Est méditerranéen', Cahiers Options Méditerranéennes, vol. 1, n° 5, 9-10.

⁴ ibid, 10.

Problème d'irrigation

En Méditerranée, plus que partout ailleurs, l'eau est devenue une source rare et fragile. Compte tenu du coût croissant des projets d'irrigation, des limites imposées par la disponibilité en eau, et de la concurrence de plus en plus vive exercée par les autres secteurs, il ne faut pas s'attendre à une forte progression des superficies irriguées d'ici la fin du siècle⁵.

C. La sécurité alimentaire dans les perspectives du processus de Barcelone

Les perspectives de la sécurité alimentaire entre le Nord et le Sud de la Méditerranée ne prennent tout leur sens que si elle est placée dans le cadre global des relations euro-méditerranéennes. Dans la déclaration de Barcelone, les partenaires ont admis la problématique de la dépendance alimentaire en stipulant dans le cadre de la coopération en matière agricole la réduction de la dépendance alimentaire⁶. Cette dépendance est bidimensionnelle, il s'agit d'abord de l'accroissement de l'importation des PSM des produits de base agro-alimentaire de la rive Nord de la méditerranée et ensuite de l'adoption du modèle alimentaire occidental.

La préoccupation principale à moyen terme est celle de contribuer à une plus grande sécurité alimentaire des pays du Sud car il est évident que plusieurs pays ne pouvant assurer leur autosuffisance sont conduits à importer et ont besoin pour cela d'un pouvoir d'achat. L'échec dans l'accroissement de la production agricole ou le manque de financement des importations alimentaires risque d'entraîner des problèmes graves pour les pays concernés mais également pour l'Europe. La relève du défi alimentaire des pays du Sud méditerranéen rend impérieuse la nécessité de mettre en œuvre des politiques nationales appropriées. Le concept de Partenariat euro-méditerranéen tel que conçu dans la déclaration de Barcelone renforce l'idée du rapprochement des approches entre les partenaires du Sud et du Nord de la méditerranée. Cette philosophie

⁵ FAO (1973a et 1993a). *Anuario de la producción*. Rome: FAO.

⁶ Déclaration de Barcelone, (1995) publication de la commission européenne.

couvre certes le domaine alimentaire. Est-ce veut dire l'adoption des PSM en tant que Pays en voie de développement le model de développement occidental? Si oui on doit signaler que ce modèle présente certains aléas qui doivent être pris en considération.

Est-ce que nous pouvons continuer de nous inscrire dans la logique productive sans considération du respect que nous devons à l'espace en tant que réalité biologique, naturelle et en tant que réalité sociale, humaine? Est-ce qu'une politique agricole nationale est sécuritaire, dans le sens de la préoccupation européenne, lorsqu'elle se contente d'assurer la production en quantité suffisante des denrées nécessaires et qu'elle ne se préoccupe pas des équilibres sociaux et des équilibres du territoire dont elle est responsable?

On peut affirmer que ce n'est pas parce que l'UE peut mettre sur le marché méditerranéen assez de céréales, assez de sucre, assez d'huile végétale, assez de protéines animales, que les PSM se voient pour autant garantir la sécurité. La sécurité n'est pas un concept statistique. Elle est un concept humain qu'on doit analyser au niveau de chaque être, de chaque cellule humaine, de chaque famille, d'où la nécessité de la recherche d'une coopération euro-méditerranéenne. Les efforts entrepris à cet égard sont minimes et de portés trop faibles à comparer avec la stratégie et l'approche structurée de l'UE à l'égard des autres pays préparant leur adhésion à l'UE. La sécurité alimentaire est un élément du processus d'élargissement dans lequel l'Union européenne ne prendra pas de risques susceptibles d'entraîner une diminution du niveau de sécurité alimentaire ou d'exposer les consommateurs à un danger. Les nouveaux États membres reconnaissent que le respect de l'acquis de l'Union en matière de sécurité alimentaire est essentiel⁷.

⁷ L'Union européenne élabore, depuis plusieurs décennies, un corpus de textes législatifs relatifs à la sécurité alimentaire, à la santé, au bien-être des animaux et au domaine phytosanitaire. La réglementation communautaire en matière de sécurité alimentaire a un double objectif: faciliter la libre circulation des marchandises et obtenir et maintenir un haut niveau de protection sanitaire.

Les principaux textes

Traité d'Amsterdam. Article 153.

Directive 92/59/CEE relative à la sécurité générale des produits.

L'acquis de l'Union européenne en matière de sécurité alimentaire comprend un grand nombre d'actes législatifs dont le champ d'application est souvent vaste et dont la transposition, la mise en œuvre et l'application sont contraignantes. Il est extrêmement important de veiller à ce que cet acquis soit intégralement transposé dans la législation de chaque nouvel État membre et que les structures et procédures administratives soient renforcées et réformées suffisamment longtemps avant l'adhésion⁸.

Etant donné l'absence d'une stratégie particulière envers la méditerranée on déduit qu'aux PSM s'applique la stratégie générale de la Commission européenne envers les Pays en voie de développement. C'est ainsi qu'on s'attarde au programme Communautaire d'Aide et de Sécurité Alimentaire⁹.

Rapports et documents

Compendium national des activités et systèmes liés à la sécurité des aliments. OCDE, juin 2000 (Extrait: chapitre consacré à la Commission européenne- en anglais).

Santé des consommateurs et sécurité alimentaire. Communication de la Commission européenne, avril 1997.

Le recours au principe de précaution. Communication de la Commission européenne, 2000.

Livre blanc sur la sécurité alimentaire. Commission européenne, 2000.

Questions réponses sur la réglementation en matière d'OGM dans l'UE, oct. 2001.

Rapport sur les allégations d'infraction ou de mauvaise administration dans l'application du droit communautaire en matière d'ESB, sans préjudice des compétences des juridictions communautaires et nationales. Parlement européen, Commission temporaire d'enquête en matière d'ESB. Rapporteur: M. Manuel Medina Ortega. fév. 1997.

Rapport sur les suites données par la Commission européenne aux recommandations formulées par la commission d'enquête en matière d'ESB. Parlement européen, Commission temporaire chargée du suivi des recommandations concernant l'ESB. Rapporteur: M. Reimer Böge. Nov. 1997.

Principes généraux de la législation alimentaire dans l'Union européenne. Résumé du Livre vert de la Commission européenne, 1997.

⁸ Commissaire Byrne 'Promouvoir la sécurité et la diversité alimentaires dans une Union européenne élargie', déclaration de presse, Corfou, le 13 mai 2003.

⁹ Programme communautaire d'aide et de sécurité alimentaire, Rapport d'activité 1998-1999, commission européenne avril 2000.

Le Programme Communautaire d'Aide et de Sécurité Alimentaire

Objectifs et réalisations

L'aide alimentaire était initialement gérée conformément aux règles de la politique agricole commune afin d'éliminer les excédents. Au fil des ans, la politique d'aide alimentaire a progressivement été réformée, en la détachant de la politique agricole commune et en l'intégrant plus fermement dans la politique de développement de l'Union européenne en réponse aux préoccupations concernant la sécurité alimentaire¹⁰.

