

# TRANSNATIONALISING EURO- MEDITERRANEAN RELATIONS

## **The Euro-Mediterranean Human Rights Network as an Intermediary Actor**

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## Abstract

This paper focuses on the Euro-Mediterranean Human Rights Network (EMHRN) that tries to promote civil society co-operation and human rights within the Euro-Mediterranean Partnership (EMP). To this end, it explores the EMHRN's 'actorness' and role in Euro-Mediterranean transnational relations in three respects: its linkage to the intergovernmental politics of the EMP, its participation in transnational civil society activities, and its part in the local human rights activism of its members. Methodologically, the empirical analysis relies primarily on document analysis and interviews and narrows its focus down to Morocco for the last aspect. The network's identity and activities as an umbrella organisation for human rights are closely linked to the EMP. It pursues a mix of strategies, including the lobbying and consultancy, awareness-raising campaigns, service-provision to its members, and international networking in the context of Euro-Mediterranean relations. It assumes various functions vis-à-vis European institutions, national governments, its members, and other transnational actors, leaving its nature ambiguous and potentially compromising the effectiveness of its different strategies. Despite all these limitations, the EMHRN definitely contributes to 'transnationalising' Euro-Mediterranean (human rights) politics, bringing parts of civil society closer to the EMP – and vice versa.

## 1. Introduction<sup>1</sup>

When the Barcelona Declaration was adopted in 1995 by 15 Member States of the European Union (EU) and 12 Mediterranean Partners (MP), the ensuing Euro-Mediterranean Partnership (EMP) was heralded as an important innovation in the EU's relations with the southern and eastern Mediterranean countries. One of the features that contributed to this verdict was the commitment to human rights and democracy within the EMP in a "declaration of principle" and in the first basket. Another aspect was the role attributed to civil society co-operation in the Mediterranean region and its participation within the EMP (third basket). One instance, where these two principles are bound together, is the Euro-Mediterranean Human Rights Network (EMHRN). This transnational network of European and southern and eastern Mediterranean human rights organisations aims at advancing the respect for human rights in the EMP directly and indirectly via the framework of the EMP itself.

There is a controversial debate – involving academics and practitioners – on the role of civil society and non-governmental organisations (NGOs) within the EMP. The EMHRN is both subject and object in this debate, but it is rarely studied in detail in the academic literature on the Euro-Mediterranean area. The analysis of the EMHRN in Euro-Mediterranean politics can be embedded in the general debate on transnational relations, i.e. the involvement of non-state actors in international politics (see e.g. Risse-Kappen 1995). Out of a growing scholarly concern in the 1990s, a multitude of analytical approaches has been developed that stress different features of transnational relations. They range from the emergence of a 'global civil society' (e.g. della Porta 2006) over "transnational social movements" (Tarrow 2001, 2005) to "transnational advocacy networks" (Keck, Sikkink 1998, 1999). With an in-depth study of the EMHRN, this paper makes a contribution to this debate, asking whether transnational networks such as the EMHRN can be seen as intermediary actors that connect the levels of civil society and governments in transnational politics.

The paper proceeds in three steps, presenting the empirical findings of a qualitative study in the light of the different analytical approaches.. In the second section, the

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<sup>1</sup> I thank Oriol Costa and Tanja Börzel for their most valuable comments on earlier drafts of this paper. I also thank the participants of the RAMSES<sup>2</sup> Work Package on „Mediterranean Politics from Above and from Below“ for stimulating discussions in Casablanca and Berlin.

EMHRN itself will be presented to give a general idea of its main features and to draw some conclusions about its 'actorness' (reference hill, ginsberg o.ä.). In the third section, the focus will be on the activities of the EMHRN, looking at three different 'linkages'. First, its links to the intergovernmental dimension of the EMP will be scrutinised. Further, its relationship to other Euro-Mediterranean civil society activities, especially the Civil Forums, is looked at. Finally, the EMHRN's link to the civil societies in the Euro-Mediterranean countries will be analysed more deeply. Focusing on the example of Morocco, this is done with regard to both the role national member organisations within the EMHRN and the Network's role in local human rights activism. In the fourth and final section, some conclusions about the EMHRN's role as an intermediary actor in Euro-Mediterranean relations are drawn.

## 2. The Set-up of the Euro-Mediterranean Human Rights Network

The Euro-Mediterranean Human Rights Network (EMHRN) was created in 1997. The founding meeting took place in Copenhagen in January 1997, bringing together representatives of 13 human rights organisations from EU member states and countries of the Eastern and Southern Mediterranean on the initiative of the Danish Centre for Human Rights (DCHR).<sup>2</sup> The initiative was explicitly placed in the context of the Euro-Mediterranean Partnership (EMP) with the objective "to implement and develop the human rights dimension of the Partnership" by bringing together "human rights actors in the civil societies of the Partner Countries" (EMHRN 1997: 6-7). A steering committee was entrusted with the follow-up to the meeting and at a second 'general assembly' in late 1997, representatives of nearly 50 organisations joining the initiative formally adopted statutes for the EMHRN (EMHRN 1998: 37-48). These statutes specify the status, purposes, membership criteria, and internal working of the Network.<sup>3</sup> They provide a good starting point for briefly describing the structure and some general features of the EMHRN that will allow some conclusions about its character as an actor in transnational relations.

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<sup>2</sup> In 2003, the DCHR has been transformed into the Danish Institute for Human Rights (DIHR).

<sup>3</sup> Since 1997, the statutes have been amended twice, slightly in 2000 (EMHRN 2002a: 26-27, 56-57) and more comprehensively in 2003 (EMHRN 2004: 15, 45-52). These amendments have mostly focused on membership criteria and the network's internal bodies and procedures. I will refer to the original statutes and only indicate if there have been relevant amendments.

