

MAKING Democracy WORK

Revisions to the EU's European Neighbourhood Policy would promote democratic reform in North Africa

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The European Union has a crucial role to play in the coming weeks and months in order to consolidate the transition to democracy in Tunisia and Egypt, as well as in other Arab Mediterranean countries such as Libya and hopefully Syria in the near future.

A commitment to promoting reform lies at the very heart of the European Neighbourhood Policy (ENP). The EU is thus equipped to activate a number of existing instruments designed to facilitate reforms. In 2002, the EU member states made clear that the ENP aimed at promoting “democratic and economic reforms in its neighborhood.”¹

The European Commission also indicated in 2003 that “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms ... the EU's neighbourhood should benefit from the prospect of closer economic integration with the EU.”² In 2011, the strategy has been reoriented by two important joint communications of the European Commission and the high representative of the Union for foreign affairs and security policy.

Partnership for democracy and prosperity

The joint communication of the European Commission and the high representative on a “Partnership for Democracy and Shared Prosperity with the Southern Mediterranean”³ was adopted on March 8, 2011, and one titled “A New Response to

the Changing Neighborhood”⁴ on May 25, 2011. Both have refocused the ENP on the support for democratic transition.

In the long term, the new partnership in the Southern Mediterranean is to be built on:

- democratic transformation and institution-building (fundamental freedoms, constitutional reforms, reform of the judiciary, fight against corruption);
- a stronger partnership with the people (civil society, people-to-people actions, youth);
- sustainable and inclusive growth and economic development (small- and medium-sized enterprises, vocational/ educational training, health, education systems, poorer regions),

whereas the second Communication on the ENP as a whole (East and South) aims for:

- greater support to partners engaged in building deep democracy;
- support for inclusive economic development;
- strengthening of the two regional dimensions of the European Neighbourhood Policy (Eastern Partnership and the Southern Mediterranean);
- mechanisms and instruments fit to deliver these objectives.

The two communications are of course complementary, the first one being a direct reaction to the 2011 events in Tunisia, Egypt and

Tunisian women show their inked fingers after voting in Ettadhamen, a working class part of Tunis, on October 23, 2011. Voter turnout in Tunisia's first-ever democratic election was high.





EU foreign policy chief Catherine Ashton, left, and European Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle are welcomed to Tunis by Tunisian Foreign Affairs Minister Mohamed Mouldi Kefi, right, in September 2011.

Libya, whereas the second, on the revision of the ENP, was planned since the launching of the ENP in 2002/2003 and encompasses Eastern Europe and the Southern Mediterranean.

All in all, the strategy has been refocused on “democratic transition” in the Southern Mediterranean. A reinforced “differentiated approach” is also expected as the new partnership will be based on “concrete progress” regarding “democracy, human rights, social justice, good governance and the rule of law.”

The focus will be more on “democratic transformation” rather than on the broader “political reforms” mentioned by the communications of 2003 and 2004. The main new instruments are to be found in the field of the support to civil society. Indeed, a Civil Society Facility will be created alongside the establishment of a European Endowment for Democracy to “help political parties, non-registered NGOs and trade unions and other social partners.”

The main issue today is the lack of new EU funding. This will remain so until the end of the negotiations regarding the future EU financial perspectives. Everything is thus about refocusing and reorienting the funds available within the framework of the current financial envelope, or aid package, of the European Neighbourhood and Partnership Instrument (ENPI).

The Spring programme

The Spring programme (Support to Partnership, Reform and Inclusive Growth) adopted on September 27, 2011, therefore aims to respond to the “pressing socio-economic challenges that partner countries of the southern Mediterranean region are facing and to support them in their transition to democracy” on the basis of the current financial envelope. Thus, the introduction of the “more for more” principle, meaning that “the more a country progresses in its democratic reforms and institutional building, the more support it can expect from the Spring programme.” A total of 65 million euros were committed in 2011 and 285 million euros in 2012 for a grand total of 350 million

Egyptians line up to vote in Cairo in March 2011 on a referendum on constitutional changes following the ouster of President Hosni Mubarak.



euros from the ENPI.⁵ Other sources of financing, such as the resources of the European Investment Bank, are therefore crucial.⁶

Observing and assisting elections

Catherine Ashton and Štefan Füle indicated that the EU was ready to provide immediate assistance to prepare and organize the electoral processes in Tunisia⁷ and Egypt.⁸ An impressive EU electoral observation mission was created for the Tunisian elections,⁹ whereas Egypt was more reluctant to accept such supervision.¹⁰

The attitude adopted by the EU after Hamas' electoral victory in the Gaza Strip in 2006 was generally not well perceived in the Arab world. For instance, many observers accused the EU of using a double standard. Whatever the results of the elections will be, as long as the latter will be transparent and democratic, the EU and its member states will have to respect the will of the people.

Tunisia's "privileged partnership"

It will be also important to put the issue of Tunisia's privileged partnership on the table quickly. This is of major importance as it will give a clear sign not only to the Tunisians, but also to the international community, that the EU is ready to support and accompany Tunisia on its way to democracy. Of course, such a privileged partnership should be dependent upon the achievement of a successful democratic transition.