Le règlement du Conseil 1292/96 du 27 juin 1996 sur la politique d'aide alimentaire, la gestion de l'aide alimentaire et les opérations spéciales pour assurer la sécurité alimentaire établit les principes suivants:- l'aide alimentaire est un élément important de la politique communautaire de la coopération au développement:

- l'aide alimentaire doit être intégrée dans les politiques des pays en voie de développement visant à améliorer leur sécurité alimentaire, en particulier en établissant des stratégies alimentaires visant à soulager la pauvreté et axées sur le but final: rendre l'aide alimentaire superflue;
- l'aide alimentaire et l'action en faveur de la sécurité alimentaire doivent être prises en compte en tant qu'objectifs dans toutes les politiques communautaires susceptibles d'affecter les pays en voie de développement, en particulier du point de vue des réformes économiques et des ajustements structurels;
- l'aide alimentaire devrait éviter de produire des effets néfastes pour la production, la distribution, le transport et les capacités de commercialisation locaux;
- la sécurité alimentaire devrait aider les populations des pays et régions en voie de développement, au niveau des

¹⁰ Base juridique, Article 179 (130w) CE.

ménages et aux niveaux local, national et régional, à améliorer leur propre production alimentaire;

La Convention sur l'aide alimentaire du 13 avril 1999

Cette Convention remplace la Convention de 1995.

Objectifs

La Convention vise à contribuer à la sécurité alimentaire mondiale et à améliorer la capacité de la communauté internationale à répondre à des situations d'urgence alimentaire et à d'autres besoins alimentaires des pays en voie de développement et ce en:

- rendant disponibles des niveaux appropriés d'aide alimentaire sur une base prévisible;
- encourageant les États membres à veiller à ce que l'aide alimentaire fournie vise en particulier au soulagement de la pauvreté et de la faim dans les groupes les plus vulnérables et soit compatible avec le développement agricole dans ces pays;
- incluant des principes en vue de maximaliser l'impact, l'efficacité et la qualité de l'aide alimentaire fournie en tant qu'instrument de soutien de la sécurité alimentaire;
- fournissant un cadre pour la coopération, la coordination et l'échange d'informations entre les membres pour les questions liées à l'aide alimentaire en vue d'obtenir une plus grande efficacité dans tous les aspects des actions d'aide alimentaire et une meilleure cohérence entre l'aide alimentaire et d'autres instruments de politique.

L'aide alimentaire peut être fournie, au titre de la Convention, aux:

- pays les moins développés;
- pays à bas revenu;
- pays à revenu intermédiaire de la tranche inférieure et à d'autres pays figurant sur la liste de l'OMC des pays en voie de développement importateurs nets d'aliments, lorsque l'on

constate des urgences alimentaires ou lorsque l'aide alimentaire est ciblée sur des groupes vulnérables.

Moyens et méthodes

Selon la Convention (article 3), l'UE et ses États membres ont un engagement annuel global de 1 320 000 tonnes d'équivalent blé. Les actions de soutien de l'UE à la sécurité alimentaire consistent soit en approvisionnement en denrées alimentaires soit en financement de projets de développement concernant la sécurité alimentaire. Parmi les produits à fournir au titre de l'aide alimentaire, la catégorie la plus importante est celle des céréales. Les céréales sont des produits de base pour faire face à une série de famines et de disettes alimentaires structurelles.

Le blé et le maïs blanc sont les principales céréales accordées à l'Afrique. Le riz est beaucoup consommé en Asie mais aussi dans beaucoup d'autres pays en voie de développement. Les légumineuses, en particulier les haricots, sont riches en protéines et souvent particulièrement aptes aux régimes des groupes bénéficiaires. Ces produits ont été inclus antérieurement sous le nom "autres produits", catégorie qui ne s'évalue pas en tonnes mais en valeur, étant donné qu'elle couvre une large gamme de produits tels que l'huile d'arachide, le poisson séché, la viande, les aliments en conserve, la purée de tomates, les fruits et les graines. D'autres catégories sont les huiles végétales, le sucre, le lait en poudre et l'huile butyrique. Les huiles végétales ajoutent de la graisse au régime alimentaire alors que le sucre est utile en tant que source d'énergie dans les programmes de complément alimentaire pour les groupes de réfugiés et de personnes déplacées souffrant de malnutrition sévère. Outre les produits alimentaires, les graines, les engrais, les outils et d'autres entrants agricoles peuvent aussi être fournis dans le cadre de programmes de réhabilitation agricole visant à améliorer la sécurité alimentaire des bénéficiaires. Les subventions financières visant à aider les pays à améliorer leur sécurité alimentaire peuvent être utilisées pour financer des programmes de stockage ou des systèmes d'alerte rapide, l'information publique et des programmes d'éducation, l'achat d'outils et d'outillage, des projets de réhabilitation agricole et la

commercialisation. Les actions d'aide alimentaire triangulaire, dans lesquelles les aliments sont achetés dans un pays en voie de développement et fournis à un autre, ont considérablement diminué ces quatre dernières années en raison de l'accent qui a été mis sur les politiques de sécurité alimentaire.

Niveau et destination de l'aide

Les crédits disponibles au budget 1999 pour les actions d'aide alimentaire et de sécurité alimentaire dans les pays en voie de développement s'élevaient à 504,97 millions d'euros, dont 207,89 millions pour l'aide alimentaire et 190,28 millions pour les mesures de sécurité alimentaire. La facilité "devise étrangère" utilisée pour rendre les produits alimentaires disponibles à travers le secteur privé s'élevait à 106,80 millions¹¹. Il faut cependant signaler que le programme communautaire de l'aide alimentaire ne couvre pas les PSD. L'intervention de la commission européenne est soit d'ordre structurel soit dans les situation de crises ou de post crises.

L'absence de la région Méditerranéenne de la sphère d'interventions structurelles s'explique par le fait que les pays où la commission

¹¹ Les céréales s'élevaient à 68,36 millions d'euros, les huiles végétales à 16,77 millions, le sucre à 5,37 millions, le lait en poudre à 4,49 millions et les légumineuses à 3,22 millions. Un montant total de 16,73 millions d'euros a été utilisé pour l'achat d'autres produits et 92,95 millions pour le transport. En 1999, 55 % (258,55 millions d'euros) du budget total de l'aide alimentaire allait à des aides directes accordées par la Commission. Une aide alimentaire directe a été fournie à l'Angola, à l'Arménie, à l'Azerbaïdjan, au Bangladesh, à la Bolivie, au Burkina Faso, au Cap-Vert, à la Chine, à l'Éthiopie, à la Géorgie, à Haïti, à la Jordanie, au Kosovo, au Kirghizistan, au Liberia, à Madagascar, au Malawi, au Mali, au Mozambique, à la Corée du Nord, au Pérou, au Rwanda, au Tadjikistan et au Zimbabwe, l'Éthiopie, la Corée du Nord et le Malawi étant les pays qui en ont reçu la plus grande partie. L'aide indirecte accordée via des organisations internationales et des ONG représentait 45 % du budget de l'UE (214,64 millions d'euros). En 1999, en termes de répartition géographique de l'aide alimentaire et d'actions de soutien à la sécurité alimentaire, les pays ACP représentaient 49,22 %, l'Asie, 17,61 % et l'Amérique latine 12,08 %. Les nouveaux États indépendants (Turkménistan, Ukraine, Tadjikistan, Ouzbékistan, Moldavie, Kazakhstan, Biélorussie et Arménie) représentaient 10,80 %, l'Europe hors Union 5,83 % et les pays méditerranéens 4 %.

intervient dans le domaine de la sécurité alimentaire sont bien entendu des pays présentant une forte vulnérabilité alimentaire, au plan national, régional ou local¹². Seul le Liban et la Jordanie sont bénéficiaires d'interventions en situation de crise ou de post crise¹³.