Regarding its **status**, the EMHRN is set up as an association according to the laws of the country hosting its headquarters, since 1997 based in Copenhagen, Denmark, and defined as a “non-partisan and non-profit membership organization” (EMHRN 2004: 43).<sup>4</sup> The EMHRN is thus not a network in the sense of a loose and rather informal form of interaction of multiple actors (see e.g. Börzel 1998), but it has a formalised and legally regulated status. Looking further into **membership**, it can be characterised as a regional umbrella organisation for human rights organisations. Only national or regional human rights organisations based in (potential) ‘Partner States’ (EMHRN 1999: 37) of the EMP and fulfilling certain criteria can become regular members of the Network. Individual and associate membership is possible but does not allow a full participation in the EMHRN’s internal working. The statutes name first of all human rights NGOs as potential regular members, but they also include “academic institutions and national human rights institutions” (EMHRN 1999: 38). Therefore, it seems that the Network’s members do not necessarily have to be non-state actors, as long as they are “independent of government authorities” (ibid.). Further membership criteria listed point to a careful selection with regard to compatibility to the Network’s goals, but also with regard to formal status and capacity (reporting, active participation in the network), excluding any less formalised form of social movement or grassroots initiative. If the EMHRN is to be an actor of a transnational civil society, it will only represent a narrow conception of civil society in the form of organised interests. As mentioned before, the initiative started with about a dozen representatives of human rights NGOs from the Euro-Mediterranean area. Participation – and membership – has quickly increased, with about 50 representatives present at the second meeting in late 1997. Today, the EMHRN’s website lists nearly 60 regular as well as about 10 individual and associate members each, adding up to the more than 80 members the network claims to have.<sup>5</sup> In the beginning, the initiative can be considered as mostly European-driven, with the DCHR playing a crucial role in the setting up and running of the network and a majority of participants in the first General Assemblies coming from EU member states. However, several NGOs that are formally based in EU member states focus on human rights activities in on or more Mediterranean partner countries. In addition, the North-South-repartition of membership has shifted over time, even though the European

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<sup>4</sup> Originally, the EMHRN was defined as a Danish association based in Copenhagen (EMHRN 1999: 37). This provision has been amended in 2003, allowing for the headquarters to be moved to other countries.

<sup>5</sup> See <http://www.euomedrights.net/pages/58>. Older figures can be drawn from the reports of the General Assemblies that include lists of participants, but not complete membership lists.

countries clearly outnumber their Mediterranean partners in the EMP. Today, 28 regular members come from all Southern and Eastern Mediterranean countries, including Libya. It is interesting to note that all 24 regular members based in the EU come from ‘old’ member states of the EU-15 as well as Cyprus and Malta.

Beyond the definition of the EMHRN in terms of status and membership, the statutes also explicitly specify its “**purposes**” or “objectives” (EMHRN 1999: 37-38; EMHRN 2004: 43-44) – mostly activities it wants to pursue that reflect its goal and strategies. From these specifications, its main goal can be summarised as the respect for human rights – and democracy and the rule of law – ‘on the ground’ in the Euro-Mediterranean region as it is proclaimed in the Barcelona Declaration (1995) and international law. In general, the EMHRN sets out to diffuse and directly promote these norms and to support its members to fulfil their work as ‘watchdogs’ “to monitor compliance by the Partner States” (EMHRN 1999: 37). The following list of possible activities, it becomes clear that the EMHRN wants to pursue a range of different strategies to directly and indirectly achieve its goal, addressing different actors in different ways.

*Table 1: The EMHRN’s Strategies according to its Statutes*

Activity	Addressee / Target	Objective
Lobbying	Partner States (PS) EMP	Compliance with Barcelona Declaration (BD) and human rights (HR) norms Work programme for implementing BD
Information dissemination	Public PS EU institutions	
<ul style="list-style-type: none"> <li>• norms in BD</li> <li>• compliance of PS</li> <li>• human rights situation</li> </ul>		
Service provision	NGOs / members	Creation and strengthening of NGOs → Monitoring of compliance
<ul style="list-style-type: none"> <li>• support</li> <li>• coordination</li> </ul>		
Cooperation	I(NG)Os <sup>6</sup>	Networking
Activism	HR defenders	Protection
Resource mobilisation	(EMHRN)	Capacity for action
<ul style="list-style-type: none"> <li>• information</li> <li>• funding</li> </ul>		

<sup>6</sup> The statutes speak of “international organisations and agencies”, but it is not clear whether the term is conceived in a narrow (governmental organisations) or broad (including non-governmental organisations) sense (EMHRN 1999: 38).

Table 1 gives an overview of the EMHRN's strategies as they are laid out in its statutes. To summarise these different approaches, it is possible to distinguish external (lobbying, information dissemination, cooperation, activism), internal (service provision), and 'self-sustaining' (resource mobilisation) strategies. Most of the activities only indirectly contribute to the goal of respect for human rights 'on the ground', only the lobbying of Partner States for compliance with international human rights norms and active protection of human rights defenders might have a direct impact. In general, the Network seems to focus more on direct interaction with governmental authorities (lobbying, information dissemination) as a form of interest representation and less on indirect pressures through campaigning and direct action. In section 3, it will be seen, how these stipulations are translated into practice by the EMHRN's strategy documents and activities.

It has already been pointed out that the EMHRN does not fit in the analytical category of 'networks'. However, it has the potential to be part of transnational human rights advocacy networks (Keck, Sikkink 1998, 1999), linking up both to international – in this case regional – politics and governing bodies – national and European – and other non-governmental actors (associate members, networking). At the same time, it provides the arena for networking activities of its members and directly supports them through coordination and capacity building. But before turning to the external actions of the EMHRN, the picture of its general set-up has to be completed by a look at its internal structures and working.

For its *internal working*, the EMHRN relies on a range of bodies and officers. The General Assembly (GA) brings together representatives of all members and is the main body of the network. At its (bi-)annual meetings, it elects all officials of the EMHRN and it has to approve activity and financial reports, membership decisions, as well as work programmes and budget outlines. The preparation and implementation of all activities are among the responsibilities of the elected Executive Committee (EC), headed by the President of the Network.<sup>7</sup> It is supported in the day-to-day operation of the network by

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<sup>7</sup> As laid down in the statutes, membership and posts in the Executive Committee (EC) show a balanced North-South repartition. Elected for three years, there is not a high fluctuation of members, with most of them serving at least two terms and posts generally given to representatives with previous EC experience. Over time, the number of ordinary members has been raised from five (excluding the president, vice-president, and treasurer) to nine. Meetings of the EC have at least been held twice a year. Although not strictly alternating between locations in the North and South, about one out of three meetings is held



the Executive Director (ED) and a Secretariat.<sup>8</sup> Since 2000, thematic Working Groups (WG) have been set-up. They take over the organisation and implementation of specific activities (workshops, reports, etc.) and contribute to the drafting of the activity reports. At the moment, there are 6 thematic working groups.<sup>9</sup> Each group brings together about 10 representatives of different members of the network. Thus, the EMHRN can take on different functions as both arena and actor: It is an arena for networking activities of its members; it is a 'collective' actor mounting joint initiatives, e.g. as the outcome of working group activities; finally, its centralised structures, the Executive Committee and especially the Secretariat, give it the character of a 'unitary' actor, acting more or less independently or upon delegation by its members.