As far as the content of such a privileged partnership is concerned, it would be advisable to take into account the lessons of the advanced status previously granted to Morocco. Up until now, this advanced status has been considered, on the one hand, as being a positive political sign of a strategic choice made by the kingdom, while on the other hand, as lacking in real substance when compared to the ENP. It could therefore be proposed that the privileged partnership is considered as a road map for concluding a new enhanced neighborhood agreement on the basis of Article 8 of the Lisbon Treaty.



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An Egyptian girl hands out leaflets outside a polling station in Cairo during the country's first democratically open election, in late 2011.



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Tunisians demonstrate against violence and religious extremism in July 2011 in Tunisia.



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An Egyptian woman votes at a parliamentary polling station in Cairo in November 2011. It was one of Egypt's first free elections in decades.

New neighborhood agreements

The member states stressed in the European Council conclusions of February 4, 2011, that they were “committed to a new partnership involving more effective support in the future.” A new agreement, i.e., a new legally binding contractual relationship signed and ratified with a new democratically elected Tunisian government and parliament, would certainly be an effective way of showcasing EU support.

In this way, there is a need to conclude a new neighborhood agreement with Tunisia in order to:

- reinforce the provisions of the political chapter (political dialogue notably);
- include a number of new provisions (rule of law, cooperation in judicial matters, organized crime, fight against racism and xenophobia, etc.);
- take stock of the fact that Tunisia completed the tariff dismantling process and is now willing to conclude an agreement for a Deep and Comprehensive Free Trade Area.

The only other Arab Mediterranean country with which it would be feasible, from a technical point of view, to conclude a new agreement in the near future is Morocco. However, clear commitment to consolidate political reforms should be considered as a precondition.

The Union for the Mediterranean

Obviously, the Union for the Mediterranean in its restrictive sense (i.e., taking into account the new institutions and the six regional programs) does not seem, contrary to the ENP, to be the best instrument to accompany political reforms. First of all, most of the multilateral meetings have been postponed or canceled, including the summit. Second, the co-president, former Egyptian President Hosni Mubarak, has been deposed and no longer has legitimacy. Third, the six programs do not have a proper political dimension. However,

the development of regional programs regarding small- and medium-sized enterprises and large-scale infrastructure projects could certainly be of great help to consoli-

date transition processes. In any case, there is a need to reflect on the future of the Union for the Mediterranean.

Conclusion

One should also not forget that the strategy to be adopted vis-à-vis Tunisia and Egypt could become a model for other countries of the region where democratic aspirations of the people are as huge as they are legitimate. On the one hand, it is important for the EU to react quickly with appropriate means. On the other hand, it is crucial to consolidate a transition to real and effective democracy. One of the worst scenarios would be to see the emergence of a new “soft authoritarian regime.”

The more a country progresses in its democratic reforms and institutional building, the more support it can expect from the Spring programme.



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The two key issues in the near term will be the implementation of the constitutional reforms in Egypt and Tunisia. In this regard, dialogue with all components of civil society and with all the actors of the Tunisian and Egyptian political scenes is of crucial importance. A number of EU member states possess considerable expertise in the field of democratic transition and this should be used to help our partners. For the EU, it is time to invest in reforms that should lead to full democracy. □

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1. Presidency conclusions of the Copenhagen European Council, 12/13 December 2002.
2. See European Commission, Communication, “Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours,” COM(2003)104 final, Brussels, 11 March 2003 and also Communication from the Commission on Strengthening the European Neighbourhood Policy, COM(2006)726 final, Brussels, 4 December 2006.

3. European Commission and High Representative, Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, COM(2011)200 final, Brussels, 8 March 2011.
4. European Commission and High Representative, Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Response to the Changing Neighbourhood, COM(2011)303, Brussels, 25 May 2011.
5. European Commission, EU response to the Arab Spring: the SPRING Programme, MEMO/11/636, 27/09/2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/636&format=HTML&aged=0&language=EN&guiLanguage=en>.
6. The contribution of the European Investment Bank in support of the transition to democracy will amount for Tunisia, Egypt, Morocco and Jordan US\$ 7.5bn in the form of loans by the end of 2013. European Investment Bank, “Marseille G-8 meeting: the EIB strengthens its support for the transition to democracy in the Mediterranean,” 10 September 2011, 2011-129-EN.
7. Joint statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the situation in Tunisia, A 018/11, Brussels, 17 January 2011.
8. Commissioner Štefan Füle on Egypt, Plenary Session of the European Parliament Strasbourg, SPEECH/11/111, 16 February 2011.
9. See “Mission d’observation électorale Tunisie 2011,” <http://www.eucom.eu/tunisie2011/accueil?LANG=fr> and “Upon invitation of the Tunisian authorities, the European Union is deploying an Election Observation Mission (EU EOM) for the Constituent Assembly elections in Tunisia, scheduled for 23 October 2011.” Press release IP/11/1056, 21/09/2011.
10. See UPI.Com, Special Reports, Egypt rejects vote monitors, July 7, 2011, http://www.upi.com/Top_News/Special/2011/07/07/Egypt-rejects-vote-monitors/UPI-86241310058140/UPI-86241310058140/.

Tunisians queue to vote in Tunis, in the country’s first post-revolution election on October 23, 2011. They elected an assembly that will rewrite the constitution.