¹² Les critères de choix des pays prioritaires: Une nouvelle réflexion sur les critères de sélection des pays dans lesquels se justifie un programme communautaire de sécurité alimentaire est en cours. En fonction de la stratégie de sécurité alimentaire de la Commission Européenne dans les actuels pays bénéficiaires, l'objectif est de rationaliser les critères de sélection en mettant en évidence des différents points soulevés par la Communication 2001 de la Commission suite à l'évaluation de la ligne budgétaire sécurité alimentaire. Un tableau est en cours d'élaboration (en collaboration avec les assistants techniques sur le terrain et avec les experts sécurité alimentaires dans les Délégations) et devrait devenir un tableau de bord dynamique permettant de gérer les entrées/sorties de pays. Pour chaque pays, ce tableau examine les 4 types de critères suivants:

1. Indicateurs de pauvreté et d'insécurité alimentaire du pays:

- Indicateur mesurant les difficultés d'accès des ménages en raison de la pauvreté:

- Pourcentage de la population vivant sous le seuil national de pauvreté (prenant en compte les difficultés à l'alimentation et aux produits de première nécessité).

- Pourcentage de la population vivant sous le seuil international de pauvreté (2\$/jour).

- Revenu annuel par tête.

- Indice de Gini (mesure de l'inégalité de la répartition des revenus).

- Indicateurs mesurant le manque de disponibilités alimentaires au niveau national :

- Pourcentage de la population souffrant de sous-alimentation.

- Indicateurs mesurant la mauvaise utilisation des aliments au niveau individuel: Pourcentage d'enfants de moins de 5 ans souffrant de malnutrition (sous pondération).

Cet indicateur reflète un état actuel résultant d'une consommation alimentaire actuelle non appropriée, d'épisodes de sous alimentation dans le passé, ou d'un mauvais état de santé.

- Indicateurs de vulnérabilité des ménages

- Part du budget consacré aux dépenses alimentaires. Cet indicateur montre la vulnérabilité des ménages aux chocs extérieurs.

2. Situation et politique de sécurité alimentaire des pays bénéficiaires

- Le pays est-il caractérisé par une situation de crise ou de post crise?

- La Sécurité alimentaire est-elle une priorité politique du pays? (Critère pris en compte: la sécurité alimentaire est-elle mentionnée comme une priorité dans le PRSP?)

- Si la sécurité alimentaire est une priorité politique annoncée, est-ce que la politique en matière de sécurité alimentaire est active? (Critère pris en

Perspective de la coopération en matière de sécurité alimentaire dans le cadre du processus de Barcelone

Le secteur agricole et alimentaire, malgré son importance, ne constitue qu'un des volets de cette coopération. Le développement industriel, la recherche scientifique et technique, l'environnement, la coopération culturelle, etc., sont autant d'autres domaines d'importance majeure. L'Espace Méditerranéen est un espace pertinent pour la construction d'objets de recherche dans le domaine des sciences agronomique pris au sens le plus large, incluant les aspects environnementaux, alimentaires et socio-économiques. C'est ainsi que 'la sécurité alimentaire et la sécurité des aliments, qui reposent sur des programmes de recherche, l'orientation des productions et l'élaboration de normes' constitue une thématique privilégiée d'étude entre les partenaires euro-méditerranéens ¹⁴.

Cette approche coopérative peut se pencher sur plusieurs aspects, productifs et commerciaux tels qu'explicités dans le cadre de conférence euro-méditerranéenne sur l'agriculture organisée les 14 et 15 juin 2001 à Strasbourg:

- le renforcement de la diversification et de la complémentarité des productions typiques de la Méditerranée;
- les exigences de sécurité alimentaire et du développement des pays importateurs du Sud;
- les rapports entre le maintien du modèle agricole européen dans sa dimension multifonctionnelle et les productions traditionnelles des régions méditerranéennes de l'Europe;

considération: existe t-il une cellule sécurité alimentaire active au niveau national?)

• Le pays a-t-il suffisamment de capacités d'absorption de l'aide extérieure?

¹³ Document de la commission sur le programme alimentaire avril 2000, Ibidem

¹⁴ Conférence Méditerranéenne sur la Coopération en Recherche Agronomique Athènes, 1 et 2 décembre 2000

- le renforcement d'un modèle de développement agricole et rural durable dans le Bassin méditerranéen dans son ensemble;
- le respect des engagements du Processus de Barcelone en faveur de la création d'une zone de libre-échange dans la Méditerranée en 2010 face aux défis de l'élargissement de l'UE et des négociations multilatérales au sein de l'OMC;
- le développement progressif d'un vrai marché unique agricole Sud-Sud à côté des rapports commerciaux classiques Nord-Sud (exportation des produits continentaux; importation des produits méditerranéens);
- le développement de la filière agro-alimentaire, et notamment de la transformation, dans les pays du Sud;
- les engagements commerciaux et les réformes du modèle de soutien de la PAC dérivés des négociations agricoles en cours à l'OMC, etc.

Evidemment, cette approche débouche sur des engagements, voire des "sacrifices", de la part de tous les acteurs concernés: d'abord, de la part des agriculteurs européens des régions méditerranéennes face aux importations des produits en provenance des pays tiers du Sud et du renforcement progressif de leur industrie de transformation agro-alimentaire; mais aussi, de la part des agriculteurs de ces pays tiers par rapport au maintien des équilibres des régions productrices de l'UE et du modèle agricole européen, ainsi que vis-à-vis des agriculteurs des pays voisins du Sud; et enfin, de la part des producteurs du Nord de l'UE dans la mesure où les exportations agricoles vers le Sud concernent en premier lieu les productions excédentaires de la PAC (céréales, sucre, viande, produits laitiers).

‘Une concertation à l'échelon méditerranéen entre les principaux acteurs des filières concernées pourrait contribuer à une meilleure maîtrise des données de production et des marchés. Elle faciliterait la mise en place d'une coordination nécessaire et bénéfique entre les producteurs méditerranéens dans la perspective d'une meilleure

complémentarité dans le temps et d'une répartition géographique efficiente des productions'¹⁵.

Annexes

Le Déficit Energétique (ce qui manque à chacune de ces personnes), 1996-1998.

La gravité de la faim se mesure par le déficit énergétique moyen des personnes sous-alimentées, et non de l'ensemble de la population, exprimé en kilocalories par personne et par jour. Plus le chiffre est élevé, plus la faim est profonde.