For **funding**, the EMHRN relies on the one hand on membership fees, while on the other hand fund-raising is one of its declared purposes. Although it is defined as an independent organisation, there are no restrictions on the sources of funding. This contrasts with the policy of international human rights NGOs such as Amnesty International and Human Rights Watch that explicitly rule out funding by governmental donors to guarantee their independence.<sup>10</sup> Information on the network's funding – and its expenses, for that matter – is scarce for the first few years. According to the reports on first three General Assemblies, DANIDA has played a major role in financing activities, including the holding of the GA themselves. In general, throughout the EMHRN's existence, DANIDA and the European Commission have been the two major donors, both in terms of the amount and continuity of funding. Other donors have been international

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in Mediterranean Partner countries. The meetings are mentioned in increasing detail in the network's Activity Reports and since for the meetings since May 2004, the minutes are published online. In addition to the official gatherings of the EC, there are frequent meetings of a reduced *Management Group* (see e.g. EMHRN 2006a: 26). It was established in 2001 and it is constituted by at least three members of the EC to provide a more permanent link to the Secretariat and the Executive Director (EMHRN 2002b: 81).

<sup>8</sup> Especially in the beginning, the EMHRN was drawing on the DCHR's resources for the running of the Secretariat. Due to problems of securing continuous funding, the Executive Director has been the only full time employee until September 2000. This post has been occupied by Mr. Marc Schade-Poulsen since 1997. After that, more staff has been employed successively so that there are more than 10 employees at the Secretariat in Copenhagen today. In addition, a Brussels office has been opened in 2001 (EMHRN 2002b: 99) and today there are two "antennae" project offices in Rabat and Amman. For information on the EMHRN's human resources development see EMHRN1999: 54, EMHRN 2002a: 85, EMHRN 2002b: 99, EMHRN 2004: 104-105 and EMHRN 2006a: 15.

<sup>9</sup> The thematic aspects are: Freedom of Association, Human Rights Education & Youth, Justice, Migration & Refugees, Palestine, Israel & Palestinians, Women's Rights & Gender, see <http://www.euromedrights.net/38>.

<sup>10</sup> See <http://web.amnesty.org> and <http://www.hrw.org>. In addition, in line with its function as an umbrella organisation, the EMHRN does not aspire at mass-membership as these INGOs. In general, the question of independence is crucial for the activities of the EMHRN with regard to the different – lobbyist and activist - strategies it wants to pursue.

organisations such as the UNHCR, national governments, and NGOs and foundations such as the German political foundations.<sup>11</sup> It is only from 2000 onwards that there are official financial reports available, providing insights into the network's revenues and expenditures. The 'election' of an external, professional auditor (Pricewaterhouse-Coopers) for the EMHRN made obligatory in the statutes had been postponed because the network only became an independent NGO according to Danish law in 2000 (EMHRN 2002a: 84; EMHRN 2002b: 98). Due to organisational reasons, it had been part of the DCHR before.

*Table 2: EMHRN financial overview 2000-2005 (in €)*

	2000/2001	2002	2003	2004	2005
Total operating income	916.497	758.576	1.075.284	1.666.012	1.154.311
Total operating expenses	924.477	751.170	1.069.034	1.165.671	1.153.949
Profit/loss for the period (including financial income and expenses)	11.720	16.265	40.543	3.934	4.795

Source: The figures are taken from the corresponding tables in the Financial Reports for 2000-2005; the financial years run from January 1 to December 31 respectively.

Table 2 provides an overview of revenues and expenses for 2000-2005. Subscriptions and membership fees make up less than one per cent of the total operating income, showing the EMHRN's absolute dependence on subsidies. Expenses are mainly for two purposes that both account for about half of the total expenses. Salaries and administrative costs on the one hand pay for the Secretariat's staff and maintenance. The expenses for travelling and 'activities', on the other hand, apparently cover costs for the organisation of meetings, conferences and seminars, including transportation, venue, reports, etc.

Whereas it could be seen that most of the analytical concepts at hand for transnational human rights activities cannot directly be applied to the EMHRN, the different approaches nevertheless provide categories that are helpful in analysing both the EMHRN's nature and activities. While it is first of all a rather 'traditional' umbrella organisation more concerned with interest representation through lobbying than direct action, the EMHRN might fulfil functions similar to a network for its members and could be seen as part of 'transnational advocacy networks', drawing on similar strategies to

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<sup>11</sup> See the Financial Statements and the EMHRN's website, <http://www.euromedrights.net/45>.

achieve its goals. Therefore, its activities with regard to the intergovernmental dimension of Euro-Mediterranean politics, Euro-Mediterranean transnational relations, and local human rights activism will be scrutinised in the following section.

### **3. The EMHRN and Human Rights Politics in the Euro-Mediterranean Area**

While the statutes shape the formal set-up of the network and basically describe its objectives, its activities are guided by strategy documents adopted at the General Assemblies. A first Plan of Action was adopted at the second General Assembly in 1997 for 1998-2001 (EMHRN 1998: 11-36). It regrouped the “working programme” in “three *interrelated* field (sic) of activities” (EMHRN 1998: 18-19): “documentation, information, and dissemination”, “dialogue, lobbying and campaigning”, and “general education, capacity building, and the protection of human rights defenders”. Under the first category, an electronic newsletter, a website, reports, seminars, and publications are listed as planned activities (EMHRN 1998: 19-23). They are supposed to cover information on the human rights situation and activism in countries and the region, Euro-Mediterranean (human rights) politics, and the EMHRN’s activities. They address a range of both external (governments, EU institutions, other human rights organisations, and a wider public) and internal (members) actors. In the second area, the EMHRN seeks to establish direct interactions with national and European governmental actors as well as cooperation with other human rights organisations (EMHRN 1998: 23-25). Finally, the third area is devoted to support for (member) NGOs through seminars and training programmes, but also to assistance in fund raising and the facilitation of internal networking (EMHRN 1998: 26-29). The question of funding is ‘mainstreamed’ in the general work programme. All in all, although the action plan follows the general strategies of the statutes, it is difficult to clearly separate the different activities from one another. For example, information dissemination to governmental actors should be seen as part of a lobbying process. At the same time, information dissemination to members is a crucial element of internal ‘service provision’. In general, the strategy documents leave the impression that the EMHRN tries to make use of all channels for exerting influence in Euro-Mediterranean politics, with its role ranging from consultant over in-