Pays	Déficit énergétique
Maroc	210
Algérie	190
Égypte	190
Jordanie	170
Turquie	170
Liban	160
Rép. arabe syrienne	160
Jamahiriya arabe libyenne	130
Tunisie	130
Israël	120
Malte	120
Chypre	130

Source: FAO Statistiques 2000

¹⁵ Mahmoud Allaya, ibidem , 12

Lorsque l'apport alimentaire est suffisant, l'alimentation est généralement plus diversifiée et fournit davantage d'énergie et d'autres nutriments. Lorsque le déficit énergétique alimentaire est très élevé, il concerne généralement tous. Lorsque le déficit énergétique alimentaire est très élevé, il concerne généralement tous les types d'aliments, y compris les aliments de base riches en glucides (maïs, pommes de terre, riz, blé et manioc) qui fournissent essentiellement de l'énergie. Par contre, lorsque le déficit est plus modéré, les personnes sous-alimentées ont généralement assez d'aliments de base mais ce qui leur manque ce sont les autres aliments nécessaires pour une bonne nutrition: Légumineuses, viande, poisson, matières grasses, produits laitiers, fruits et légumes, qui fournissent protides, lipides et micro nutriments. La diversification de l'alimentation est essentielle pour la sécurité alimentaire. L'insuffisance du revenu monétaire est une des principales causes qui empêchent les populations tant urbaines que rurales d'avoir un régime suffisamment diversifié. Les familles rurales pauvres, même lorsqu'on les aide à produire des aliments plus diversifiés sur leur lopin familial, vont souvent les vendre plutôt que de les consommer car elles peuvent en tirer un bon prix. Par conséquent, la sécurité alimentaire ne s'améliore que lorsque le revenu global des ménages atteint un niveau qui leur permet de consommer les autres aliments nécessaires.

Tableau 1: Prévalence de la Sous-Alimentation dans les Pays en Développement en Méditerranée

Région, sous régions, pays	Population totale	POPULATION SOUS- ALIMENTÉE TOTALE			
		Nombre de personnes 1996-1998 (millions)	Proportion 1979-1981 %	Proportion 1990/1992 %	Proportion 1996-1998 %
Algérie	29,4	1,4	9	5	5
Maroc	26,9	1,4	10	5	5
Égypte	64,7	2,6	8	5	4
Jordanie	4,5	0,2	5	4	5
Turquie	63,4	1,2	3		
Liban	3,1	0,1	8		
Rép. arabe syrienne	15,0	0,2	3		
Jamahirya arabe libyenne	5,2	0,0			
Tunisie	9,2	0,1			

Sources: Population totale: Perspectives de la population mondiale, Organisation des Nations Unies, révision de 1998. Proportion de sous-alimentés dans la population totale: Estimations de la FAO.

Tableau 2: Disponibilité Alimentaire et Gravité de la Sous-Alimentation dans les Pays en Développement dans la Méditerranée

Région sous régions, pays	Disponibilité alimentaire Disponibilité alimentaire énergétique (kcal/personne/jour)	Gravité de la sous alimentation			Type de régime
		Disponibilité énergétique alimentaire des sous- alimentés (kcal/personne/jour)	Besoins énergétiques minimaux (kcal/personne/jour)	Déficit alimentaire des sous alimentés (kcal/personne/jour)	
Algérie	2 980	1 640	1 830	190	62
Maroc	3 130	1 640	1 850	210	63
Egypte	3 280	1 700	1 900	190	67
Jordanie	2 790	1 600	1 770	170	54
Turquie	3 500	1 800	1 970	170	51
Liban	3 270	1 730	1890	160	39
Syrie	3 350	1 660	1 820	160	55

Libye	3 250	1 730	1 860	130	48
Tunisie	3 260	1 730	1 860	130	55

Sources: Population totale: Perspectives de la population mondiale, Organisation des Nations Unies, révision de 1998. Proportion de sous-alimentés dans la population totale: Estimations de la FAO.

Résumé: L'objet de ce travail est d'analyser la situation alimentaire dans les pays Sud méditerranéens (PSM) et de dévoiler les différentes interactions entre les politiques nationales en matière alimentaire et les politiques européennes dans le cadre du Partenariat euro-méditerranéen. L'analyse de la situation alimentaire des PSM semble primordiale afin de mieux saisir ces interactions. Elle passe d'abord par l'étude de l'évolution de la consommation dans cette région. Ensuite on va s'attarder sur la question de l'approvisionnement alimentaire des PSM. Ceci va nous permettre de saisir l'insuffisance des productions locales et le rôle croissant des importations des produits de base. Ensuite on va se concentrer sur Les contraintes de la production agroalimentaire dans les PSM.

En fait la recherche d'une meilleure autosuffisance alimentaire en Méditerranée dépendra des efforts développés en vue d'améliorer les capacités de production et des politiques des Etats qui orienteront le développement agroalimentaire dans ses modalités et dans le choix des productions. Cependant cet effort n'est point à l'abri de l'interaction avec les partenaires de la rive Nord ni avec la mouvance qui caractérise la scène internationale. De ce fait on va consacrer une partie aux perspectives du partenariat euro-méditerranéen (PEM) en matière alimentaire et ce en mettant en exergue la nature de la relation des deux rives de la méditerranée en matière alimentaire qui paraît oscillante entre concurrence et complémentarité. Il serait opportun de voir d'abord les niveaux de la concurrence pour ensuite s'attarder sur la politique de l'UE en matière d'aide alimentaire et ce en décrivant l'action des différentes institutions communautaires en matière de sécurité

alimentaire et l'institution la plus dynamique à cet égard demeure la Commission européenne. Après avoir mentionné les actions unilatérales il serait nécessaire de voir les actions de coopération euro-méditerranéenne visant à remédier aux défaillances dans le secteur alimentaire spécialement dans les PSM.

Mots clés: Sécurité alimentaire - PESM (Pays de l'Est et du Sud Méditerranéen) - Consommation - GATT-OMC - Politique alimentaire - Développement économique - partenariat euro-méditerranéen.

Abstract: This paper focuses on food security in the Mediterranean region in the perspective of the euro-mediterranean forum of cooperation. In spite of their largely varied situations, Southern and Eastern Mediterranean Countries (SEMC) are characterized by: a specific climate, low rates per worker, a high specialization in fruit and vegetable productions, and a relatively low development level. These limitations concerning natural resources partly account for the inadequate results for agriculture and for food dependency in the area, which has been continually increasing in latter years.

In the actual context of inadequacy of agricultural supply prevailing in many countries, and of instability characterizing world markets, we may wonder whether these countries are likely to cope with the question of food security. What are the agricultural and food policies to be established, given the numerous technical, economic and especially human constraints? What would be their interactions with European policies, particularly in Northern Mediterranean countries, having in mind the fact that the EU is the world's largest importer/exporter of food products, and trades with countries all over the world in an increasing diversity of food products. The answers to these questions will depend on the more or less good capacity of national policies to solve the internal contradictions of each economy taken separately; but beyond these internal aspects, it must be noted that a great majority of Mediterranean countries are still very sensitive to the policies of large supplier countries. Food and agricultural policies of SEMC will depend, for a large part, on external factors, i.e., on European policies, on international cooperation and on the strategies of

multinational groups. This paper seeks a better understanding of the responses of the Mediterranean region to these constraints through the euro-mediterranean forum of cooperation.

Keywords: Food security - Food standards - GATT- WTO - SEMC (Southern and Eastern Mediterranean - Consumption - Economic development - euro-mediterranean partnership.

THE CURRENT SITUATION OF THE TRAINING INDUSTRY IN LEBANON AND ITS EFFECT ON THE DEVELOPMENT OF THE LEBANESE ECONOMY AND ON NEIGHBOURING COUNTRIES

NAJI BEJJANI

In Lebanon, in recent decades, we have witnessed several events that affected the business environment both positively and negatively. Sometimes, these events acted as a stimulus for change and therefore pushed for more knowledge development and training. At other times, these events acted as an obstacle to improvement.