terest representation to a more activist pressure group.<sup>12</sup> However, in the following, its activities will be regrouped with regard to the three different aspects pointed out before: its role within Euro-Mediterranean (intergovernmental) politics in a narrow sense, its role in creating something like a Euro-Mediterranean transnational civil society, and the role it plays in human rights activism ‘on the ground’, looking at the example of its Moroccan members.

### 3.1 The EMHRN and the Euro-Mediterranean Partnership

As pointed out before, the EMP provides a framework for the EMHRN’s strategies and activities in different ways: normatively with the Barcelona Declaration as a major point of reference, geographically circumscribing its regional focus, and institutionally with central actors, arenas and processes the EMHRN is targeting. A great part of the EMHRN’s activities is dedicated to lobbying the (inter)governmental dimension of the EMP, including the Partner States, the EU’s and genuinely Euro-Mediterranean institutions and processes.

In general, the strategy documents underline the close link between the EMP and the EMHRN, regarding common objectives (EMHRN 1998: 14) or even going as far as confirming its “strategic choice of linking its programme of activities to the official agenda of the Euro-Mediterranean Partnership” (EMHRN 2002a: 89). This is mirrored in the multiple activities directed at, involving, or covering Euro-Mediterranean politics. This includes the whole range of activities the statutes depict: lobbying of national and EU actors, information to and about (for campaigning and service provision, including fund-raising) Euro-Mediterranean politics, involvement of individuals in seminars and workshops, as well as cooperation in a transnational dimension of the EMP (networking). While the document drawn up and adopted in 2000 goes as far as to claim that “(t)he raison-d’être and the specificity of the EMHRN is the Euro-Mediterranean Partnership and the dynamic the Barcelona Process has installed in the region” (EMHRN 2002a: 87), the third Action Plan reflects some disappointment and frustration vis-à-vis the EMP. The poor record of the EMP’s in improving the human rights situation in the region is criticised. The EMP is still regarded as the main framework for activities, but

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<sup>12</sup> A second (2001-2003) and third (2004-2008) Plan of Action were adopted at the 4<sup>th</sup> and 6<sup>th</sup> General Assembly respectively (EMHRN 2002a: 86-101; EMHRN 2004: 131-140). In 2006, the latter was replaced by a new Strategy Paper (2006-2010) and Work Programme (2006-2008) (EMHRN 2006b, c).

its central role is qualified by the decision to re-orient its activities “beyond the EMP framework in a broader regional European, Mediterranean, Arab, and Middle Eastern context” (EMHRN 2004: 134) and to “focus more on the bi-lateral levels of the EMP” (EMHRN 2004: 136). In the 2006 Strategy Paper, the word “critical” appears more frequently in connection with the EMP (EMHRN 2006b: 4) and although it is seen to provide a ‘useful context’ for the network’s activities, reference is made for the first time to other “EU-Arab cooperation frameworks” (EMHRN 2006b: 3). It welcomes, however, the ENP that in its view

provides opportunities for dealing pro-actively with human rights by its use of instruments inspired from EU accession procedures, its Action Plans, its emphasis on human rights values, on positive conditionality and the need to fulfil international treaty obligations by hopefully using bench marking to measure progress. Here the human rights movement may find new platforms for future work. (EMHRN 2006b: 11)

In line with the strategy documents of 1998 and 2001, the EMHRN has reported on its “dialogue with governments” (EMHRN 2002a: 67-68; EMHRN 2002b: 86). This dialogue seems to have encompassed first of all the provision of information (reports, press releases, etc.) to the respective governments. Meetings and joint initiatives such as conferences have mostly taken place with government officials of EU member states. Although there is no trace to be found of the evaluation requested in the 2001 Plan of Action (EMHRN 2002a: 93), the EMHRN’s President voiced criticism at the 5<sup>th</sup> General Assembly (EMHRN 2002b: 14). The next activity report only refers to a decision of the Executive Committee that this form of dialogue “(s)hould be incorporated under EMHRN country and thematic strategies” (EMHRN 2004: 82) and the heading is dropped from the latest report.

The activity reports contain a lot more of information on the EMHRN’s interactions with EU and Euro-Mediterranean politics. In the beginnings of the network, the most direct interaction with EU actors has apparently taken place in relation to funding under the MEDA Democracy Programme (EMHRN 1999: 38-40). Already the second report lists a range of activities for “lobbying the Euro-Mediterranean Partnership” (EMHRN 2002a: 62-69). They include lobbying in a more narrow sense, i.e. direct interactions, e.g. the European Commission on the reform of the MEDA Democracy Programme or government officials in preparation of Association Councils, but also more general activities

such as monitoring and reporting or the organisation of seminars bringing together EU officials and human rights activists. They also include the EMHRN's engagement in the Civil Forums that will be looked at more closely under the aspect of 'cooperation' and 'networking'. Especially the Brussels office opened in 2001 is highlighted as an important tool "to strengthen the role of the EMHRN as an interface between its members and the Euro-Mediterranean Partnership institutions" (EMHRN 2002a: 67), linking again to other sectors of the network's activities, in this service provision to its members. Among the EU's institutions, the European Parliament and the European Commission seem to be the most important interlocutors. The issues that the EMHRN is pushing include e.g. the establishment of human rights sub-committees at the EuroMed Committee for the Barcelona Process and the Euro-Mediterranean Parliamentary Assembly (EMHRN 2002b: 83). It has established regular contacts and participates in consultations by the European Commission, e.g. on the reform of its financial instruments (EMHRN 2004: 77; EMHRN 2006a: 8-9).

The reports claim at several times that the network's contributions – reports, consultations – have made a difference, especially in the European Commissions work. However, they do not provide any evidence in how far they have "left a clear fingerprint in EU Commission policies" (EMHRN 2002b: 83) and which recommendations actually came from the network that the EU included in its Communication on Human Rights and Democratisation in the Mediterranean (EMHRN 2004: 76).<sup>13</sup> However, this is only one side of the story, and the question remains to know in how far the EMHRN had an impact on the EMP. The Evaluation of the EMHRN (Rhodes, Habasch 2004: 26) "found that the main 'targets' for information distribution (the staff of the EU Commission and European Parliament) are highly respectful of the information received, describing it as 'reliable, accurate, and credible'" and comes to the overall conclusion that the EMHRN conducts effective lobbying and campaigning vis-à-vis the EMP (Rhodes, Habasch 2004: 35). However, with regard to expertise offered in form of reports and policy papers, the Evaluation admits "that there is no follow-up mechanism in place which would allow the EMHRN to assess the extent to which this information has been used by the recipients" (Rhodes, Habasch 2004: 28).

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<sup>13</sup> This claim is repeated in the Evaluation of the EMHRN (Rhodes, Habasch 2004: 34), but again, no detailed references or further explications are given.

It is definitely a complex if not impossible undertaking to identify the influence of an NGO on EU decision-making, let alone intergovernmental bargaining going on within the EMP. For example, no information is available on the work of the Euro-Mediterranean Committee.<sup>14</sup> So even if the EMHRN had the chance to participate in one of its meetings (EMHRN 2004: 76), it is not possible to retrace if this entails any change of action. Looking at the ministerial level of the Barcelona Process, the EMHRN is only once mentioned in the EMC's final documents. In the Malta Conclusions (1997), the founding meeting of the EMHRN is listed as an activity under the 3<sup>rd</sup> chapter (annex III).

According to the activity reports, the European Commission has been the central addressee for the EMHRN in Brussels. Although the Commission usually provides more information than the Council, informal consultations of NGOs are not systematically disclosed. So it is probably only due to the EIDHR's specific character that EuropeAid publishes the minutes of five meetings with NGOs for information and discussion between 2002 and 2006.<sup>15</sup> The EMHRN has been present at most of these meetings. However, these meetings rather seem to be on an ad-hoc basis and do not include any follow-up arrangements. Directly linked to the Barcelona Process are documents that the European Commission prepares for up-coming EMC. While all of these documents include more or less references to human rights and civil society within the EMP, the EMHRN is not once mentioned as an actor or source of expertise. This is not even the case when the Civil Forums or the Platform are dealt with or when funding for a human rights conference is mentioned, that has been organised by the EMHRN. Finally, the Commission's Communication on "Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners" (2003) certainly aims at giving civil society and NGOs a more prominent place in the EMP's human rights problematique. However, if it really "echoes the inputs of the human rights movement during the past year" (EMHRN 2004: 138), it only hints at it with the reference to two civil society seminars organised in 2002 in Amman and Casablanca. And while some of the Commission's recommendations definitively suit the EMHRN's situation, they do not refer to it explicitly.

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<sup>14</sup> The agendas of meetings are available in the Council Registers since 2005, but they do not provide any insight into matters discussed.

<sup>15</sup> See [http://ec.europa.eu/europeaid/projects/eidhr/documents\\_en.htm](http://ec.europa.eu/europeaid/projects/eidhr/documents_en.htm), 11.01.2007.

### 3.2 The EMHRN and Transnational Civil Society

From the very beginning, the EMHRN has been actively ‘networking’ with other transnational actors in the Euro-Mediterranean area, e.g. taking part in international conferences and workshops (EMHRN 1999: 50-51). The cooperation of other transnational actors is sought for in all kinds of activities, ranging from the gathering and exchange of information to temporary alliances in public campaigns and lobbying. Also from the very beginning, the Euro-Med Civil Forums play an important role in the EMHRN’s activity reports and enter the strategy documents as a ‘key initiative’ in 2001 (EMHRN 2002a: 92).

The ***EuroMed Civil Forums*** are a series of events that bring together civil society actors from the countries of the EMP. These meetings – conventions, conferences, workshops, etc. – are usually linked to the Euro-Mediterranean Conferences of Foreign Ministers (EMC), the high-level manifestation of the Barcelona Process. The first Civil Forum was held in the days following the Barcelona Conference in November 1995. Since then, there have been 10 Civil Forums organised, most of them linked to EMC in time and place. The organisation of the Civil Forums used to lie in the responsibility of the governments hosting the EMC that usually co-operate with selected NGOs (Huber 2004: 14)). Funding is in part provided by the European Commission under the MEDA programme, considering the Civil Forums as a regional initiative in the 3<sup>rd</sup> chapter – the social, cultural and human partnership – of the Barcelona Process.<sup>16</sup> The lacking of a more permanent structure has led to a striking heterogeneity of the Civil Forums (Jünemann 2003: 96; Martín et al. 2005: 145). This applies to the format of the meetings, to their thematic focus, as well as to the participants invited, reflecting differing visions of civil society. This led to the initiative at the Valencia Civil Forum in 2002 to establish some sort of permanent structure. In 2003, the idea of a ***Euro-Med Non-Governmental Platform*** took shape and was carried forward at several preparatory meetings and Civil Forums. A founding (general) assembly finally took place in Luxembourg in 2005 at the margins of the Civil Forum. A Charter and Statutes were adopted, setting the Platform up as an association according to French law. Independent of public authorities, it brings together civil society organisations to allow a more continuous

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<sup>16</sup> According to EuropeAid, about € 2 million have been given to the Civil Forums between 1995 and 2002, see [http://ec.europa.eu/europeaid/projects/med/regional/civilforum\\_en.htm](http://ec.europa.eu/europeaid/projects/med/regional/civilforum_en.htm), 17.01.2007.



organisation of the Civil Forums and to act as a permanent interface between civil society and public authorities in the EMP.