Nowadays, after the war is over, we have managed to cope, to some extent, with what is happening in the world around us. Training has shifted from being of a general educational nature such as accounting, secretarial, typing, and so on, to being of a more specific, practical and tailored nature, such as management, sales, human resources, conflict resolution, and so on.

However, there are still major problems facing the training industry in Lebanon. These problems are a direct consequence of the political, economic and overall business infrastructure of the country.

I- The current situation of the training industry

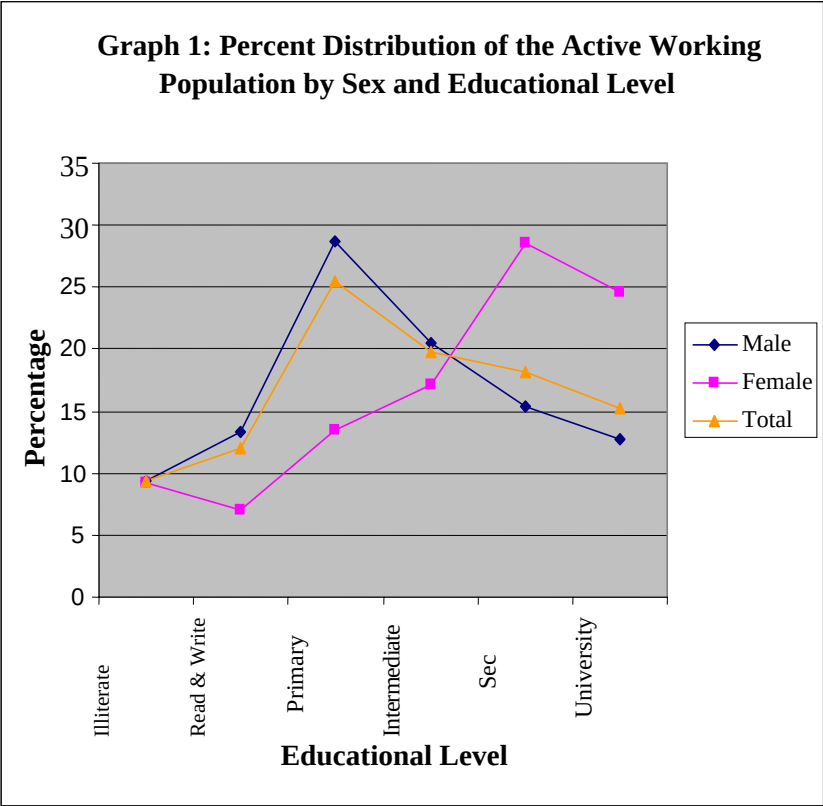
I-1- Introduction to the section

There are several factors that affect the history of the training industry in Lebanon. Some of these factors actually influence training in all contexts and some are specific to the Lebanese people.

In this section, we will discuss educational factors, economic factors; political factors, sectarianism; demographic factors (internal and external migration), globalization, lack of professional trainers.

I-2- Educational factors

In the early seventies, parents pushed for more education for their children. Nevertheless, the war and post war periods changed this fact a lot.

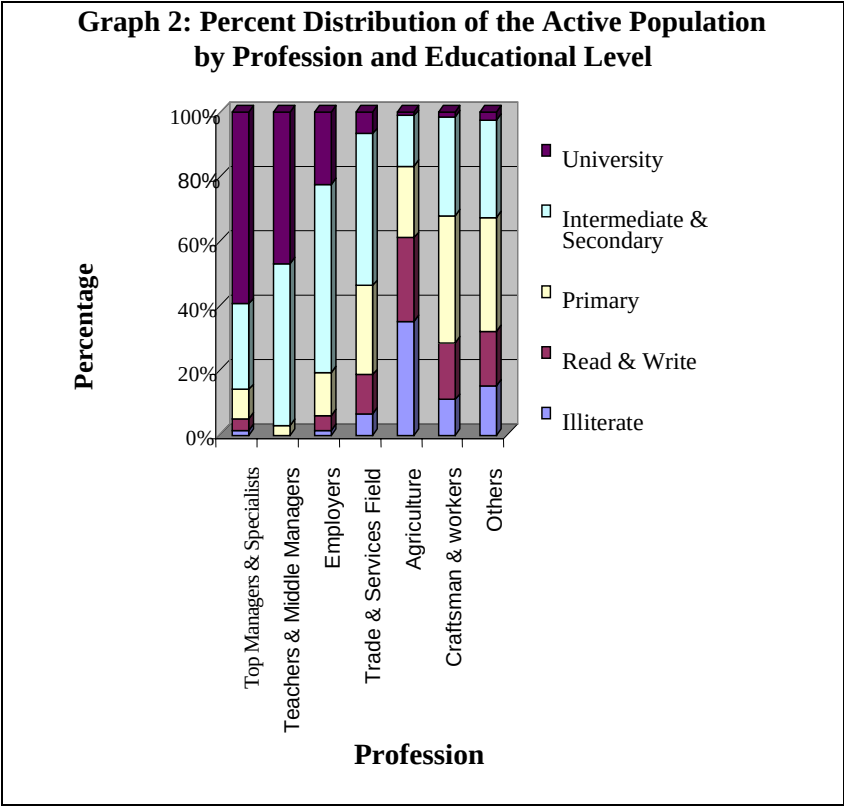


Source: Economical, Educational and Environmental Situations in Lebanon, 2000 - Page: 114 table 61

This trend and change in educational levels among men and women may have been the result of the civil war in Lebanon which has led to emigration. In effect, this significant movement of especially the young generation outside the country affected greatly the distribution of educational level by sex. In fact, due to the “oriental mentality” in the region, the male had a higher opportunity and right to travel: indeed, men traveled mainly to work abroad and

send money back to their family. Consequently, women had to stay with parents in Lebanon. This imbalance has had a positive impact on the education of females, resulting in a significant increase of female employees among the active working population and an often higher educational level than males who stayed in the country.

After having discussed the distribution of the active working population by sex and educational level, let us take another look at the same population by profession and educational level.



Source: Economical, Educational and Environment Situations in Lebanon, 2000 - Page: 116 table 63

Top managers and specialists have the highest percentage of university degrees; however, despite that, only 60% of them have reached university levels. The rest have either a secondary and

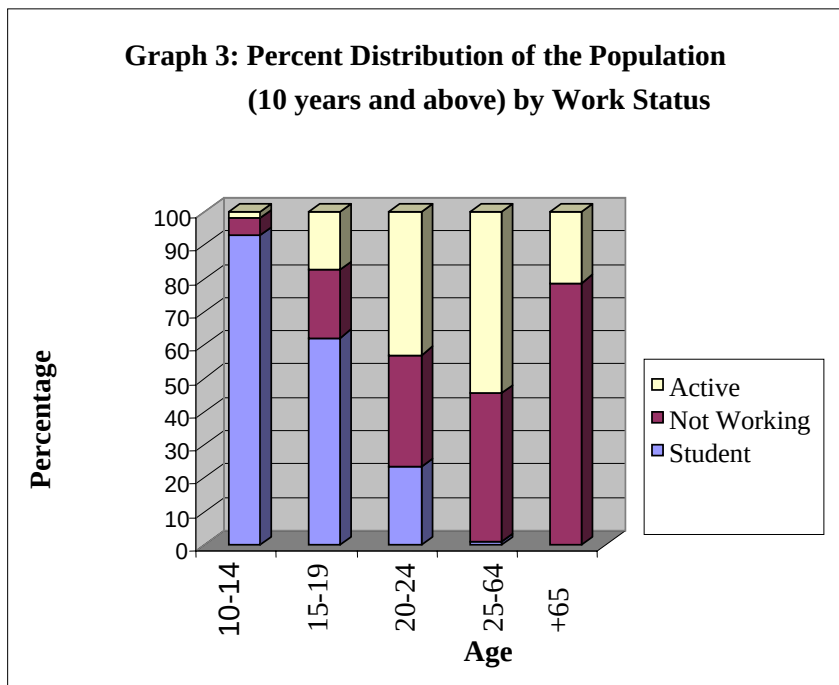
intermediary education (26.43%) or a primary education (9%). Surprisingly, some are illiterate (1.5%) or can only read and write (3.61%).

How can we accept the fact that some top managers in the 21st century, responsible for the professional fate of a number of human beings in their company, do not have a reasonably high level of education? How can we accept the fact that some of them are even illiterate?

The data in the graph shows an equally alarming side of the story. Among the Teachers and Middle Managers, only 46.85% of them have university degrees, whereas 50.08% have only intermediary or secondary degrees; not to mention the 2.95% who only have a primary level of education.

What should we expect from such a working managerial population? How much are they able to answer the increasing demand for change? Can they and will they learn from their better educated subordinates? Would they allow improvement and offer better opportunities to their subordinates or that would threaten them? A logical and alarming consequence of these issues is that training strategies of many companies are either not thought about, or are very wrongly thought about, because many decision makers of these strategies do not even know what these strategies are really about.

The percent distribution of the population - 10 years and above - by work status is shown in graph 3.



Source: Economical, Educational and Environmental Situations in Lebanon, 2000 - Page: 112 table 59

The older population, aged 65 and above, is, in its largest majority (78.73%), retired as expected. However, a substantial percentage is still enrolled in the workforce.

Since the Phoenicians, we are proud of being good traders. In the sixties and seventies, the services we offered were among the best in the region. But we cannot build castles from sand. Those old days do not exist anymore. Our problem is that we still live under the impression of being number one, thus thinking that we can afford to sleep on our laurels, and neglecting to prioritize the necessary training that would allow us to understand and adapt to the numerous changes happening around us. A much higher prioritization and deeper thinking about training has largely contributed to make some surrounding countries (i.e. Dubai, Qatar, Oman, ...) ever more competitive. In effect, the latter countries had analyzed their problems in a deep fashion and are consequently

more and more able and ready to handle change and progress more efficiently.

I-3- Vocational education

The level of vocational education and technical education has a lot to do with the training process. Indeed, the background of employees will determine the degree of assimilation of new concepts and their readiness to develop and improve their knowledge and skills.

In Lebanon, the major problem stands in the quality of both the material taught and the teaching body in vocational education and technical training centers. In fact, many institutions still use traditional teaching methods; they almost disregard any progress and development brought by new technologies. This is mainly due to the old teaching body available: actually, many of the teachers in this field have not been able to follow the new educational wave. Many instructors still fear change and stick to old-fashioned teaching methods.

This situation has been changing in the last couple of years

I-4- Economic factors

This crisis has had direct repercussions on the business environment in general, and more specifically on the Small and Medium size Enterprises (SME). These companies had many difficulties in finding external finance for growth and development. This was one of the reasons why they thought it difficult or non-profitable to invest in their personnel and in their continuous training.

Moreover, what often happened is that SMEs started to hire people for a certain period of time, without subscribing them in the social security for instance, because they were convinced that these employees will leave them or even the country as soon as they get a better-paid opportunity. Consequently, SMEs thought that it did not make sense to spend effort or money in training these employees.

I-5- Political factors

Due to regional and political reasons, Lebanon had to face one of the fiercest civil wars in the region. The civil war in Lebanon started in 1975 in a clash between Christian militias and Palestinians. Soon, this war was transformed into a Lebanese-Lebanese war, this time between Christians and Muslims. The Syrian intervention was requested first by the Christians and rejected afterwards.

Apart from being a regional center for traders from east to west and vice versa, Lebanon was a strategic point of attraction for foreign politics especially for its natural resources in water. This still existing problem with surrounding countries is being dealt with on an international scale.

The effects of war on Lebanon and its population were dramatic. The war in Lebanon resulted in destroying many firms. People were thus hardly able to think of progress in their companies. Their main interest was how to survive. Therefore, the training requested was basically about fundamental working needs like secretarial tasks, accounting and so on.

Foreign companies were relocating their regional offices in the Arab Gulf countries and local firms were devastated. It was a chaotic situation. Few people were aware of the evolution of foreign policies, foreign strategies, or foreign skills. There was no progress in terms of training. For Lebanon, it was a freezing period, which lasted about 15 years!

I-6- Sectarianism

It is very important to highlight the heterogeneous environment in Lebanon because it may be one of the leading factors that will affect the training industry in Lebanon both positively and negatively.

In fact, this has had and may still have a major impact on the employment strategies mainly in the public sector where they have

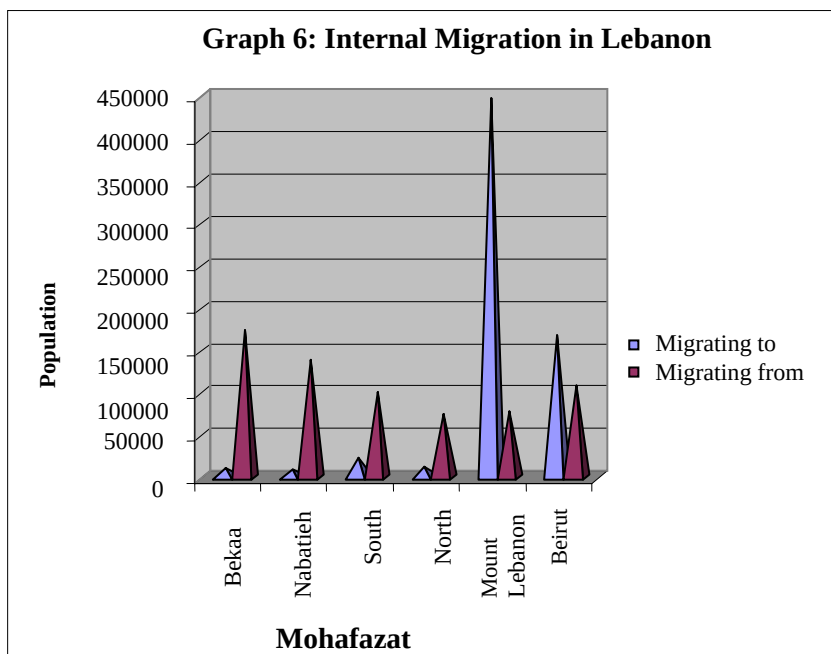
to maintain a cosmetic balance between Muslims and Christians. Consequently, this did affect greatly the promotion inside the organization and thus the training of the personnel.