The creation of the EuroMed Civil Forum goes back to a governmental initiative to materialise the important and active role the Barcelona Declaration claims for civil society in the EMP. However, it is seen as the “result of a political strategy to avoid the setting up of an alternative NGO conference that would have radically challenged the ministerial Euro-Mediterranean summit” (Jünemann 2003: 86-87). This view is supported by the fact that in 1995, another civil society event – the Alternative Mediterranean Conference – had been organised that took a much more critical stance vis-à-vis the EMP (Jünemann 2003: 93-94; Feliu 2005: 374). The status of the Civil Forums within the Barcelona Process has never been precisely defined, leaving the initiative in an ambivalent situation (Jünemann 2003: 96; Feliu 2005: 374; Reinhardt 2002: 12): On the one hand, it is closely linked to the intergovernmental dimension of the EMP through funding and the involvement of national governments in the organisation of meetings. On the other hand, the EU and the partner countries didn’t support its institutionalisation or recognise it as an official element of the Barcelona Process. Thus, it can neither claim independence from the EMP, hampering the ‘watchdog’ function vis-à-vis the EU and national governments that is often attributed to civil society; nor is it formally incorporated into the EMP, allowing for institutionalised ways of influence on the agenda and the other actors involved. For an instance, the Civil Forums are obviously and directly linked to EMC, but do they play a role in these intergovernmental conferences? In how far are they recognised? And is there a substantial influence to be traced? Without going into details, it is obvious that the first mention of Civil Forums in final documents of the EMC is made in the Stuttgart Conclusions (1999) – even though they had been ‘part’ of the Barcelona Process from the very beginning. However, this ‘being part’ is never recognised as an institutional tie between the Civil Forums and the EMP. In the following years, ministers ‘welcome’ and ‘take note’ of the different Civil Forums in the context of the third chapter of the Barcelona Process; and they periodically request a better organisation of civil society as a prerequisite for a more substantial participation in the EMP. Since 2003, they also ‘take note’ and ‘encourage’ the efforts made that could satisfy this request, cautioning at the same time against a too strong institutionalisation and ‘exclusiveness’ of participation. At the informal Dublin EMC, the Platform is even recognised as a relevant actor in the Barcelona Process. Still, it is remarkable that the only EMC in recent years that has not mentioned the Civil Forum or the Plat-

form at all is the Barcelona Summit in 2005. That the EMP countries did not seize the chance to refer to this civil society initiative at this symbolic conference probably tells a lot about how keen they are to give it a more prominent status within in the Barcelona Process.

*Table 3: EMC and EuroMed Civil Forums, 1999-2006*

Year	Place	EMC	Civil Forum	Year	Place	EMC	Civil Forum
1995	Barcelona	I	1	2003	Crete		7
1997	Malta	II	2		Naples	VI	8
				2004	Dublin	<i>informal</i>	
1998	Palermo	<i>informal</i>			The Hague	<i>informal</i>	
1999	Stuttgart	III	4	2005	Luxembourg	VII	9
2000	Marseille	IV	5		Barcelona	<i>extraordinary</i>	
2001	Brussels	<i>informal</i>		2006	Marrakech		10
2002	Valencia	V	6		Tampere	VIII	

The EMHRN is closely linked to the Civil Forums and the Platform in several ways, including organisation, active participation, administrative support, and membership. The EMHRN became active as a co-organiser of Civil Forums in 1999 in the run-up to the Stuttgart events. Together with the Friedrich-Ebert-Stiftung (FES) and the Forums des Citoyens de la Méditerranée, the network organised a conference on “Human Rights and Civil Society in the Mediterranean”. This was one of the five thematic conferences that added up to the Stuttgart Civil Forum (Jünemann 2003: 96-99). The conference issued a final declaration and the FES published a conference report (FES 1999). The EMHRN held its third General Assembly the days before the conference in Stuttgart to allow its members to attend both events (EMHRN 2002a: 62).

Since then, the EMHRN has continuously been involved in the Civil Forums, which is both reflected in the network’s activity<sup>17</sup> and financial<sup>18</sup> reports. The EMHRN has also been one of the driving forces behind the 2002 initiative to reform and institutionalise the Civil Forum (EMHRN 2004: 79-80). It has played an active part in the creation of the Platform by organising preparatory workshops, participating in the steering committee, and hosting its provisional secretariat until it could move to Paris in 2005. Beyond

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<sup>17</sup> Since Stuttgart, all activity reports contain a section on or at least references to the Civil Forums and the role of the EMHRN therein, see EMHRN 1999: 51-52; EMHRN 2002a: 62-64; EMHRN 2002b: 84-85; EMHRN 2004: 79-82; EMHRN 2006a: 14-15.

<sup>18</sup> The financial statements for 2003-2005 list funding earmarked for the Civil Forums coming from the European Commission, the FES and the Fondation René Seydoux.

specific activities, it is today linked to the Platform through membership<sup>19</sup> and the Platform's board. The post of Secretary General is held by M. Kamel Jendoubi, representing the EMHRN (EMHRN 2006a: 5, 14-15). He has been a member of the EMHRN's Executive Committee since 1997 and is its President since 2003. Thus, it is not surprising that the 2004 evaluation of the EMHRN considers the Civil Forums as one of the network's "key initiatives" (Rhodes, Habasch 2004: 23).

After all, institutional ties and active participation cannot be equated with substantial, thematic influence on the Civil Forums and the Platform. However, in the case of the Stuttgart conference co-organised, the thematic link is obvious. Together with the other organisers, it has succeeded in putting human rights issues prominently on the agenda of the Civil Forums that before had mainly dealt with less (openly) controversial issues of civil society participation. At later Civil Forums as well, the EMHRN was involved in specific workshops on human rights and it claims to have shaped the Civil Forums stance on human rights – violations and initiatives – within the Barcelona Process (Rhodes, Habasch 2004: 27).<sup>20</sup>

### 3.3 The EMHRN and Local Human Rights Activism – the Example of Morocco

One purpose of the network defined in the Statutes is to "strengthen, assist and coordinate the efforts of its members" (EMHRN 1998: 37). In turn, members have the obligation to "advance the interests of the Network" and "avoid any action which might discredit or damage the Network or interfere with the achievement of its aims" (EMHRN 1998: 40). The first Plan of Action (1998-2001) further clarifies that the network should be understood as a service provider and support structure to its members, as it is "not aiming at becoming a new regional organisation in itself, but considers that its principal task is to facilitate and enhance the work of its members" (EMHRN 1998: 17).