It has been said that Lebanon is often ruled by an elite who by “rite” has the right to access top positions regardless of their qualifications. Also, as was written in the Lebanese business magazine “The Executive” - June 2001, page 23: “Ownership and Management are tightly entangled, which in a way serves as a glass ceiling for talented employees who cannot hope for a decision-making position within a family-owned and family-managed organizational structure. So the more ambitious choose to either leave the company to establish their own business or consider escaping the country altogether”.

In summary, what often counts in Lebanon is not what your qualifications but rather who you are, whom you know, of which religious rite you are, and in which political party you are.

I-7- Internal Migration

The economic situation in the various regions surrounding Beirut and Mount Lebanon was bad. These regions were either rural areas still depending on agriculture and controlled by big families and clans managing them in an archaic and primitive way, or non-secure areas like the South which was a continuous victim of Israeli aggressions. Therefore, just before the war started, Beirut and Mount Lebanon became the center of internal migration: the population of both regions ballooned by more than 50 percent (www.ghazi.de/populat.html, page 3).



Source: Population Changes and Internal Migration in Lebanon, 2000 Page: 7 table 1

This internal migration affected greatly the education and the training sector. This was due to the non-readiness of companies to integrate the high number of people coming mainly from totally unrelated professional backgrounds. Also, what has added to the problem was that the vital needs of the community were no longer about how to progress and get promoted in the business environment but rather how to survive the war. One of the twisted consequences of the latter issue is that, even when some companies tried to develop and conduct training programs, the quality of the material taught or the quality of trainers was pretty poor.

I-8- External Migration

The people escaping from poor and/or non-secure areas either migrated “en masse” to Beirut or migrated out of the country. Moreover, the people who migrated to Beirut and who were not confident of making a good living there also migrated out of the

country if they had the necessary resources to do that. Those persons were mainly males, thus leaving, as said before, the local labor market for female working occupancy.

Many other factors had a direct effect on the dramatic increase of external migration:

First, people were driven out of the country for survival and safety purposes. However, many of them stayed in the country of emigration in order to get a new nationality such as Canadian, Australian, or American.

Second, the civil war raging in the country resulted in, on the one hand, the development of unfair, wild and weakly controlled competition in most markets, including the labor market, and, on the other hand, in a rapid deterioration of the economic situation, starting with the devaluation of the national currency.

Third, schooling as well as university fees have become so high that many parents were no longer able to cope with these charges. Sometimes, sending children abroad cost much less than keeping them in Lebanon.

Last but not least, the purchasing power weakened and little employment opportunities were being offered, thus leaving place to a “brain drain” phenomenon.

Two major problems need to be tackled at this stage concerning the Brain Drain phenomenon. The first problem is the absence of common grounds and of coordination between the Lebanese government and the universities to guide graduates to specific labor markets and to potential job vacancies. The second problem is inherent in the weakness of the public and technical schools in Lebanon. The degrees offered are often not up to the standards because the program is too theoretical and needs reshaping, or students did not attend enough hours of studying due to repeated strikes.

I-9- Globalization

Even when external investments and cultural exchange took place sometime in the past before the war, there was still little awareness of the need for training or little motivation from top management to invest money in it. Training was mainly done on the highest Management levels. The ongoing way of thinking at the time (i.e. about 10 years ago) is that employers were not interested in investing money in the learning process of their employees before learning intensively themselves, for fear of falling “victims” of a situation where subordinates become more knowledgeable than them.

This was (and often still is) the case in family-managed companies (the overwhelming majority of companies in Lebanon) where there is the added issue that family members think that they should benefit from training programs much more than employees who are not family members. The fact that the current generation of old-established family-owned and family-managed companies is much more educated than the older generation that founded the business is a mixed blessing for the general training situation in these companies: either, on the positive side, the current family-members-executives consider that training is a necessity and not a divine right of blue-blooded rulers, or, on the negative side, their higher education has the twisted effect of making them more arrogant and more detached from the non-family-members-employees, thus jealously guarding the access to knowledge to themselves even more than their forefathers.

This reminds us of the *Lexus and the Olive Tree*, a book written by Thomas Friedman that talks about globalization and the difference between the old generation hereby referred at as Olive Tree and the new generation referred at as the Lexus. In the book, Friedman makes a small comparison between the cold war era and the new globalized world of today. In the past, the question that you would ask yourself was how big was your missile; today, the same question has been transformed into how fast is your modem. This clearly shows the desire of the new generation to acquire more knowledge and be updated with all information and events taking

place in the world, having at the same time the old generation still hanging on their deeds and on the technicalities of their work.

This philosophy can be applied to the training needs in Lebanon before and after the war. In the past, companies were mainly interested in having a very focused and technical type of training. For instance, employees concentrated on studies in accounting, secretarial fields, translation, languages and so on. Therefore, few training firms were established at that time. These companies acted also as head hunters to find jobs for people inside and outside Lebanon.

The majority of the SMEs in Lebanon are family-based without a tradition of seeking advice or support from outside. Knowledge is applied and forced only “by doing”, i.e. through working in the daily job rather than through formal training.

I-10- Lack of professional trainers

One of the annoying problems facing the training industry in Lebanon is the lack of professional trainers. As we shall discuss later on, this problem is being corrected recently at a fast pace.

More specifically, you can still find on the Lebanese market people who promote themselves as being “trainers” but you then find out that their main qualification for that purpose is that they have read a book or two about training and that’s it. Worse, they would claim that what is written was their idea in the first place.

With this “cosmetic” consultancy, employees and managers are being guided in the wrong direction, thus making the job of the real trainer afterwards very difficult: in effect, when the company finds out that the trainer they have hired is just a shallow talker which had yielded no utility at all, management may then very easily curse not only at that trainer, but at all trainers, treating them as just empty talkers or the sort, and swearing that they will not fall into their “trap” anymore. So much for boosting top management’s motivation to invest in the learning process of their employees!

The blame is to be equally shared between the false trainer and the client company. Usually, that trainer does not ask for a lot of money: he just wants to get the job; his price may be as low as 50 percent less than the cheapest among the more serious trainers. Consequently, and as one of the results of the economic situation in Lebanon, top management may be very tempted to hire the cheap trainer who assures you that he will lead you to the “promised land”.

Real and false trainers tend to offer trainings and seminars with attractive subjects. Top management looks at them and sends whomever they want, not taking into consideration if this specific course or seminar satisfies the need or is compatible with the culture of the company. Furthermore, they do not check if the training program is given to the appropriate employees. Last but not least, they completely neglect the importance of follow-ups, assessments and evaluation.

II- What is changing?

Nowadays, i.e. in the last 3 years, things are changing fast:

- Increased competition among trainers and increased awareness from companies of the urgent needs for continuous training have contributed significantly to filter out “bad” trainers (nevertheless, many of the latter are still there alive and kicking, for how long?).
- The ever increasing number of international events of all kinds being organized in Lebanon and the ever increasing frequency in which businessmen and managers of all kinds go on business trips to all parts of the world are making training clients and trainers alike more and more aware of the latest and most useful training techniques and training topics.
- Pedagogic concepts like “cooperative learning”, “interactive teaching” and “instructor’s active listening” are becoming more and more widespread throughout our universities, quickly phasing out out-fashioned teaching techniques.

III- Training strategies applied and training topics provided today in Lebanon

III- 1- Introduction to this section

Generally, as a direct result of the appraisal of the performance of employees, the management of a company will have a practical tool to determine whether an employee:

- Deserves to be promoted,
- Deserves to be granted a given type of bonus,
- Needs to be shifted to another job,
- Needs to be sanctioned (or, in extreme situations, to be fired),
- *Or needs to be trained or coached* on specific topics and in a specific way, in order to let him/her be up to the required standards of his/her job.

The results of the performance appraisal systems will be the main and most used basis for the training decisions regarding each employee.

III-2- Training of managers and other employees of the customer service and of the sales departments

III-2-a- Training on technical skills

In general, an employee always needs to be quickly trained on specific “technical” topics (product knowledge, material recognition, brands knowledge, etc), when the knowledge on those topics is the only barrier between him and his capacity to provide a highly satisfactory work.

This training can either be done in groups if many people need the same kind of training in a similar time frame, or individually (in which case it will be called “coaching”) if this employee is the only one, or one of the very few, who needs the training in a short time frame.

This type of training is usually provided by the operational management of the company, or by the corresponding supplier of the company, if one executive of this company is in Lebanon for, also, other purposes. It is usually prohibitively costly to bring in this executive to Lebanon on purpose, unless a very large number of employees need to be trained on similar issues, or unless we need to train the employees on a uniquely important and strategic topic or set of topics.

The coaching should be always done by the company's management.

III-2-b- Training on behavior skills

What is usually meant by behavior skills is:

- Customer service
- Selling skills
- Negotiation skills
- Communication skills
- Team spirit and team work
- Conflict resolution management

Employees should be regularly trained on those topics (ideally twice a year) because no employee ever knows enough about optimal behavior, especially with clients (clients' behavior are always changing), but also with colleagues, and because dealing with people is always a challenge and a source of surprises. Behavioral training has proven many times that it is an efficient tool to confront this challenge.

III-2-c- Who should train on behavioral topics?

External trainers are useful for that purpose because of their objectivity and because they are usually perceived by trainees as not having the typical bias that managers have (a bias naturally created by hierarchy and authority).

However external trainers should only be used sometimes, not always. Because, if they were always invited to be trainers for all the training programs, employees will end up perceiving managers, and particularly the Human Resources Manager, as not wanting to share knowledge with them. Therefore, employees will start to be increasingly suspicious about managers, and will have an increasingly negative perception about them. The explanation of that is that managers have to be always perceived as being “part of the team”, even though employees perceive that they have an authority bias. One efficient way of proving to really be a member of a team is to take time to teach things.

Another possible type of trainer would be the employee who has proven to be the most successful in one or more of the mentioned behavioral topics. Therefore he should be asked to train his colleagues on those particular topics, explaining to them what made him successful in them.

If one particular employee has, at a given time, a particular problem in communication or in the providing of customer service, or in any selling activity, and this problem appears to need an urgent and/or a quick solution, then it is up to the employee’s direct manager to coach this employee.

III-2-d- How should they be trained on behavioral topics?

There is no doubt that the interactive and practical training has proven many times to be the best way to train on behavioral topics. Case studies should be used and role play exercises should be included.

III-3- Other departments

III-3-a- Technical skills

The need for technical training for these other departments is, usually, quite easily apparent, when the company is informed, by its suppliers, of new marketing tactics to be used, or when it knows of new accounting techniques (e.g. the V.A.T), or of a new

computer and/or software technology that are apparently useful for the upgrading of the current information technology of the company, etc... Actually, in most cases, training the mentioned departments on the mentioned topics is unavoidable.

It will not be necessary to send people abroad to train them on those topics. Many of these topics can be learnt through written documentation and/or through coaching from the direct manager, and/or through local experts.

III-3-b- Behavioral skills

Even if the overall staff in these departments is much less numerous than the sales staff, there is always a need for behavioral training among themselves, and between them and the sales staff. Therefore the same reasoning applies here than in the case of the sales staff.

III-4- Middle management

III-4-a- Management skills

Middle management has to be trained intensively, and at least twice a year, on up-to-date management skills. This training, contrarily to what we analyzed for the behavioral skills of sales and customer service staff, should be done by external experts, and, still, in a practical and interactive way.

III-5- Limitations and other recommendations

- Whenever a given training program can be provided only through the study of written documents, and with a satisfactory value, it should then be provided in that way. This is mainly the case of some training programs related to technical skills, because it is quite difficult and counter-productive to train on behavioral skills only through studying written texts.

- All employees and managers need to become good at learning and teaching. The criteria related to those concepts should also be important evaluation criteria in the performance appraisal systems.
- The Human Resources Manager is a kind of “wild card” when it comes to behavioral training. This means that when a particular middle manager has not yet learnt how to teach his subordinates in a satisfactory way, and when the services of external trainers have already been used too often over a given period, then the HRM can and should provide the training himself.
- The “after-training” can be at least as important as the training program itself. This means that management has to determine a series of indicators meant to measure whether each employee is applying what he has learnt during the training or not. These indicators may already be included in the overall performance appraisal system. This after-training follow-up is particularly important in the case of behavioral training, because the indicators to measure the learning value are mainly qualitative and difficult to measure.
- The employees should be asked to fill an evaluation form at the end of each training program, where they would mainly judge:
 - whether they learnt much from the training;
 - what are the strengths and weaknesses of the training program;
 - what are the strengths and weaknesses of the trainer; whether they think that they can easily apply what they have learnt;
 - and which other ideas related to the training topic they would have liked to learn, or they would like to learn in the near future.

- Sending people to be trained outside Lebanon should only be done when no valuable training on the topic needed can be done in Lebanon in the near future. This is so for the obvious cost reason.
- General management should make motivational 30 to 60 minute speeches once or twice a year to all employees on the company's vision, ambition, and growth plans. These speeches are always a booster of people's motivation to learn and to develop themselves.
- A useful reference measure of how much could be spent on training, is to let the company invest, overall, on training and on a yearly basis, an amount which, when divided by the total "salary and other personnel expenses", would yield the same percentage as the "Salary and personnel expenses" divided by Total company expenses.

IV- Effects of the changing training situation on the Lebanese economy

The main and obvious effect of the positive and accelerated developments of the training industry and of the determination and implementation of adequate training strategies is that, on the one hand, employees will become better and better "knowledge workers" with more initiative, creativity and capacity to react effectively to crises and other unexpected occurrences, and, on the other hand, managers will manage better, learn to respect their employees more and, give more importance to the investment in their human resources.

V- Effects of the changing training situation on neighboring countries

The positive effects of our healthier training industry and of our much more competent trainers on neighboring countries are already happening:

- An increasingly higher percentage of the time of, mostly, the best Lebanese trainers, is spent in training missions out of Lebanon, mainly in Syria, Jordan, and the Gulf countries (GCC), .i.e. the UAE, Saudi Arabia, Kuwait, etc...
- The latter issue has not only the direct effect of increasing the export part in our global training turnover, but our trainers, while on foreign missions, are often asked to play the role of catalysts for business deals between the people they are training in the foreign country and the Lebanese connections of the trainer. This is so because our trainers are more and more respected in the countries where they provide their services.
- More and more companies from the mentioned neighboring countries are sending their executives to be trained in Lebanon, thus actively contributing to develop what was mentioned in the previous issue, namely catalyzing business deals between neighbors.
- It is important to say here that our trainers are more and more asked to fulfill training missions in other countries than our traditional neighbours, such as, in France, Switzerland, and in Eastern European countries.

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