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<sup>19</sup> Not only is the EMHRN member of the Platform (a 'network of networks'), but also many human rights NGOs are both members of the network and the Platform.

<sup>20</sup> This claim would need to be verified in a systematic analysis of the EMHRN's contribution to the Civil Forums and in how far these show up in the format (workshops etc. organised) and the outcome (declarations, etc.) of the meetings.

With regard to the members' role in the network, they naturally play an important one in its internal functioning, thinking of the General Assembly and the Executive Committee. However, the former is only held roughly biannually and the latter comes together about three times a year, for which the management group meetings try to make up. Therefore, it is reasonable to assume that the Executive Director and the Secretariat as professional staff are responsible for the day to day routine and the preparatory work for these bodies. Still, due to funding problems, the EMHRN was only able to recruit staff additional to the Executive Director in late 2000. Between the General Assemblies, members can give input to the network's thematic orientation and activities through active participation in the various working groups. In general, a lot of the network's actual activities are carried out by its members. Seminars and workshops are often (co-)organised by the hosting member's local structure and reports drawn up by experts that are (individual or belong to regular) members of the network. This includes delegations sent to partner countries if local human rights activists are put under pressure by the regime to observe trials and intervene with local authorities.

However, the centralised structures of the EMHRN also provide services to their members and act as facilitators for networking among members, offering the framework and infrastructure for regular exchanges. The most fundamental service the Secretariat is offering to its members is in fact internal information dissemination, both regarding knowledge of opportunities, events, etc. the 'know-how'. For example, the newsletter set up in 1998 (EMHRN 1999: 54) provides information about the EMHRN's activities, but also about Euro-Mediterranean (human rights) politics, including e.g. information on EU funding opportunities or a calendar of EMP multi- and bilateral events. Especially the opening of the Brussels office was supposed to "strengthen the role of the EMHRN as an interface between its members and the Euro-Mediterranean Partnership institutions" (EMHRN 2002a: 67), "systematising and expanding its information service to the members" (EMHRN 2002b: 82). This interface works in both directions: informing members about developments and opportunities in European politics and representing their interests vis-à-vis the EU's institutions or facilitating direct contact. This information service is complemented by reports and, more practically, seminars and workshops as well as training materials (EMHRN 2002a: 64; EMHRN 2006a: 11)). These trainings usually bring together representatives of NGOs and EU or national officials and focus on specific aspects of Euro-Mediterranean politics, providing thus information, contacts and exchange. That the provision of immaterial resources has a 'cash

value' can be seen in 1998 when the planned training seminars had to be postponed due to the delay of funding under the MEDA Democracy Programme (EMHRN 1999: 52, 54). Another form of –direct – support to members and human rights activists in general is the EMHRN's engagement to protect human rights defenders. Starting with a trial observation mission to Syria and the involvement in an international campaign targeting Tunisia in 1998 (EMHRN 1999: 46-49), this activities come closest to human rights activism on the ground. It has culminated in the setting up of a Euro-Mediterranean Foundation for Support to Human Rights Defenders (EMHRF) in 2004 (EMHRN 2006a: 4-5).<sup>21</sup>

But what does this mean for the daily working the EMHRN's regular members, i.e. for the reality of local human rights activism? The role and impact of the EMHRN for its member NGOs certainly varies to great extent between its members from the North and from the South. As the EMHRN admits itself that the human rights situation in the Southern and Eastern Mediterranean countries needs improvement more urgently, Morocco was chosen as an illustrative case study of the EMHRN's engagement in a country not directly involved in the Middle East conflict. Four Moroccan NGOs are regular members of the EMHRN: the *Association Démocratique des Femmes du Maroc* (ADFM, member since 1997), the *Association Marocaine des Droits Humains* (AMDH, since 2006), the *Espace Associatif* (since 1999), and the *Organisation Marocaine des Droits Humains* (OMDH, since 1997). In addition, there is a regional member based in Algeria, Morocco, and Tunisia, the *Collectif 95 – Maghreb Egalité* (since 1997). First, these organisations will be shortly introduced with regard to their membership in the EMHRN before turning to their involvement within the network and the network's role for their local work.

The ***Association Démocratique des Femmes du Maroc*** (ADFM) was founded in 1995 as an NGO preoccupied with women's rights and directly became member of the EMHRN in 1997. The network names Rabéa Naciri, member of the Executive Committee and director of the ADFM, as the organisations contact person. On the ADFM's website, hosted by Espace Associatif, the EMHRN is listed among its 'partners' be-

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<sup>21</sup> For the EMHRF's website see <http://www.emhrf.org/>, 10.06.2007. Similar to the Platforme, the EMHRF is organisationally supported by the EMHRN through a coordinator at the Secretariat. The setting-up of the EMHRF had been discussed since 2000 (EMHRN 2002a: 95; EMHRN 2002b: 87; EMHRN 2004: 82-83).

sides other NGOs, including the Collecif 95 and Espace Associatif, Moroccan public authorities and the EU.<sup>22</sup> The **Association Marocaine des Droits Humains** (AMDH) was founded in 1979 and is one of the first Moroccan human rights NGOs (Gränzer 1999: 119) and is sometimes considered as the “most independent and respected association for human rights in Morocco” (Maghraoui, Zerhouni 2005: 207). It only became a member of the EMHRN in 2006. Still, it seems to play an active part in the network by now, as the EMHRN’s website mentions a contact person, Abdjlil Laroussi, explicitly in charge with the EMHRN partnership besides Abdelhamid Amine as its President and as members of the AMDH are present in nearly all established working groups. The AMDH covers all areas of human rights and while it displays many references to international human rights instruments and organisations, it does not mention the EMHRN (yet).<sup>23</sup> The **Espace Associatif** was founded in 1996 and is itself a network or umbrella organisation that aims at strengthening civil society and regroups Moroccan NGOs under the categories of Women, Youth, Human Rights, and (Democratic) Development.<sup>24</sup> Among other activities, it hosts websites for several of its members, for example the ADFM and a regional section of the AMDH. It joined the EMHRN in 1999 and mentions it among its ‘partners’. However, there is no contact person named on the EMHRN’s website. The **Organisation Marocaine des Droits Humains** (OMDH) as founded in 1988 and is among the founding members of the EMHRN, taking already part in the first meeting in January 1997. Just as the AMDH, it covers a broad spectrum of human rights activism. The EMHRN lists Amina Bouayach, president of the organisation since 2006, as a contact person. The website of the OMDH mentions the EMHRN under ‘international networks’.<sup>25</sup> The **Collectif 95 – Maghreb Egalité** was founded as a grouping of Maghreb based women’s rights organisations in 1992 and joined the EMHRN (together with the ADFM) in 1997. The Collectif does not have its own website and the contact person the EMHRN mentions seems to be based in France.

These NGOs have been active in the EMHRN in different ways: After becoming a member, they have sent representatives to all General Assemblies. Mr Abdelaziz Benani, member of the OMDH and its president until 2000, was a member of the steering

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<sup>22</sup> See <http://adfm.free.ma/>.

<sup>23</sup> See <http://www.amdh.org.ma/>.

<sup>24</sup> See <http://espace.cjb.net/>.

<sup>25</sup> See <http://www.omdh.org/>.

committee in 1997 and President of the EMHRN from 1997 to 2003. Ms Rabéa Naciri, member and director of the ADFM, is member of the Executive Committee since 2003. Thus it seems that at least these two Moroccan NGOs have been actively involved in the EMHRN course of action. In addition, representatives of the national NGOs cooperate in the different working groups of the network, which basically includes additional meetings, the organisation of events, and the drafting of reports.<sup>26</sup> Mr Belkouch provided important insights into the EMHRN's functioning at the level of Working Groups that brings together national members to organise human rights activism at a transnational level, complementing the lobbying of the more centralised bodies of the network (Executive Committee, Secretariat). For example, the working group on Women's Rights and Gender has issued two reports in 2003 and 2006, both either authored by or with a contribution of Rabéa Naciri.<sup>27</sup>

As far as the network's activity reports reveal, there have been several activities organised in Morocco under the auspices of the EMHRN. Freedom of Association was addressed in a Seminar in 2000 in Casablanca, (co-)organised by the ADFM, Espace Associatif, and the OMDH (EMHRN 2002a: 72-73, 76).<sup>28</sup> In 2001 and 2003, the EMHRN sent mission to Morocco, coordinated with its local members, to observe a law project on public liberties (EMHRN 2002b: 94) and the general human rights situation (EMHRN 2004: 96-97). In 2004, the EMHRN together with ADFM, Espace Associatif, and the OMDH organised a seminar on Justice in Rabat and a meeting on Women's Rights in Casablanca (EMHRN 2006a: 27, 30). The interviews with representatives of the EMHRN's members revealed some similarities in the perception of the EMHRN while highlighting differences of approach and character of the NGOs. All pointed out that their most active involvement in the network is in the working groups and that the personal aspect of having Moroccan members in the Executive Committee plays an important role for communicating in both directions. The network's activities in lobbying Euro-Mediterranean politics was generally perceived as important but not related to the NGOs daily work, going so far that relations with the European Union (EU) were only

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<sup>26</sup> None of them takes part in the working group on Palestine, Israel and Palestinians. It is probably to this working group that the EMHRN is considered by some as one-sidedly anti-Israeli, although these accounts appear to be heavily biased themselves, see e.g. the relevant dossier of the NGO Monitor, <http://www.ngo-monitor.org/>.

<sup>27</sup> Both reports are available on the EMHRN's website. It is interesting to note, though, that among the more than 30 publications of the EMHRN since 1998, there is not one specifically on Morocco, as opposed to five alone on Tunisia, see <http://www.euromedrights.net/74>.

<sup>28</sup> For the Casablanca Declaration, see <http://www.euromedrights.net/pages/95>.

seen in interactions with the Commission's Delegation. Due to its proximity, the migration project based in Rabat seems to be the activity most present in the NGOs work. All appreciate information distributed by the network but do not actively use the chance to communicate in the other direction. However, differences between the NGOs become apparent when considering the Espace Associatif as a network that does not only group human rights NGOs. The AMDH contributes an interesting perspective as it has joined the EMHRN only recently, claiming that its initial rejection of membership had not been directed against the EMHRN as such and that it was overcome in an internal re-orientation of its strategy.

#### 4. Conclusions

The Euro-Mediterranean Human Rights network can definitely be seen as an intermediary actor in the Euro-Mediterranean Partnership. It attempts on the one hand to organise civil society actors – in this case human rights organisations – on a regional level. On the other hand, it tries to link this transnational dimension to the intergovernmental politics of the EMP. Speaking up for a more prominent place for human rights and civil society within the EMP, it shows how these two aspects are interrelated in transnational politics: While the respect for human rights such as freedom of association is fundamental for a strong civil society to develop, a strong civil society can carry forward the demand for respect of human rights.

Ten years after its creation, the EMHRN is certainly recognised as an actor in the Barcelona Process, at least by other NGOs and EU institutions. However, it is difficult to discern in how far its activities have an impact on the policy formulation within the EMP. Beyond its core activities as a network, it also engages in initiatives that involve a wider spectrum of civil society, such as the Civil Forum and the Platform. Thus, it engages in a variety of different activities that reflect very different strategies to achieve its goal of respect for human rights 'on the ground', ranging from lobbying and consultancy bordering on the direct participation in political processes to more activist approaches as campaigning and missions, trying to mobilise the wider public and allies in transnational human rights advocacy networks. In addition, it acts as an arena for the networking of its members and actively tries to strengthen their capacity for action, mainly through information and training. The impact of all those activities is difficult to discern and it is



open to debate in how far the mix of different strategies might compromise the effectiveness of each of them. For example, the close interactions with the European Commission might discredit the EMHRN as a truly independent organisation in the eyes of other activists. In turn, the Networks's greater involvement in naming and shaming activities of governmental human rights practices and Euro-Mediterranean politics might create some reservations on the side of governments to engage in a dialogue with the EMHRN. The question of its success in influencing politics and practices in the Euro-Mediterranean area needs to be further investigated and linked to the debate on the legitimacy and effectiveness of non-state actors engaging in transnational relations. Irrespective of any scepticism, practitioners involved at the different levels come to one conclusion: if the EMHRN did not exist, it would be high time to create it.

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